



AGENDA

Wednesday, 18 November 2020

Ordinary Council Meeting

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

Date: Wednesday, 18 November 2020

Time: 9:00am

Location: Council Chambers

**Peter Franks
Chief Executive Officer**

Order Of Business

1	Members in Attendance	5
2	Apologies/Leave of Absence/Absence on Council Business	5
3	Bereavements/Condolences.....	5
4	Declaration of any Material Personal Interests/Conflicts of Interest	5
5	Confirmation of Minutes	5
6	Business Arising out of Minutes of Previous Meeting	5
7	Deputations and Delegations	5
8	Corporate and Community Services	7
8.1	Extension to Currency Period - Cleangen Projects Pty Ltd - Material Change of Use - Utility Installation (Solar Farm) - Lot 413 on NR4876 - Lockwood Road, Mareeba - DA/16/0050	7
8.2	Change Application - SND Developers Pty Ltd - Material Change of Use - Short-term Accommodation - Lot 71 on SP136296 - 28 Keeble Street, Mareeba - MCU/18/0019	41
8.3	Change of Development Approval - D Cleland - Material Change of Use - Motor Home Park - Lot 1 on RP708214 - 59 Rogers Road, Bibbohra - MCU/17/0001	89
8.4	R Lamonaca - Reconfiguring a Lot - Subdivision (1 into 2 Lots) - Lot 14 on SP202891 - 235 Kenneally Road, Mareeba - RAL/20/0015	113
8.5	Application for Renewal/Conversion of Special Lease 9/52541 over Lot 41 on MPH14276, 7 Almaden Street, Almaden	127
8.6	Proposed Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016 - Public Consultation.....	133
8.7	Big Mitchell Creek R26 Reserve	241
8.8	Assignment of Interest - Lease AW at Mareeba Airport Aviation Industrial Park	263
8.9	Council Policy Review	267
8.10	Delegations Update November 2020.....	315
8.11	Operational Plan 2020/21 Progress Report July 2020 to September 2020	319
8.12	Plumbing Certification Services New Process and Fees	333
8.13	Licence Agreement for Use of Kuranda Destination Tourism Media Marketing Tools.....	337
8.14	Financial Statements period ending 31 October 2020	363
8.15	Valueless Land To Acquire	375
8.16	Regional Arts Development Fund (RADF) 2020/21 Community Grant Out of Round Application.....	379
9	Infrastructure Services	381
9.1	Infrastructure Services, Capital Works Monthly Report - October 2020.....	381
9.2	Parks and Open Spaces Strategy - Community Engagement	401

9.3	Capital Project Prioritisation and Decision Making 2021-2022	403
9.4	Mareeba Water Strategy	421
9.5	Kuranda Cemetery	429
9.6	Application for Permanent Road Closure Abutting Lot 884 on NR4531, Kennedy Highway, Mareeba	441
9.7	Application for Permanent Road Closure Abutting Lot 134 on HG480; 40 Gentile Drive, Mareeba	453
9.8	T-MSC2020-19 Mareeba Pound Upgrade	479
9.9	T-MSC2020-13 Gamboola Crossing Causeway Remediation Works - Tender Evaluation	481
9.10	T-MSC2020-16 Mareeba Shire Council Solar Project Tenders	485
9.11	Infrastructure Services, Technical Services Operations Report - October 2020	489
9.12	Chillagoe Water Infrastructure Project	497
9.13	Infrastructure Services, Water and Waste Operations Report - October 2020	515
9.14	Barron River Crocodile Survey	521
9.15	Infrastructure Services, Works Section Activity Report - October 2020	523
10	Office of the CEO	525
10.1	Local Government Waste Management Advisory Committee Meeting	525
10.2	Nomination for LGAQ Executive District Representative 2020-2024	527
10.3	Appointment of Great Wheelbarrow Race Advisory Committee Members	541
11	Confidential Reports	543
	Nil	
12	Business without Notice	543
13	Next Meeting of Council	543
14	For Information	545
14.1	Summary of New Planning Applications & Delegated Decisions For The Month of October 2020	545

- 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 - 14 October 2020
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

8 CORPORATE AND COMMUNITY SERVICES

8.1 EXTENSION TO CURRENCY PERIOD - CLEANGEN PROJECTS PTY LTD - MATERIAL CHANGE OF USE - UTILITY INSTALLATION (SOLAR FARM) - LOT 413 ON NR4876 - LOCKWOOD ROAD, MAREEBA - DA/16/0050

Date Prepared: 21 October 2020

Author: Planning Officer

Attachments: 1. DA/16/0050 - Decision Notice Approval dated 21 September 2017 [↓](#)
2. Applicants Request to Extend Currency Period dated 19 June 2020 [↓](#)

APPLICATION		PREMISES	
APPLICANT	Cleangen Projects Pty Ltd	ADDRESS	Lockwood Road, Mareeba
DATE REQUEST FOR EXTENSION OF CURRENCY PERIOD LODGED	30 June 2020	RPD	Lot 413 on NR4876
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Utility Installation (Solar Farm)		
FILE NO	DA/16/0050	AREA	341.858 ha
LODGED BY	Cleangen Projects Pty Ltd	OWNER	Rankine Farms Pty Ltd
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting held on 20 September 2017, subject to conditions. The application was code assessable and was therefore not required to undergo public notification. The Decision Notice was issued on 21 September 2017.

The application lapse date was originally 21 September 2021, however in July 2020 the Treasurer (also the Minister for the Planning Act 2016) granted automatic six (6) month extensions to development approval currency periods in order to assist developers during the economic downturn resulting from the COVID-19 virus. As a result, the approval's new lapse date is 21 March 2022. The applicant has subsequently lodged an application to extend the currency period for a further four (4) years from 21 March 2022 to 21 March 2026. To date, no development works have commenced on the approved solar farm.

The granting of the requested four (4) year extension is considered excessive in this instance, particularly considering the original application was assessed and approved under the superseded 2004 Planning Scheme. Instead, it is considered more appropriate to grant a two (2) year extension only (to 21 March 2024), which still provides the developer with more than three (3) years to carry out the development.

Should a further extension be required beyond this date, the developer may lodge a subsequent extension request whereby Council would review its appropriateness at that time.

It is recommended that the currency period be extended for a period of two (2) years only, from 21 March 2022 to 21 March 2024.

OFFICER'S RECOMMENDATION

1. "That in relation to the application to extend the currency period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	Cleangen Projects Pty Ltd	ADDRESS	Lockwood Road, Mareeba
DATE REQUEST FOR EXTENSION OF CURRENCY PERIOD LODGED	30 June 2020	RPD	Lot 413 on NR4876
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Utility Installation (Solar Farm)		

and in accordance with the Planning Act 2016, the following

- (a) The currency period be extended for 2 years only, from 21 March 2022 to 21 March 2024.

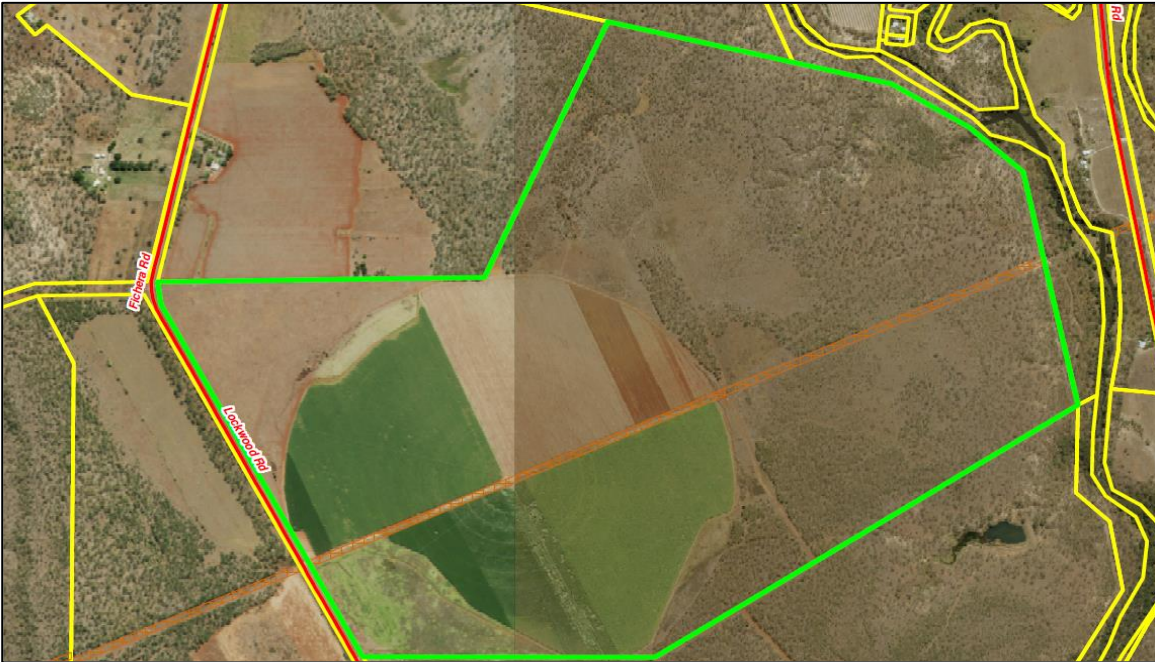
THE SITE

The subject site is situated at Lockwood Road, Mareeba and is described as Lot 413 on NR4876. The site is irregular in shape with an area of 341.858 hectares and is zoned *Rural* under the Mareeba Shire Planning Scheme 2004. The site contains approximately 1.29 kilometres of frontage to Lockwood Road and a further 70 metres of frontage to Fichera Road with the two (2) roads meeting at the north-west corner of the site. Both roads are constructed to a reasonably wide formed gravel standard for the full frontage. Access is gained to the property from Lockwood Road via a gravel crossover towards the centre of the frontage.

At present, the only known improvements on the site are two (2) centre pivot irrigators which irrigate a large circular cropped area approximately 140 hectares in size. Cropping on the site is limited to this irrigated area with the remaining areas of the site appearing to remain unused. Regarding topography, from the Lockwood Road frontage of the site, the land slopes steadily down to the rear of the property and into Tinaroo Creek which is situated just to the east of the site (separated by a sliver of State land). The rear half of the site which will accommodate the majority of the solar farm infrastructure is partially cleared but does contain large areas of *Remnant Vegetation of Least Concern Regional Ecosystem* as well as a few small natural gullies. Large amounts of rock removed from the existing cropped area have been piled in various locations in the north-

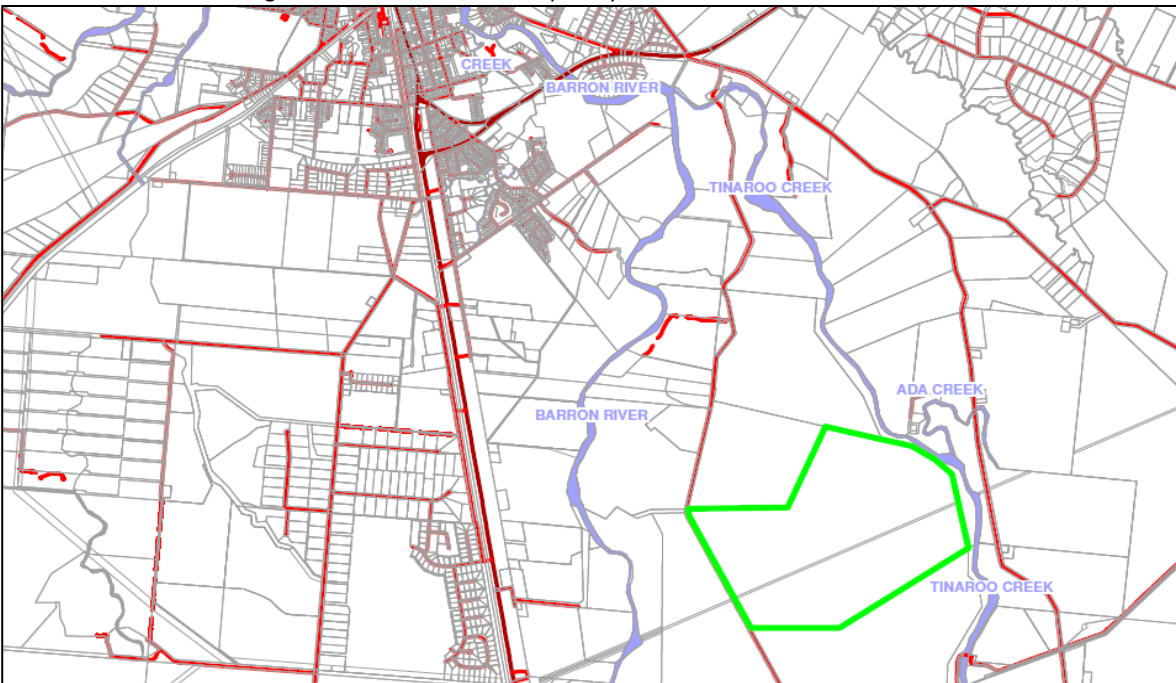
west corner of the site. An Ergon Energy electricity easement runs through the centre of the site in an east-west direction and contains Ergon high voltage transmission lines.

All surrounding lots are zoned Rural and are used for some form of cropping or livestock grazing.



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

Council approved a development application described in the above application details at its Ordinary Meeting held on 20 September 2017, subject to conditions. The application was code assessable and was therefore not required to undergo public notification. The Decision Notice was issued on 21 September 2017 (**Attachment 1**).

The application lapse date was originally 21 September 2021, however in July 2020 the Treasurer (also the Minister for planning) granted automatic six (6) month extensions to development approval currency periods in order to assist developers during the economic downturn resulting from the COVID-19 virus. As a result, the approval's new lapse date is 21 March 2022.

The applicant has subsequently lodged an application to extend the currency period for a further four (4) years from 21 March 2022 to 21 March 2026 (**Attachment 2**). To date, no development works have commenced on the approved solar farm.

ASSESSMENT AND DECISION REQUIREMENTS

Assessment rules

Section 87 (1) of the *Planning Act 2016* states that Council, when assessing an extension application may consider any matter that the assessment manager considered relevant, even if the matter was not relevant to assessing the original development application.

Matters that the assessment manager (Council) deem necessary are summarised as follows:

- ***The consistency of the approval, including its conditions, with the current laws and policies applying to similar development at the time of lodging the extension request.***

Applicable Planning Instruments

- *Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)*

The application was assessed and approved under the Mareeba Shire Planning Scheme 2004. This Planning Scheme is now superseded.

- *Mareeba Shire Council Planning Scheme 2016*

If a fresh application was lodged for the same development, it would be assessed against the Mareeba Shire Council Planning Scheme 2016. The application would require an impact assessment under the 2016 Planning Scheme.

If a fresh application was lodged under the current 2016 Planning Scheme, it would not likely hold any significant conflict with any relevant aspect of the Planning Scheme and would likely be recommended for approval subject to conditions.

The existing approval is reasonably conditioned to minimise amenity impacts on neighbouring properties which would likely be the main town planning concern raised by submitters in the event that a fresh impact assessable application was lodged.

- *Far North Queensland Regional Plan 2009-2031*

The original development application was assessed against the FNQ Regional Plan as it was not reflected within the superseded 2004 Planning Scheme.

The FNQ Regional Plan 2009-2031 is adequately reflected within the current Mareeba Shire Council Planning Scheme 2016. If a fresh application was lodged, separate assessment against the Regional Plan would not be required.

- *State Planning Policy*

The original development application was assessed against the State Planning Policy (SPP) as it was not reflected within the superseded 2004 Planning Scheme.

The SPP is adequately reflected within the current Mareeba Shire Council Planning Scheme 2016. If a fresh application was lodged, separate assessment against the SPP would not be required.

Applicable Infrastructure Charges

Development approval DA/16/0050 was not subject headworks charges/contributions.

- ***The community's awareness of the development approval***

The original development application was code assessable only and was therefore not required to undergo public notification.

If a fresh application was lodged for the same development, it would be assessed against the Mareeba Shire Council Planning Scheme 2016. The application would require an impact assessment under the 2016 Planning Scheme.

If a fresh application was lodged under the current 2016 Planning Scheme, it would not likely hold any significant conflict with any relevant aspect of the Planning Scheme and would likely be recommended for approval subject to conditions.

The existing approval is reasonably conditioned to minimise amenity impacts on neighbouring properties which would likely be the main town planning concern raised by submitters in the event that a fresh impact assessable application was lodged.

- ***whether, if the request were refused –***

- (i) ***further rights to make a submission may be available for a further development application; and***

- (ii) ***the likely extent to which those rights may be exercised;***

The original development application was code assessable only and was therefore not required to undergo public notification (the public did not have the opportunity to lodge submissions for/against the development)

If a fresh application was lodged for the same development, it would be assessed against the Mareeba Shire Council Planning Scheme 2016. The application would require impact

assessment under the 2016 Planning Scheme which would then have to undergo public notification.

If a fresh application was lodged under the current 2016 Planning Scheme, it would not likely hold any significant conflict with any relevant aspect of the Planning Scheme and would likely be recommended for approval subject to conditions.

The existing approval is reasonably conditioned to minimise amenity impacts on neighbouring properties which would likely be the main town planning concern raised by submitters in the event that a fresh impact assessable application was lodged.

- ***the views of any referral agency for the development approval.***

The original application required referral to the then Department of Infrastructure, Local Government and Planning as a Concurrence Agency for vegetation clearing matters. Concurrence Agencies (now called Referral Agencies) are no longer required to consent to an extension of the currency period. The Departments Concurrence Agency response remains current.

The original application also required referral to Ergon Energy as an Advice Agency only. Ergon Energy did not object to the proposed development. Ergon Energy's Advice Agency response remains current.

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Council Ref: DA/16/0050
Our Ref: BM:CE:nj

21 September 2017

Cleangen Projects Pty Ltd
PO Box 237
NORTH SYDNEY NSW 2059

Decision Notice Approval

Sustainable Planning Act 2009 s334 and s335

Dear Applicant/s

**APPLICATION FOR MATERIAL CHANGE OF USE - UTILITY INSTALLATION (SOLAR FARM)
LOT 413 ON NR4876
SITUATED AT LOCKWOOD ROAD, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held on 20 September 2017, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 6** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

This application **has not** been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

1. Details of the approval –

Development Permit for Material Change of Use - Utility Installation (Solar Farm)

2. Other necessary development permits and/or compliance permits–

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out –

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

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

Document Set ID: 3310832
Version: 1 Version Date: 21/09/2017

DECISION NOTICE - APPROVAL

2

21 September 2017

3. Other approvals required from Council

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

4. Submissions -

Not applicable

5. Conflict with a relevant instrument and reasons for the decision despite the conflict -

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

6. Conditions –**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

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

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval (i.e. prior to operational/building work commencing).
- 2.2 Prior to the commencement of use, the applicant must demonstrate to Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

Note: 'Construction stage' means the stage in which all operational works and building works relating to the development, including the transport of building materials on/off the site is undertaken.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition/s within these conditions of approval.

DECISION NOTICE - APPROVAL

3

21 September 2017

3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

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

3.5 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.6 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.7 Flood Immunity

All infrastructure associated with the development must be elevated above the 100 ARI year flood level. No filling or excavation is permitted below this level.

3.8 Bushfire Management

Prior to the commencement of the use, a detailed Bushfire Management Plan (BMP), prepared by a suitably qualified professional must be prepared and submitted for the development. The BMP must include but not be limited to the following:

DECISION NOTICE - APPROVAL

4

21 September 2017

- (i) Bushfire fuel maintenance and management/reduction practices and procedures including firebreaks;
- (ii) Water storage requirements for fire fighting purposes;
- (iii) Staff evacuation procedures; and
- (iv) Accessibility by emergency services personnel and fire fighting equipment.

The BMP should consider any landscape buffering required under Condition 4.6 of this approval.

The approved use must comply with the requirements of the BMP at all times.

3.9 Signage

Any signage/advertising devices relating to the development must be wholly sited on the subject site and be limited to a cumulative sign face area of 6m² and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

3.10 Damage to Council Infrastructure

Any damage which is caused to Council's infrastructure as a result of the development must be repaired to its original condition prior to the commencement of the use.

4. Infrastructure Services and Standards**4.1 Access**

Prior to construction stage commencing, the site's existing access crossover must be upgraded/constructed (from the edge of Lockwood Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer. The access must be widened to accommodate large vehicle traffic.

The access crossover must be maintained in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer, for the life of the development.

DECISION NOTICE - APPROVAL

5

21 September 2017

4.2 Traffic Management Plan & Road Rehabilitation Program

4.2.1 Prior to the commencement of the construction stage of the development, the applicant/developer must prepare and submit a Traffic Management Plan (TMP) prepared and certified by a Registered Professional Engineer of Queensland (RPEQ). The TMP must include, but is not limited to:

- (i) 'Existing condition' surveys of Tinaroo Creek Road, Fichera Road and Lockwood Road including details of the suitability, design, condition and construction standard of these roads;
- (ii) Details of how the construction of the project will be managed with respect to the Council controlled road network, including any intersections with the State controlled road network;
- (iii) Details of traffic routes for heavy vehicles, including any necessary route or timing restrictions for oversized loads;
- (iv) Details of how any potential safety hazards resulting from the increased vehicles movements along Tinaroo Creek Road, Fichera Road and Lockwood Road will be mitigated during the construction phase;
- (v) Procedures for informing the public where any road access will be restricted as a result of the project.

The TMP must be adhered to at all times during the operational works/building works stage of the development, including any works required by the TMP, to the satisfaction of Council's delegated officer.

4.2.2 Within one (1) month of the completion of the construction stage of the development, as determined by Council's delegated officer, a rehabilitation program must be developed and certified by an appropriately qualified RPEQ, to rehabilitate Tinaroo Creek Road, Fichera Road and Lockwood Road to the pre-construction condition identified by the surveys required under Condition 4.2.1(i), to the satisfaction of Council's delegated officer.

Any works required to be completed as part of the program must be completed within three (3) months of completion of construction stage of the development, to the satisfaction of Council's delegated officer.

Prior to the commencement of any works required by condition 4.2.1 and 4.2.2, plans for these works must be approved as part of a subsequent application for operational works.

4.3 Construction Management Plan

Prior to the commencement of construction stage of the development, the applicant/developer is to prepare and implement a Construction Management

DECISION NOTICE - APPROVAL

6

21 September 2017

Plan (CMP) for the subject site. The CMP must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ), submitted to the Council and available on site at all times. The CMP must include, but not be limited to the following details for the construction stage of the development:

- (i) Details of all relevant activities to be undertaken on site during construction including the anticipated staging for bulk earthworks and the construction works program;
- (ii) A description of the roles and responsibilities for all relevant employees involved in the construction stage of the development including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions and any Referral Agency conditions;
- (iii) Details of any construction sites and mitigation, monitoring, management and rehabilitation measures specific to the site that would be implemented;
- (iv) Statutory and other obligations that the applicant is required to fulfil during construction including all relevant approvals, consultations, and agreements required from authorities and other stakeholders, and key legislation and policies;
- (v) Details of how the environmental performance of construction will be monitored, and what actions will be taken to address potential adverse environmental impacts including soil and water contamination, dust and noise;
- (vi) Emergency management measures including measures to control bushfires during the construction stage.

4.4 Stormwater Drainage/Water Quality

- 4.4.1 Prior to the commencement of construction stage of the development, the applicant/developer must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- 4.4.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.4.3 Prior to the commencement of construction stage of the development, the applicant/developer must also provide a Stormwater Quality

DECISION NOTICE - APPROVAL

7

21 September 2017

Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

- 4.4.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- 4.4.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- 4.4.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge. The ponding or runoff of stormwater onto existing Ergon Energy infrastructure and easement/s must be avoided at all times.

4.5 Car Parking/Internal Driveways

- 4.5.1 Prior the commencement of construction stage of the development, the applicant/developer must ensure adequate space is provided on site for the parking of all vehicles, including staff vehicles, trucks, machinery and plant associated with the development.

No vehicles, trucks, machinery or plant associated with the construction of the development are permitted to park within a Council road reserve.

- 4.5.2 Prior to the commencement of the use, a minimum of 6 car parking spaces must be provided in proximity to the site office. The car parking spaces must be constructed to a compacted gravel standard, delineated and appropriately drained and maintained in this condition for the life of the development, to the satisfaction of Council's delegated officer.
- 4.5.3 All internal roads and access tracks associated with the approved use are to be surface treated and maintained so that the risk of erosion and dust generation is minimised, to the satisfaction of Council's delegated officer.

4.6 Landscaping and Fencing

- 4.6.1 Prior to the commencement of construction stage of the development, the applicant / developer must prepare and submit a landscape plan for consideration and approval by Council's delegated officer. The landscape plan must include the following:

DECISION NOTICE - APPROVAL

8

21 September 2017

- (i) A minimum two (2) metre wide landscape buffer extending from the western corner of the site along the Fichera/Lockwood Road frontage of the site to a point adjacent the southernmost solar panel of the 'western plot'.
- (ii) A minimum two (2) metre wide landscape buffer extending from the western corner of the site along the northern property boundary to a point adjacent the easternmost solar panel of the 'western plot'.

The landscape buffers should include ground cover, shrubs and/or trees that will grow to form an effective buffer of no less than two (2) metres in height.

Space must be made available between the site boundaries and landscape buffers for access for maintenance vehicles and fire fighting personnel.

All landscaping works shall be undertaken during construction stage of the development in order to be established prior to the commencement of the use of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

- 4.6.2 All security/perimeter fencing must be chain wire mesh and maintained in good order and repair for the life of the development, to the satisfaction of Council's delegated officer.

4.7 Lighting

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

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

4.8 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.

DECISION NOTICE - APPROVAL

9

21 September 2017

4.9 Decommissioning and Rehabilitation

- 4.9.1 At the end of the lifecycle of the solar farm, or if it is not used for the generation of electricity for a continuous period of 12 months, whichever occurs first, the use shall be considered decommissioned.
- 4.9.2 Within one (1) month of the use being decommissioned, the applicant/developer must submit a Decommissioning and Rehabilitation Management Plan prepared and certified by a suitable qualified person. The plan must include but is not limited to:
- (i) The identification of structures, including but not limited to all solar panels and trackers/frames, substations, inverters, battery storage, offices, control buildings, fencing and electronic infrastructure including above and below ground infrastructure to be removed, except where any infrastructure has been transferred to or is in the control of Ergon Energy, and how that infrastructure will be removed;
 - (ii) Measures to reduce impacts of the development on the environment and surrounding land uses; and
 - (iii) Details of how the land will be rehabilitated back to its pre-development condition, including slope and soil profile.
- 4.9.3 Within 18 months of the development being decommissioned, the site shall be returned as far as practically possible back to its pre-development condition in accordance with the certified Decommissioning and Rehabilitation Management Plan.

(B) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

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

Mareeba Shire Council

Document Set ID: 3310832

Version: 1 Version Date: 21/09/2017

DECISION NOTICE - APPROVAL

10
21 September 2017

(d) Cultural Heritage

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

(C) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 27 July 2017.

7. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of technical agency	Status	Address
MATERIAL CHANGE OF USE			
<u>Electricity Infrastructure</u> A Material Change of Use not associated with a Reconfiguration of a Lot, if (a) any part of the premises is subject to an easement in favour of a distribution entity or transmission entity under the <i>Electricity Act 1994</i> and the easement is for a transmission grid or supply network under that Act; and (b) any structure or work that is the natural and ordinary consequence of the use is, or will be, located completely or partly in the easement	Sch 7, Table 3, item 7	Ergon	Advice Principal Town Planner Ergon Energy E: townplanning@ergon.com.au (Please note: Ergon Energy prefer an electronic referral. The referral inquiry form can be downloaded from the website: http://www.ergon.com.au/community--and--our-network/network-management/referral-agency?a=102444 For enquiries please telephone: 38516530)
<u>Clearing Vegetation</u> Material change of use of a lot that is 5 ha or larger, if— (a) for development for which a preliminary approval	Sch 7, Table 3, item 10	Department of Natural Resources and Mines	Concurrence State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870

DECISION NOTICE - APPROVAL

11

21 September 2017

For an application involving	Name of technical agency	Status	Address
<p>is sought under the Act, section 242, the lot contains native vegetation shown on the regulated vegetation management map as a category A area or category B area; or</p> <p>(b) for other development that is not sole or community residence clearing—</p> <p>(i) additional exempt operational work could be carried out because of the material change of use or the development involves operational work made assessable under schedule 3, part 1, table 4, item 1; and</p> <p>(ii) the additional exempt operational work or assessable operational work includes development other than the clearing of regulated regrowth vegetation on freehold land, indigenous land or land the subject of a lease issued under the <i>Land Act 1994</i> for agriculture or grazing purposes</p>			<p>CairnsSARA@dilgp.qld.gov.au</p> <p>SARA is supported by MyDAS—a new online system that allows an applicant to prepare and lodge or refer applications to DSDIP, as the single state assessment and referral agency.</p> <p>MyDAS can be accessed at http://www.dilgp.qld.gov.au/planning/development-assessment/state-assessment-and-referral-agency-applications.html</p>

8. Approved Plans

The approved plans and/or documents for this development approval are listed in the following table.

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sheet 1 of 2	Mareeba Solar Farm - General Layout Drawing	Cleangen Projects Pty Ltd	July 2017
Sheet 2 of 2	Mareeba Solar Farm - Layout Aerial Views	Cleangen Projects Pty Ltd	July 2017

9. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

Mareeba Shire Council

Document Set ID: 3310832

Version: 1 Version Date: 21/09/2017

DECISION NOTICE - APPROVAL

12

21 September 2017

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

If there is one (1) or more subsequent related approvals for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

10. Appeal rights –***Applicant may make representations about decision***

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 3 is an extract from SPA which contains details regarding making representations about the decision.

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Appeals by submitters

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

DECISION NOTICE - APPROVAL

13

21 September 2017

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 4 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

11. When the development approval takes effect –

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

Should you require any further information please contact Council's **Planning Officer, Carl Ewin** on the above telephone number.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enclosures: **Attachment 1 - Approved Plans of Development**
 Attachment 2 - Concurrence Agency Conditions
 Attachment 3 - SPA Extract - Making Representations about Decision
 Attachment 4 - SPA Extract on Appeal Rights

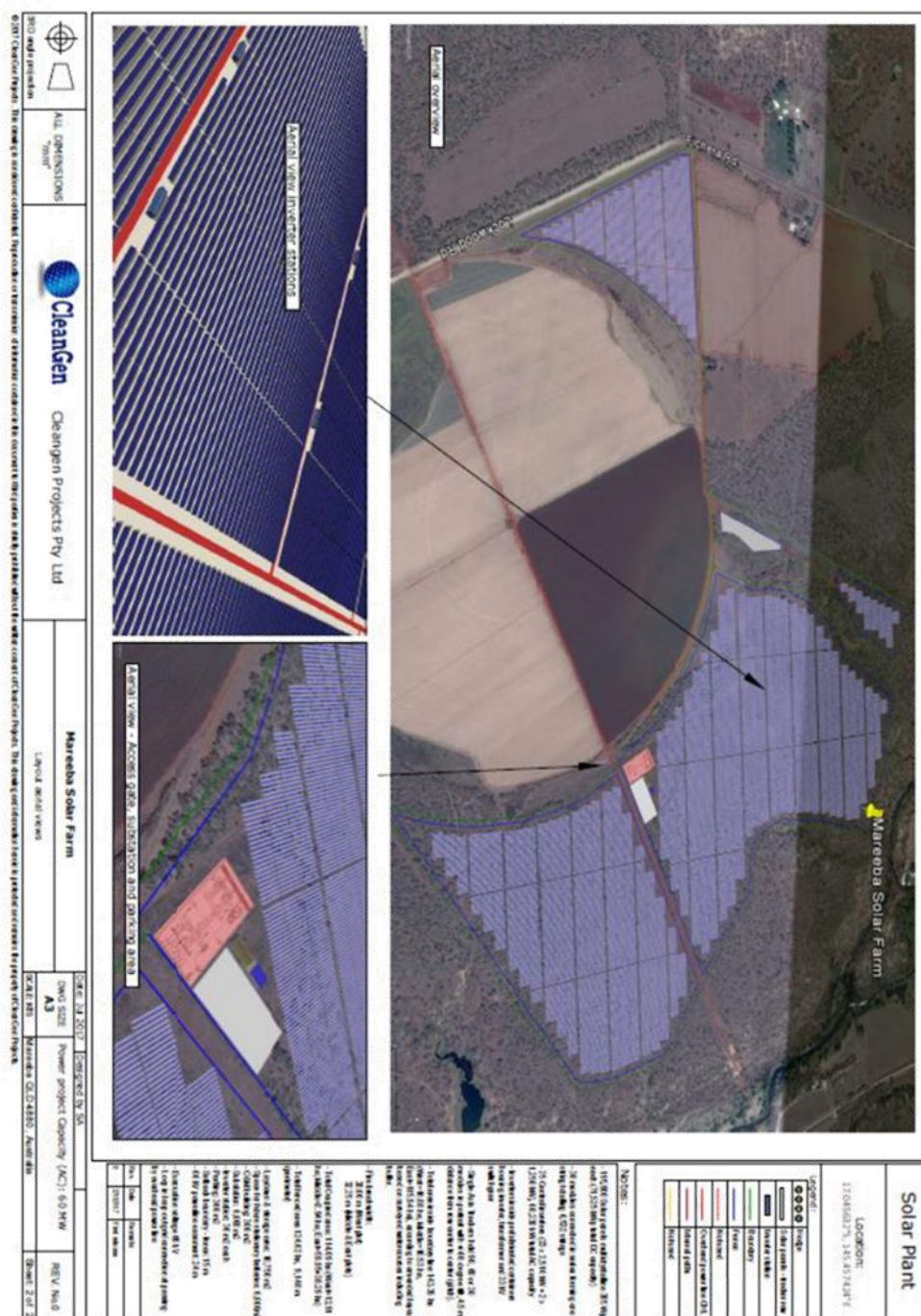
Copy: **Department of Infrastructure, Local Government and Planning**
 CairnsSARA@dilgp.qld.gov.au

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DECISION NOTICE - APPROVAL

15

21 September 2017



DECISION NOTICE - APPROVAL

16

21 September 2017

ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS



Department of Infrastructure,
Local Government and Planning

Our reference: SDA-1116-035354
Council reference: DA/16/0050

27 July 2017

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

Attention: Mr Brian Millard

Dear Mr Millard

Concurrence agency response—with conditions

Development permit for material change of use – utility installation (solar farm) on land situated at 584 Henry Hannam Drive, Mareeba and described as Lot 413 on NR4876
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* (SPA) on 6 February 2017.

Applicant details

Applicant name: Cleangen Projects Pty Ltd
Applicant contact details: PO Box 237
North Sydney NSW 2059
kreddy@cleangenpower.com.au

Site details

Street address: 584 Henry Hannam Drive, Mareeba
Lot on plan: Lot 413 on NR4876
Local government area: Mareeba Shire Council

Application details

Proposed development: Development permit for material change of use – Utility installation (solar farm)

Page 1

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority

Mareeba Shire Council

Document Set ID: 3310832

Version: 1 Version Date: 21/09/2017

DECISION NOTICE - APPROVAL

17

21 September 2017

SDA-1116-035354

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Solar farm	Code Assessment

Referral triggers

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

Referral trigger **Schedule 7, Table 3, Item 10** — Clearing vegetation

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 3 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Development permit for material change of use – Utility installation (solar farm)				
Referral Agency Response (Vegetation) Plan (RARP) Plan of Area A (Parts A1 to A2) in Lot 413 on NR4876	Queensland Government (as represented by the Department of Natural Resources and Mines)	29 June 2017	SDA-1116-034354	-

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

For further information, please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 4037 3228 or email joanne.manson@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Steve Conner
A/Deputy Director-General

cc: Cleangen Projects Pty Ltd, email: kreddy@cleangenpower.com.au

enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Approved Plan and Specifications

Mareeba Shire Council

Document Set ID: 3310832

Version: 1 Version Date: 21/09/2017

DECISION NOTICE - APPROVAL

18

21 September 2017

SDA-1116-035354

Our reference: SDA-1116-035354

Council reference: DA/16/0050

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for material change of use – utility installation (solar farm)		
Schedule 7, Table 3, Item 10 – Clearing vegetation —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The clearing of vegetation is not to exceed 65.07 hectares as identified as Area A (parts A1 and A2) on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-1116-035354 dated 29 June 2017.	At all times
2.	Any person(s) engaged or employed to carry out the clearing of vegetation must be provided with a full copy of this concurrence agency response, and must be made aware of the full extent of clearing authorised by the relevant development approval.	Prior to clearing
3.	<p>(a) Clearing of assessable vegetation in Area A (parts A1 and A2) must not occur within 10 metres of the defining bank of the watercourse labelled 'X' on the Referral Agency Response (Vegetation) Plan (RARP) SDA-1116-035354 dated 29 June 2017.</p> <p>(b) Infrastructure must not be established in or within 42.25 metres from the defining bank of the watercourse labelled 'X' on the Referral Agency Response (Vegetation) Plan (RARP) SDA-1116-035354 dated 29 June 2017.</p> <p>Note: the location of the watercourses shown on the RARP is indicative only and the actual location of the watercourses may vary in the landscape. It is the responsibility of the permit holder to ensure that the actual location of the defining bank of any mapped watercourses is used in meeting these conditions.</p>	<p>(a) While clearing is occurring</p> <p>(b) At all times</p>
4.	<p>(a) Prepare a Management Plan addressing Salinity. The management must be prepared by a suitably qualified professional and recommend salinity management measures to ensure:</p> <ul style="list-style-type: none"> i. no worsening of the salinity levels of the soil and surface or ground water as a result of changes in the hydrology of the subject land; and ii. no increase in the incidence of waterlogging. <p>(b) Submit a copy of the Management Plan mentioned at part (a) of this condition to: Vegetation Management Department of Natural Resources and Mines Address: PO Box 5318 Townsville QLD 4810 Email: northvegetation@dnrm.qld.gov.au</p> <p>(c) Implement and maintain all required salinity management measures identified within the Management Plan mentioned at part (a) of this condition.</p>	<p>(a) and (b) Prior to clearing commencing</p> <p>(c) For the duration of the clearing</p>

Mareeba Shire Council

Document Set ID: 3310832

Version: 1 Version Date: 21/09/2017

DECISION NOTICE - APPROVAL

19
21 September 2017

SDA-1116-035354

Our reference: SDA-1116-035354
Council reference: DA/16/0050

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the clearing works are carried out in the location and to the extent specified on the approved plans.
- To ensure the person undertaking the clearing works is aware of the requirements and conditions associated with the carrying out of the works.
- To ensure that the land is protected from waterlogging and salinisation.
- To ensure the development achieves the performance outcomes in the relevant State Development Assessment Provisions (version 1.9).

Mareeba Shire Council

Document Set ID: 3310832

Version: 1 Version Date: 21/09/2017

DECISION NOTICE - APPROVAL

20

21 September 2017

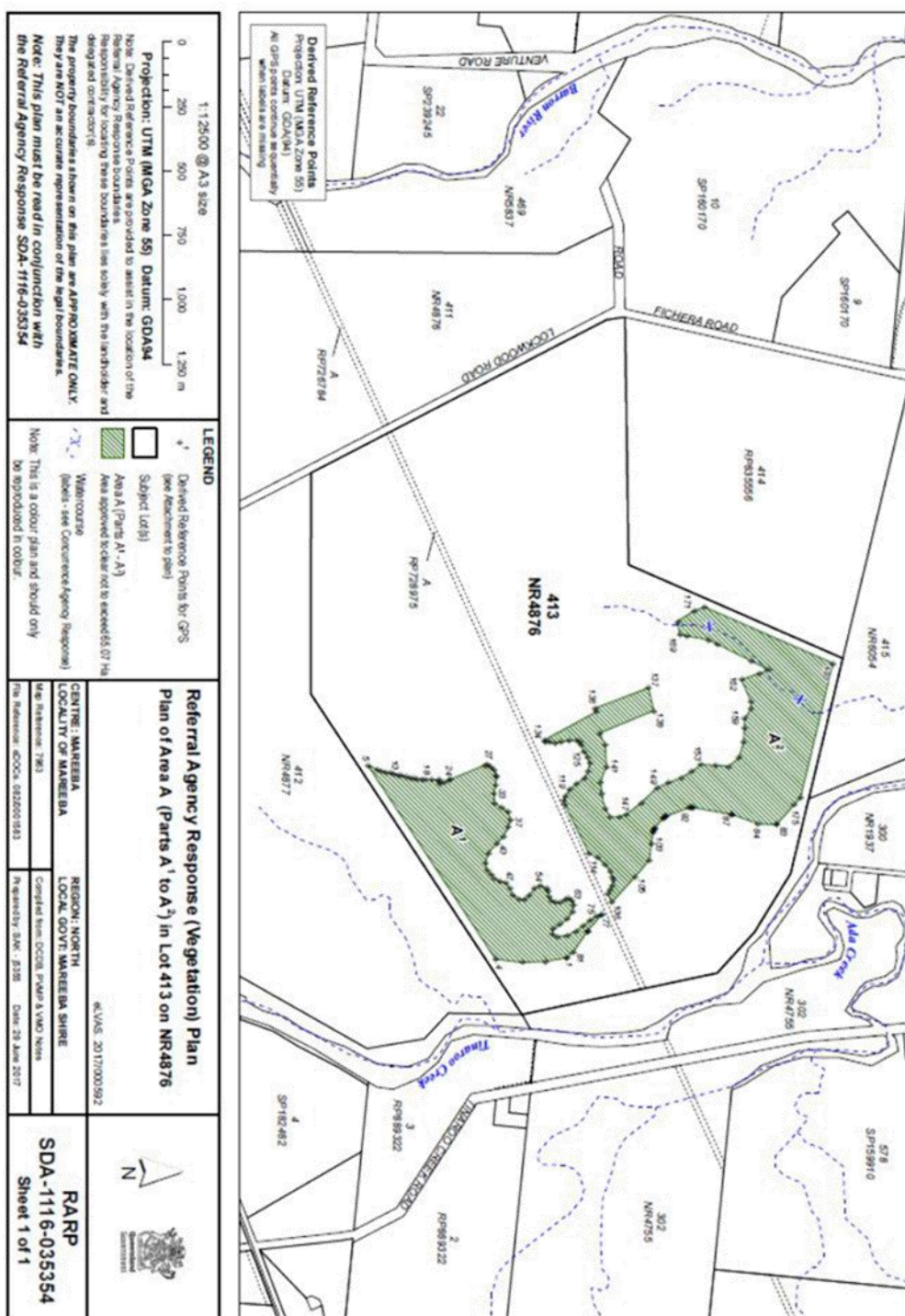
SDA-1116-035354

Our reference: SDA-1116-035354
Council reference: DA/16/0050

Attachment 3—Approved plan and specifications

DECISION NOTICE - APPROVAL

21
21 September 2017



DECISION NOTICE - APPROVAL

22

21 September 2017

Page 1 of 1

Attachment to Plan: SDA-1116-035354

Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Referral Agency Response SDA-1116-035354. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
A1	1	337431	8114389	A1	61	337205	8114384	A2	121	336735	8114458
A1	2	337445	8114306	A1	62	337201	8114396	A2	122	336708	8114472
A1	3	337450	8114217	A1	63	337206	8114409	A2	123	336677	8114478
A1	4	337437	8114112	A1	64	337225	8114416	A2	124	336655	8114470
A1	5	336885	8113617	A1	65	337254	8114412	A2	125	336632	8114456
A1	6	336700	8113654	A1	66	337281	8114391	A2	126	336606	8114445
A1	7	336706	8113670	A1	67	337304	8114382	A2	127	336598	8114440
A1	8	336711	8113686	A1	68	337319	8114337	A2	128	336587	8114429
A1	9	336714	8113703	A1	69	337339	8114333	A2	129	336588	8114398
A1	10	336717	8113716	A1	70	337360	8114353	A2	130	336594	8114367
A1	11	336721	8113734	A1	71	337344	8114391	A2	131	336597	8114344
A1	12	336724	8113747	A1	72	337328	8114425	A2	132	336596	8114322
A1	13	336730	8113768	A1	73	337308	8114452	A2	133	336592	8114308
A1	14	336732	8113781	A1	74	337286	8114478	A2	134	336585	8114302
A1	15	336735	8113795	A1	75	337270	8114503	A2	135	336477	8114504
A1	16	336737	8113807	A1	76	337263	8114523	A2	136	336463	8114500
A1	17	336737	8113827	A1	77	337263	8114526	A2	137	336383	8114707
A1	18	336738	8113839	A1	78	337326	8114472	A2	138	336472	8114727
A1	19	336740	8113865	A1	79	337328	8114470	A2	139	336559	8114517
A1	20	336741	8113893	A1	80	337329	8114470	A2	140	336607	8114538
A1	21	336745	8113893	A1	81	337408	8114415	A2	141	336688	8114544
A1	22	336757	8113896	A1	82	337431	8114389	A2	142	336751	8114520
A1	23	336750	8113913	A2	83	336914	8115204	A2	143	336796	8114526
A1	24	336740	8113935	A2	84	336910	8115131	A2	144	336853	8114538
A1	25	336740	8113935	A2	85	336875	8115031	A2	145	336883	8114556
A1	26	336883	8114071	A2	86	336875	8115030	A2	146	336883	8114592
A1	27	336880	8114080	A2	87	336874	8115026	A2	147	336877	8114619
A1	28	336888	8114094	A2	88	336848	8114881	A2	148	336829	8114679
A1	29	336704	8114109	A2	89	336848	8114877	A2	149	336771	8114740
A1	30	336721	8114114	A2	90	336848	8114873	A2	150	336753	8114783
A1	31	336728	8114116	A2	91	336848	8114869	A2	151	336731	8114834
A1	32	336760	8114112	A2	92	336849	8114865	A2	152	336710	8114873
A1	33	336794	8114107	A2	93	336881	8114776	A2	153	336681	8114910
A1	34	336829	8114109	A2	94	336882	8114772	A2	154	336684	8114968
A1	35	336849	8114138	A2	95	336884	8114769	A2	155	336688	8115018
A1	36	336865	8114163	A2	96	336887	8114765	A2	156	336655	8115058
A1	37	336898	8114170	A2	97	336890	8114762	A2	157	336594	8115076
A1	38	336925	8114163	A2	98	336926	8114731	A2	158	336540	8115080
A1	39	336961	8114143	A2	99	336930	8114729	A2	159	336504	8115080
A1	40	336988	8114118	A2	100	336934	8114726	A2	160	336466	8115105
A1	41	337024	8114085	A2	101	336939	8114725	A2	161	336438	8115105
A1	42	337066	8114073	A2	102	336944	8114724	A2	162	336352	8115068
A1	43	337091	8114080	A2	103	336960	8114719	A2	163	336327	8115136
A1	44	337109	8114096	A2	104	337053	8114710	A2	164	336314	8115174
A1	45	337125	8114109	A2	105	337118	8114654	A2	165	336280	8115107
A1	46	337134	8114129	A2	106	337218	8114564	A2	166	336214	8114975
A1	47	337142	8114152	A2	107	337181	8114547	A2	167	336197	8114940
A1	48	337163	8114168	A2	108	337165	8114557	A2	168	336183	8114856
A1	49	337187	8114181	A2	109	337151	8114564	A2	169	336178	8114828
A1	50	337203	8114203	A2	110	337131	8114570	A2	170	336126	8114818
A1	51	337205	8114224	A2	111	337116	8114566	A2	171	336084	8114884
A1	52	337189	8114242	A2	112	337095	8114557	A2	172	336070	8114924
A1	53	337163	8114262	A2	113	337069	8114537	A2	173	336288	8115423
A1	54	337151	8114286	A2	114	337044	8114510	A2	174	336810	8115297
A1	55	337162	8114311	A2	115	337027	8114476	A2	175	336838	8115272
A1	56	337174	8114317	A2	116	336836	8114382	A2	176	336914	8115204
A1	57	337194	8114320	A2	117	336821	8114376				
A1	58	337209	8114329	A2	118	336804	8114384				
A1	59	337218	8114346	A2	119	336778	8114400				
A1	60	337218	8114364	A2	120	336755	8114427				

Mareeba Shire Council

Document Set ID: 3310832

Version: 1 Version Date: 21/09/2017

ATTACHMENT 3 - MAKING REPRESENTATIONS ABOUT DECISION**PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION

- (1) The applicant may make written representations to the assessment manager about—
 - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
 - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS

The assessment manager must consider any representations made to the assessment manager under section 361.

363 DECISION ABOUT REPRESENTATIONS

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (*the negotiated decision notice*) to—
 - (a) the applicant; and
 - (b) each principal submitter; and
 - (c) each referral agency; and
 - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
 - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
 - (b) must comply with section 335; and
 - (c) must state the nature of the changes; and
 - (d) replaces—
 - (i) the decision notice previously given; or

DECISION NOTICE - APPROVAL

24

21 September 2017

- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.

364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
- (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.

365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE

- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
- (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.

366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD

- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
- (2) The applicant may act under subsection (1) only once.
- (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
- (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
 - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
 - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
 - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

Mareeba Shire Council

Document Set ID: 3310832

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ATTACHMENT 4 - APPEAL RIGHTS

DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS

461 APPEALS BY APPLICANTS

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the **applicant's appeal period**) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 APPEALS BY SUBMITTERS—GENERAL

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

DECISION NOTICE - APPROVAL

26

21 September 2017

463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

464 APPEALS BY ADVICE AGENCY SUBMITTERS

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

From: Koovashni Reddy
Sent: Fri, 19 Jun 2020 13:56:57 +1000
To: Brian Millard
Subject: Request for Extension - Mareeba Solar Farm Material Use of Change DA16/0050

Hi Brian

I hope you are well. CleanGen would like to request a 2 year extension plus a further 2 years (2+2 years) on the planning permit issued for the Mareeba Solar Farm on 21th September 2017 that expires on 21th September 2021 in accordance with section 341 of the Sustainable Planning Act 2009

The project has taken longer to develop largely due to changes in AEMO connection guidelines relating to grid constraints and grid capacity which has significantly increased the capital budget.

We are now in the process of securing an investor and they have requested an extension to ensure that there is sufficient time to work through the development process and start construction. We plan to start construction in the 12-18 months.

There are no other changes to the planning as it has been issued originally.

I look forward to hearing from you.
Kind Regards

Koo

Koovashni Reddy
Managing Director



www.cleangen.com.au
+61 417 105 257

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This email, including all attachments, is confidential and for the sole use of the intended recipient(s). If you are not the intended recipient, you are prohibited from disclosing, distributing, or in any other way using it. If you have received this email in error, please notify me by return email and then delete this email.
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8.2 CHANGE APPLICATION - SND DEVELOPERS PTY LTD - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - LOT 71 ON SP136296 - 28 KEEBLE STREET, MAREEBA - MCU/18/0019

Date Prepared: 4 November 2020

Author: Senior Planner

Attachments:

1. Decision Notice dated 21 November 2018 [↓](#)
2. Change Application - Amended Plans [↓](#)

APPLICATION		PREMISES	
APPLICANT	SND Developers Pty Ltd	ADDRESS	28 Keeble Street, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	6 October 2020	RPD	Lot 71 on SP136296
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation		
FILE NO	MCU/18/0019	AREA	2,797m ²
LODGED BY	Freshwater Planning Pty Ltd	OWNER	SND Developers Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium Density Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Three (3) properly made		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 21 November 2018, subject to conditions.

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

The applicant has subsequently lodged an application to change the development approval with regards to the approved plans. The change would reduce the accommodation complex from two (2) storeys to back a single storey, whilst maintaining the original accommodation capacity.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change/s would result in substantially different development. It is considered that the proposed change/s will not result in substantially different development and therefore constitute a 'minor change'.

It is recommended that the application be approved in full.

OFFICER'S RECOMMENDATION

It is recommended that:

1. "In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	SND Developers Pty Ltd	ADDRESS	28 Keeble Street, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	6 October 2020	RPD	Lot 71 on SP136296
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation		

and in accordance with the Planning Act 2016, the following

- (a) The approved plan/s of Council's Decision Notice issued on 21 November 2018 be amended as follows:

<i>Plan/Document Number</i>	<i>Plan/Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
<i>1323-A-00</i>	<i>Cover Sheet</i>	<i>Humac Design</i>	<i>-</i>
<i>1323-A-01B</i>	<i>Site Plan</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<i>1323-A-02B</i>	<i>Floor Plan</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<i>1323-A-03B</i>	<i>First Floor Plan</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<i>1323-A-04B</i>	<i>Elevations</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<u>20093 Rev 6</u>	<u>Cover Sheet & Site Plan</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>
<u>20093 Rev 6</u>	<u>Ground Floor Plan</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>
<u>20093 Rev 6</u>	<u>First Floor & Roof Plan</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>
<u>20093 Rev 6</u>	<u>Elevations</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>

- (b) Condition 4.4 of Council's Decision Notice issued on 21 November 2018 be amended as follows:

4.4 Car Parking/Internal Driveways

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

Car parking spaces 17, 24 and 25 may be left as greenspace/landscaping until such time as there is a demonstrated need for further on site car parking spaces, to the satisfaction of Council's delegated officer. If a need for further on site car parking is demonstrated, the developer must construct car parking spaces 17, 24 and 25 within three (3) months of receiving a written direction from Council to construct these car parking spaces.

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

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

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

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

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and CairnsSARA advising of Council's decision.

THE SITE

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

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



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.

**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.

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

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

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

BACKGROUND AND CONTEXT

Council approved an application made by Freshwater Planning Pty Ltd on behalf of SND Developers Pty Ltd for the issue of a development permit for Mareeba Change of Use - Short-term Accommodation over land described as Lot 71 on SP136296, situated at 28 Keeble Street, Mareeba.

The application was approved subject to conditions and the Decision Notice was issued on 21 November 2018 (**Attachment 1**).

SND Developers Pty Ltd have lodged an application to change the development approval (a change application) by amending the approved plan. The change would reduce the accommodation complex from two storeys to back a single storey, whilst maintaining the original accommodation capacity.

A secondary request has been made by the applicant's architect to dispense with three (3) of the conditioned 25 on site carparking spaces to allow more green space/landscaping.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change/s would result in substantially different development.

It is considered that the proposed change will not result in substantially different development and therefore constitutes a 'minor change'.

ASSESSMENT AND DECISION REQUIREMENTS

Minor change for a development approval - Planning Act 2016

Schedule 1: Substantially different development (Development Assessment Rules)

- 1.** *An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where - amongst other criteria - a minor change is a change that would not result in 'substantially different' development.*

Schedule 2 - Dictionary of the Planning Act 2016 defines a minor change as follows:

Minor change means a change that-

- (a) for a development application (not applicable).*
- (b) for a development approval-*
 - (i) Would not result in substantially different development; and*
 - (ii) If a development application for the development, including the change, were made when the change application is made would not cause-*
 - (A) the inclusion of prohibited development in the application; or*
 - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) referral to extra referral agencies, other than the chief executive; or*
 - (D) a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have regard to, when the application was made; or*
 - (E) public notification if public notification was not required for the development application.*
- 2.** *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change-*
 - (a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - (b) made to a development application in accordance with part 6;*
 - (c) made to a development application after the appeal period.*
- 3.** *In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*

4. *A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
- (a) involves a new use; or*
 - (b) result in the application applying to a new parcel of land; or*
 - (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
 - (d) change the ability of the proposed development to operate as intended; or*
 - (e) removes a component that is integral to the operation of the development; or*
 - (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
 - (g) introduces new impacts or increase the severity of known impacts; or*
 - (h) removes an incentive or offset component that would have balanced a negative impact of the development; or*
 - (i) impacts on infrastructure provisions.*

Comment

The proposed change to the development approval constitutes a *minor change* to the approval.

Assessing and deciding application for minor changes

Section 81(2) of the Planning Act 2016 requires that Council must assess the proposed change having regard to:

- *The information the applicant included with the application*

Comment

The details of the request to change the approval were provided by the applicant in their application emailed on 6 October 2020 (**Attachment 2**). The proposed changes are addressed in the body of this report.

- *if submissions were made about the original application – the submissions*

Comment

The original development application was Impact Assessable and three (3) properly made submissions were received.

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

Grounds for objection /support	Comment
<p>Submitters operate the fruit and vegetable processing/transport facility immediately to the north of the subject land.</p> <p>They are concerned that the proposed development may conflict with their established operations. (lights, noise, dust, 24 hour operation, refrigerated vans)</p>	<p>The subject land is within the Medium Density Residential zone and can be developed for a dwelling house, dual occupancy and/or multiple dwelling (units) as accepted development without requiring planning approval.</p> <p>Code assessable uses on the subject land may include residential care facility, retirement facility and/or child care centre.</p> <p>The potential for conflict between a residential development on the subject land and the nearby fruit and vegetable processing/transport facility is likely to be higher should a long term accommodation use be established on the subject land.</p> <p>The proposed short-term accommodation development will limit guests to a maximum 3 month stay and readily allows for guests to move on in the event they find the established local amenity less than desirable.</p>
<p>Application proposes high density development in a medium density area.</p>	<p>The Mareeba Shire Council Planning Scheme 2016 includes a Low Density Residential zone and a Medium Density Residential zone.</p> <p>The planning scheme does not have a high density residential zone.</p>

	The development of higher density residential uses is appropriate for the Medium Density Residential zone. In the case of the subject land, the site is fully serviced, is in walking distance to shops/services and the Bicentennial Lakes.
The development will be a huge eyesore with a prison like appearance.	The submitters opinion of the building design is noted. The design is not inconsistent with other similar scale accommodation developments.
Concerned about noise (loud music) and odour (bbq) from the development detrimentally impacting on their residential property.	Any ongoing operational noise and emissions would be controlled by various legislation and is not expected to be of a level to result in ongoing nuisance to surrounding residential areas. A full time manager will live on site and will respond to any issues that arise. Maintenance of amenity will benefit the developments guests as much as it will benefit those living in proximity to the development.
Two storey development will adversely impact on privacy.	The development has limited windows overlooking the nearby dwelling houses. Where overlooking windows are proposed (the managers unit), suitable screening will be conditioned to maintain a reasonable level of privacy.
Development will adversely impact on stormwater patterns.	The development will be conditioned to require all stormwater discharge to be to Keeble Street. The development will also be conditioned to require to no nett increase in the rate of stormwater discharge as a result of the development. The applicant is proposing the use of on-site rain water tanks to provide for stormwater detention.
The development may overload sewerage infrastructure.	The development will be conditioned to require discharge to the Mareeba reticulated sewerage network at a location with sufficient capacity. The connection specifics will be engineered as part of the operational works stage.
The increase in traffic movements may impact on road and pedestrian safety.	Frontage works on Keeble Street would be conditioned for the development. These frontage works would ensure road and pedestrian movements were maintained.
The development will devalue properties in the area.	Potential fluctuations in land value is not considered to be a land use planning assessment criteria.

The submitter supports the location of the proposed development due to the proximity of shops and being an established higher density area.	Noted.
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The proposed change will not adversely impact on the matters raised by submitters. In fact, the reduction in storeys addresses two (2) of the concerns raised by submitters, namely:

- The development will be a huge eyesore with a prison like appearance; and
- Two (2) storey development will adversely impact on privacy.
- *Any pre-request response notice or response notice given in relation to the change application.*

Comment

No pre-request response notice or response notice was received.

- *All matters the responsible entity (Council) would or may assess against or have regard to, if the change application were a development application.*

Comment

The requested changes are addressed in the body of this report.

- *Another matter that the responsible entity (Council) considers relevant.*

Comment

No other matter is considered relevant.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

Approved Plan/s

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

Request by Applicant

The applicants have revisited the design of the proposed development to increase its economic viability.

A new design architect has been engaged and a revised single storey accommodation complex has now been prepared.

The revised building footprint is generally in accordance with the original two (2) storey design. Onsite carparking numbers will be maintained.

The revised design does not prevent the applicant from meeting all conditions of the existing approval.

Response

Council officers raise no objections to the requested change to the development approval.

The changed development will not increase accommodation density and can still comply with all conditions of the original development approval.

The reduction in storeys also addresses several of the concerns raised by submitters to the original development application.

It is recommended that the table of approved plan/s be amended to reflect the new proposal plans as follows:

<i>Plan/Document Number</i>	<i>Plan/Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
<i>1323-A-00</i>	<i>Cover Sheet</i>	<i>Humac Design</i>	<i>-</i>
<i>1323-A-01B</i>	<i>Site Plan</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<i>1323-A-02B</i>	<i>Floor Plan</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<i>1323-A-03B</i>	<i>First Floor Plan</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<i>1323-A-04B</i>	<i>Elevations</i>	<i>Humac Design</i>	<i>11.09.2018</i>
<u>20093 Rev 6</u>	<u>Cover Sheet & Site Plan</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>
<u>20093 Rev 6</u>	<u>Ground Floor Plan</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>
<u>20093 Rev 6</u>	<u>First Floor & Roof Plan</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>
<u>20093 Rev 6</u>	<u>Elevations</u>	<u>Baudesign architects</u>	<u>05-11-2020</u>

Condition 4.4**4.4 Car Parking/Internal Driveways**

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

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

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

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

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

Request by Applicant

A secondary request has been made by the applicant's architect to dispense with three (3) of the conditioned 25 on site car parking spaces to allow more green space/landscaping.

The three (3) subject car parking spaces are indicated by red hatching on the ground floor plan.

The applicants advise that they operate a 120 bed accommodation facility at Tully and out of the 16 on site car parking spaces, typically three (3) to four (4) spaces are always free.

The applicants believe that providing additional green space/landscaping will be a benefit to the development.

Response

Council officers also agree that additional green space/landscaping will improve the appearance and general amenity of the development.

However, the provision of sufficient on site car parking is far more important from a long term planning perspective.

It is recommended that Condition 4.4 be amended as follows:

4.4 Car Parking/Internal Driveways

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

Car parking spaces 17, 24 and 25 may be left as greenspace/landscaping until such time as there is a demonstrated need for further on site car parking spaces, to the satisfaction of Council's delegated officer. If a need for further on site car parking is demonstrated, the developer must construct car parking spaces 17, 24 and 25 within three (3) months of receiving a written direction from Council to construct these car parking spaces.

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

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

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

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

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

21 November 2018

Senior Planner: Brian Millard
Direct Phone: 4086 4657
Our Reference: MCU/18/0019
Your Reference: F18/20

SND Developers Pty Ltd
C/- Freshwater Planning Pty Ltd
17 Barron View Drive
FRESHWATER QLD 4870

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 21 November 2018, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/18/0019
Street Address:	28 Keeble Street, Mareeba
Real Property Description:	Lot 71 on SP136296
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Short-term Accommodation
Date of Decision:	21 November 2018

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

DECISION NOTICE

MCU/18/0019
Page 2**INFRASTRUCTURE**

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “**necessary infrastructure condition**” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS**(A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the Department of State Development, Manufacturing, Infrastructure and Planning confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 3

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

3.4 Noise Nuisance

3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

3.4.2 The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.4.3 The use, including the unloading or loading of goods, is not to include the use of any sound projecting objects or systems that may cause a nuisance to adjoining properties.

3.5 Waste Management

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

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

3.6 Maximum Accommodation Density

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

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

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 4

3.8 Privacy

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

3.9 Amenity

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

3.10 Full time onsite manager

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

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to the approval of operational works, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer. The Stormwater Management Plan and Report must detail the stormwater drainage for the whole of the development.

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

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

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

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

4.3 Frontage Works - Keeble Street

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

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

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

4.4 Car Parking/Internal Driveways

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

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

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

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

DECISION NOTICE

MCU/18/0019
Page 6

- Australian Standard AS2890.3 – Bicycle Parking Facilities.

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

4.5 Landscaping

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

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

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

4.5.4 The landscaping plan must incorporate the following:

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

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

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

4.6 Fencing

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

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

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

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

4.7 Lighting

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

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

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

4.8 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated water supply system demonstrating compliance with Condition 4.8(a).

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

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

4.9 Sewerage Connection

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

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

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

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Aspect of development stated in schedule 20		
Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, if—	Schedule 10, Part 3, Division 4, Subdivision 1, Table 1	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dsdmip.qld.gov.au
(a) the development is for a purpose stated in schedule 20, column 1 for the aspect; and		
(b) the development meets or exceeds the threshold—		
(i) for development in local government area 1—stated in schedule 20, column 2 for the purpose; or		
(ii) for development in local government area 2—stated in schedule 20, column 3 for the purpose; and		
(c) for development in local government area 1—the development is not for an accommodation activity or an office at premises wholly or partly in the excluded area		
However, if the development is for a combination of purposes stated in the same item of schedule 20, the threshold is for the combination of purposes and not for each individual purpose.		

DECISION NOTICE

MCU/18/0019
Page 9

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	State Assessment & Referral Agency (SARA) Department of State Development, Manufacturing, Infrastructure and Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dndmip.qld.gov.au

A copy of any referral agency conditions are attached.

APPROVED PLANS

The following plans are Approved plans for the development:

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

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) 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

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(c) Water Meters/Water Service Connection

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

(d) Property Connection to existing sewer main

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

(e) Food Premises

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

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

(g) Compliance with applicable codes/policies

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

(h) Compliance with Acts and Regulations

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

(i) Environmental Protection and Biodiversity Conservation Act 1999

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

(j) Cultural Heritage

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

(B) REFERRAL AGENCY CONDITIONS

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

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work
- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

SUBMISSIONS

There were three (3) properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below;

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

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

DECISION NOTICE

MCU/18/0019
Page 12

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Referral Agency Response
Appeal Rights
Adopted Infrastructure Charges Notice

Copy: Department of State Development, Manufacturing, Infrastructure and Planning
CairnsSARA@dsdmip.qld.gov.au

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 13

Approved Plans/Documents

DESIGN AND CLASSIFICATION C2		PRELIMINARY ONLY	
REVISION	DATE	REVISION	DATE
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PROPOSED SHORT-TERM ACCOMMODATION


FOR

JASSAR & MANESH

AT

28 KEEBLE STREET,

MAREEBA



HUJMAC

DESIGN

123-A-00

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 14

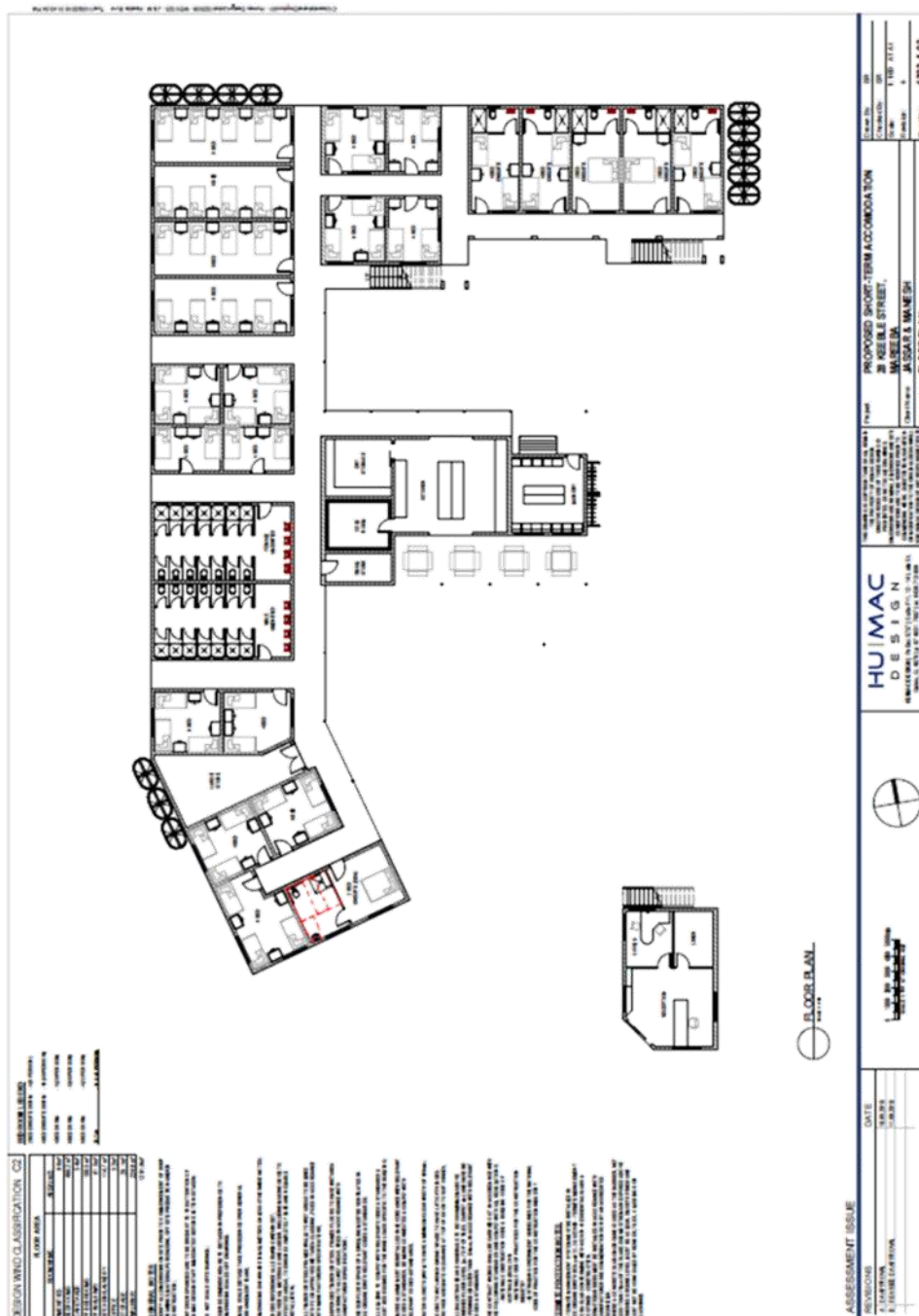


Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

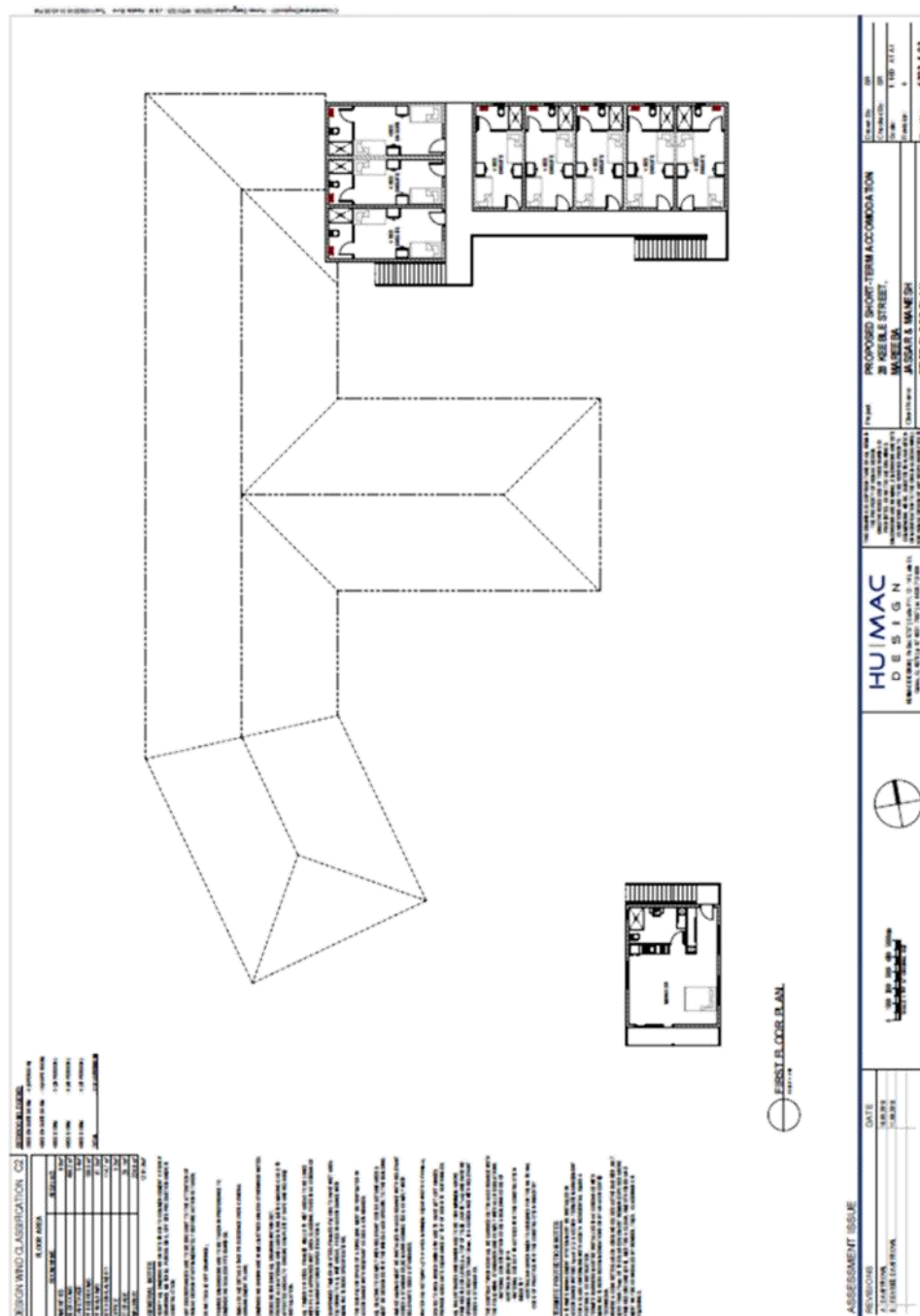
MCU/18/0019
Page 15



Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

MCU/18/0019
Page 16



Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

MCU/18/0019
Page 17



Item 8.2 - Attachment 1

DECISION NOTICE

MCU/18/0019
Page 18

Referral Agency Response

RA5-N



Department of
State Development,
Manufacturing,
Infrastructure and Planning

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

15 October 2018

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

Attention: Carl Ewin

Dear Sir/Madam,

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

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

Applicant details

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

Location details

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

Application details

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

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

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

Page 1 of 5

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

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 19

1808-6659 SRA

Conditions

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

Reasons for decision to impose conditions

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

Advice to the applicant

The department offers advice about the application to the applicant—see Attachment 3.

Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Site Plan (as amended in red)	HUMAC Design	11/09/2018	1323-A-01	B

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

For further information please contact Haidar Etemadi, Planning Officer, on (07) 4924 2915 or via email RockhamptonSARA@dssdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Freshwater Planning Pty Ltd, freshwaterplanning@outlook.com

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the applicant
Approved plans and specifications

Department of State Development, Manufacturing, Infrastructure and Planning

Page 2 of 5

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 20

1808-6659 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
State transport infrastructure and railway corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The setback from the railway corridor must be provided generally in accordance with the following plan: <ul style="list-style-type: none"> Site Plan prepared by HUMAC Design dated 11 September 2018, reference 1323-A-01 and revision B, as amended in red to show the setback extent from the railway corridor boundary. 	Prior to the commencement of use and to be maintained at all times.
2.	Any excavation, filling/backfilling/compaction, retaining structures, batters, stormwater management measures and other works involving ground disturbance must not encroach upon or de-stabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
3.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor. <p>(c) RPEQ certification with supporting documentation must be provided to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au) confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) At all times.</p> <p>(b) At all times.</p> <p>(c) Prior to the commencement of use.</p>
4.	Fencing must be provided along the eastern, western and southern site boundaries with the railway corridor in accordance with: <ul style="list-style-type: none"> Queensland Rail drawing number QR-C-S3231 – 'Standard Timber Fence 1800mm High Timber Paling Fence', or Queensland Rail drawing number QR-C-S3230 – 'Standard – Fencing 1.8m High Chain Link Security Fence without Rails'. 	Prior to the commencement of use and to be maintained at all times.

Department of State Development, Manufacturing, Infrastructure and Planning

Page 3 of 5

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 21

1505-6659 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are to ensure:

- the development is setback from the railway corridor generally in accordance with the plans of development submitted with the application
- the development and its construction does not cause adverse structural impacts on state-transport infrastructure
- that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor
- that there is no unauthorised access onto the transport corridor and to protect impacts on the transport corridor.

Department of State Development, Manufacturing, Infrastructure and Planning

Page 4 of 5

Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

DECISION NOTICE

MCU/18/0019
Page 22

1808-6659 SRA

Attachment 3—Advice to the applicant

<i>Transport Infrastructure Act 1994 – Works on a railway</i>	
1.	<p>Under section 255 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the railway manager to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations. Please contact the Queensland Rail Property Team at developmentenquiries@qr.com.au or on telephone number (07) 3072 1068 in relation to this matter.</p> <p>In particular, the applicant should contact Queensland Rail regarding the removal and installation of fencing along the site boundary with the railway corridor and any service/utility connections required in the railway corridor.</p> <p>Please be advised that this concurrence agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p>

Department of State Development, Manufacturing, Infrastructure and Planning

Page 5 of 5

Mareeba Shire Council

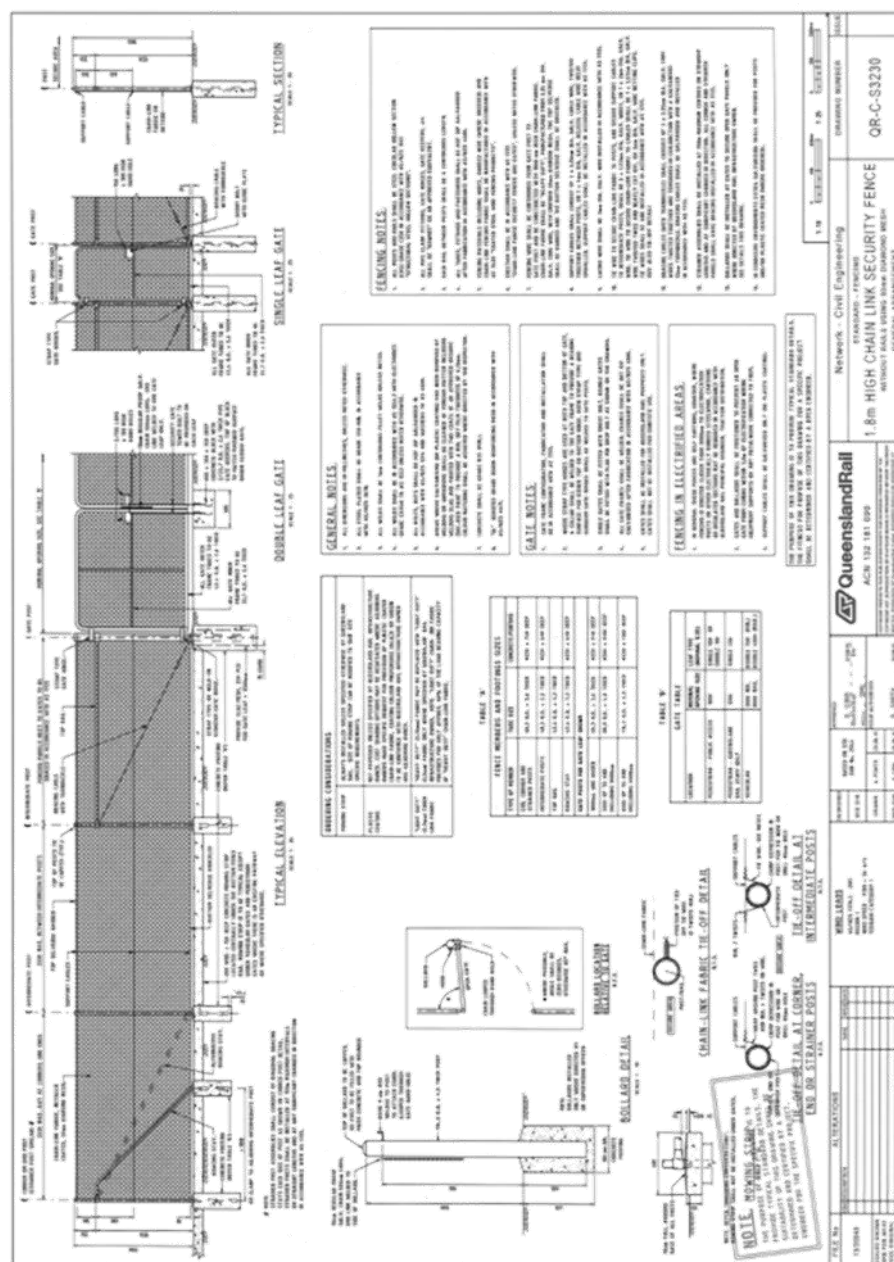
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Version: 1 Version Date: 22/11/2018

MCU/18/0019
Page 23



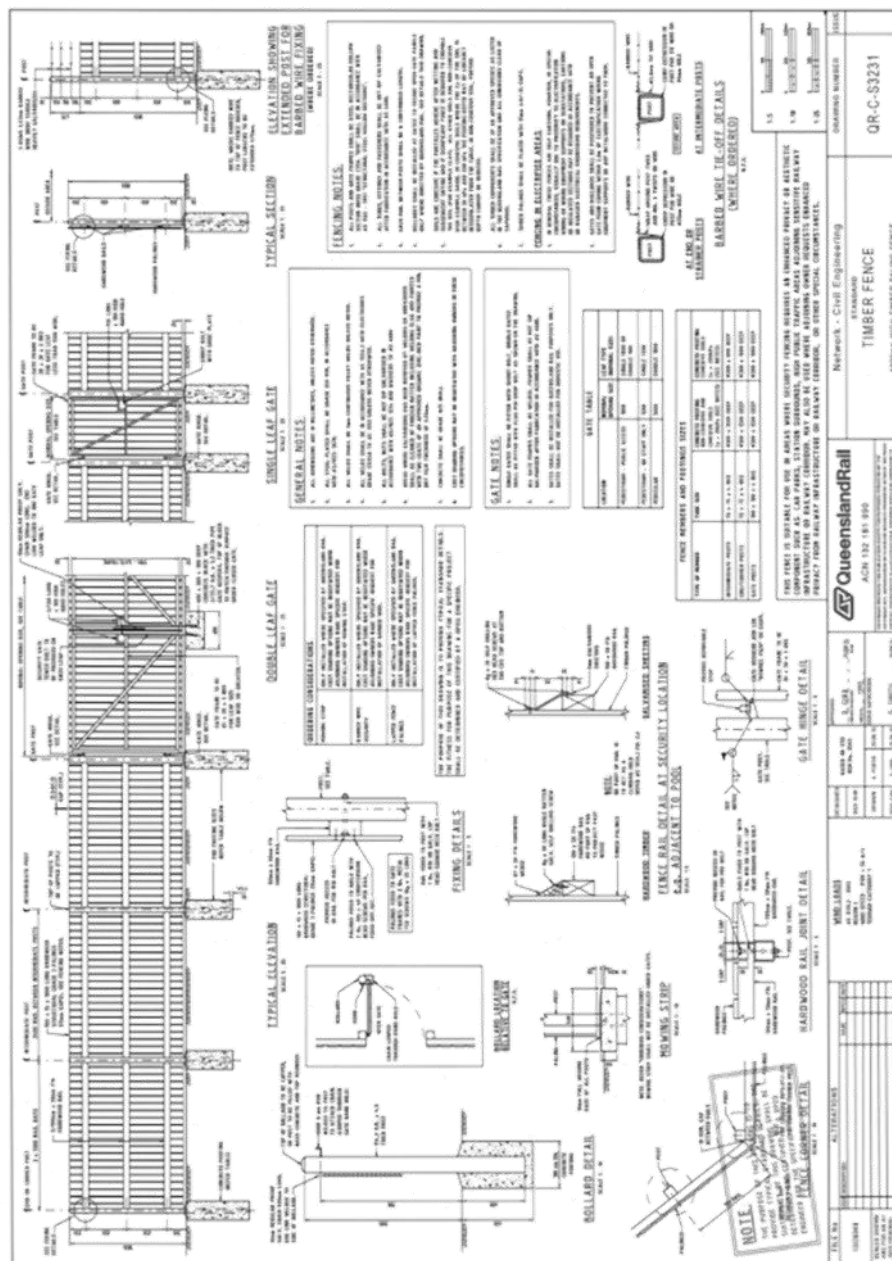
Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

MCU/18/0019
Page 24



DECISION NOTICE

MCU/18/0019
Page 25



Mareeba Shire Council

Document Set ID: 3474335
Version: 1 Version Date: 22/11/2018

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution**Part 1 Appeal rights****229 Appeals to tribunal or P&E Court**

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –

decision includes-

 - (a) conduct engaged in for the purpose of making a decision; and

-
- (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter-
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	SND Developers Pty Ltd c/- Jassar & Manesh
Contact name (only applicable for companies)	Deepinder Pal Singh Jassar
Postal address (P.O. Box or street address)	P.O. Box 690
Suburb	Earlville
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	dsj@jassarmanesh.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	F 18/20

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application <input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1 or 3.2, and 3.3 as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or <input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		28	Keeble Street	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		71	SP136296	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises <i>(appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)</i>			
Note: Place each set of coordinates in a separate row.			
<input type="checkbox"/> Coordinates of premises by longitude and latitude			
Longitude(s)	Latitude(s)	Datum	Local Government Area(s) <i>(if applicable)</i>
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	
<input type="checkbox"/> Coordinates of premises by easting and northing			
Easting(s)	Northing(s)	Zone Ref.	Datum
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>
3.3) Additional premises			
<input type="checkbox"/> Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application			
<input checked="" type="checkbox"/> Not required			

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application
Note: see section 78(3) of the Planning Act 2016

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCU/18/0019	21 st November 2018	Brian Millard
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			
6) Type of change proposed			
6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):			
Design of building has been changed slightly into single storey for backpackers. Double storey to managers to remain.			
6.2) What type of change does this application propose?			
<input checked="" type="checkbox"/> Minor change application – proceed to Part 5			
<input type="checkbox"/> Other change application – proceed to Part 6			

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmp.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work?
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.
10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.
11) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of DA Form 1 – Development application details is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION**13) Change application checklist**

I have identified the:

- responsible entity in 4); and ☒ Yes
- for a minor change, any affected entities; and
- for an other change all relevant referral requirement(s) in 10)

Note: See the Planning Regulation 2017 for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes
☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application

Note: This includes any templates provided under 23.6 and 23.7 of DA Form 1 – Development application details that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#). ☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#). ☒ Yes

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

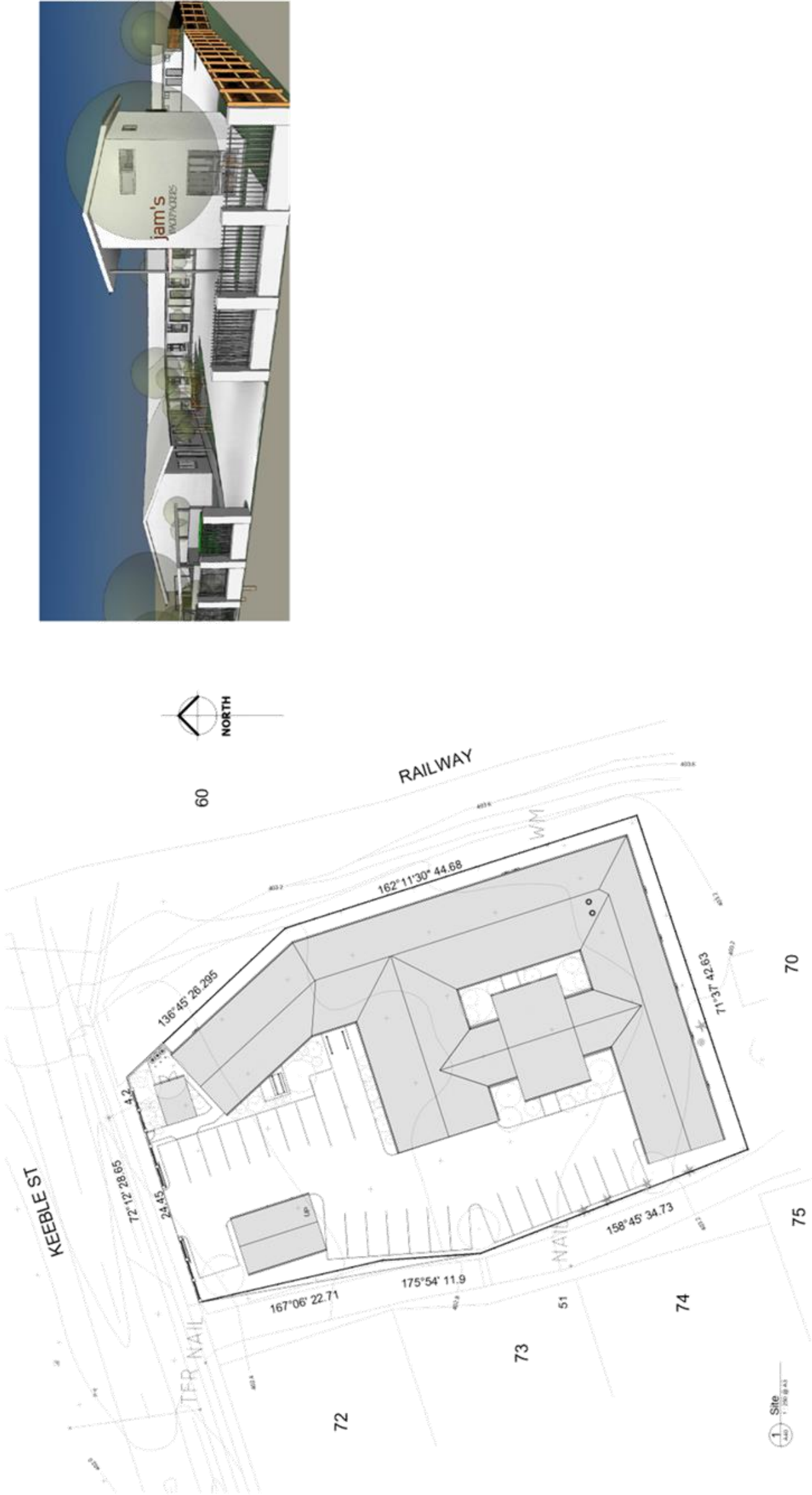
- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLYDate received: Reference number(s): **QLeave notification and payment***Note: For completion by assessment manager if applicable*

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Keeble Street Backpacker Accommodation
Mareeba



1	10/10/2020	Prepared	1
2	18/11/2020	Revised	1
3	12/12/2020	Revised	1
4	12/12/2020	Revised	1
5	05/12/2020	Revised	1



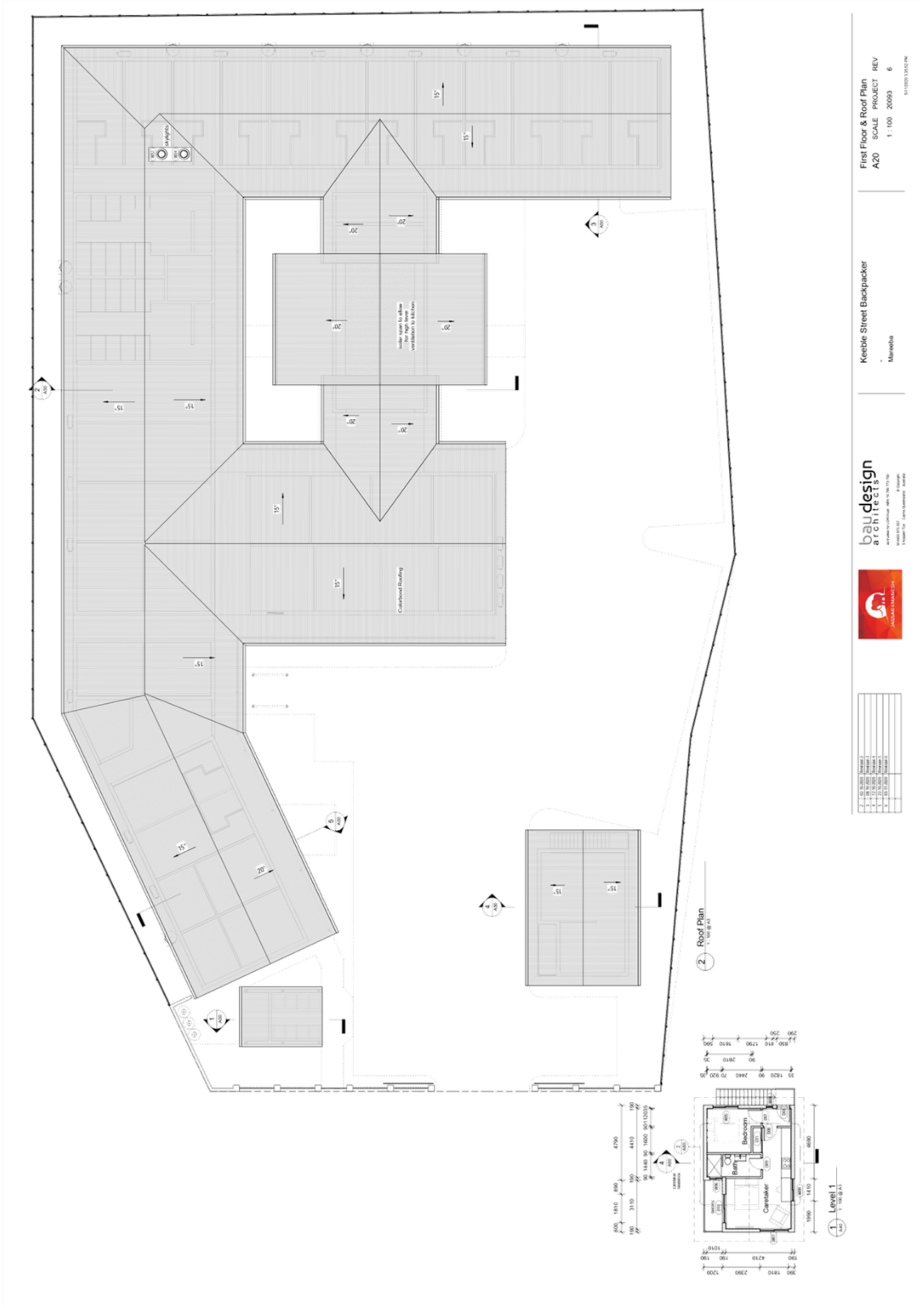
bau design
architects
10/10/2020 10/10/2020 10/10/2020 10/10/2020 10/10/2020
Project No. 10/10/2020 10/10/2020 10/10/2020 10/10/2020 10/10/2020

Keeble Street Backpacker
Mareeba

Cover Sheet & Site Plan
A00 SCALE PROJECT REV
1:250 20093 6

01/10/2020 3:04:42 PM





8.3 CHANGE OF DEVELOPMENT APPROVAL - D CLELAND - MATERIAL CHANGE OF USE - MOTOR HOME PARK - LOT 1 ON RP708214 - 59 ROGERS ROAD, BIBOOHRA - MCU/17/0001

Date Prepared: 22 October 2020

Author: Planning Officer

Attachments: 1. [MCU/17/0001 Decision Notice Approval dated 16 November 2017](#) [↓](#)
2. [Applicants Request to Change Development Approval](#) [↓](#)

APPLICATION		PREMISES	
APPLICANT	D Cleland	ADDRESS	59 Rogers Road, Bibboohra
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	9 October 2020	RPD	Lot 1 on RP708214
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motor Home Park		
FILE NO	MCU/17/0001	AREA	8.339 ha
LODGED BY	D Cleland	OWNER	D Cleland
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1) Submission		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting held on 15 November 2017, subject to conditions. A subsequent request for a Negotiated Decision Notice was refused by Council at its Ordinary Meeting on 24 January 2018.

The application was impact assessable and 1 properly made submission was received in response to public notification of the application.

Condition 4.2.1 of the Decision Notice requires that the applicant/developer seal a 100m long section of Rogers Road (currently constructed to a gravel standard) in order to minimise dust impact on a neighbouring dwelling resulting from motor homes using Rogers Road. This condition was also the subject of the applicant's request for Negotiated Decision Notice, whereby it was requested that the seal requirement be reduced to 50 metres (which Council refused). Condition 4.2.1 was required to be completed within 3 years of the development approval coming into effect, this being by February 2021. It is important to note that the approved motor home park use has not commenced (started operating), in part, due to the recent downturn in the mobile home/tourist activity in the region.

The applicant has subsequently lodged an application to change the development approval with regard to Condition 4.2.1. In particular, the developer has requested that the condition be amended so that the three (3) year timeframe to complete the sealing works starts after the motor home park

use commences (starts operating) and not from when the approval took effect in February 2018, which would require the works to be completed by February 2021.

The original intention of the three (3) year timeframe was to allow the applicant/developer to collect a reasonable amount of revenue from the motor home park in order to fund the sealing works. Considering the motor home park has never been operational, the works have not yet been completed. Council officers are supportive of the requested amendment to the Condition which better reflects the intended purpose of the 3 year completion timeframe.

It is recommended that the request to amend Condition 4.2.1 be approved.

OFFICER'S RECOMMENDATION

It is recommended that:

1. "In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	D Cleland	ADDRESS	59 Rogers Road, Bibbohra
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	9 October 2020	RPD	Lot 1 on RP708214
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motor Home Park		

and in accordance with the Planning Act 2016, the following:

- (a) Condition 4.2.1 of Council's Decision Notice issued on 16 November 2017 be amended as follows:

4.2 Rogers Road

4.2.1 A 100 metres long single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years of the commencement of the use, for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision".

THE SITE

The subject site is described as Lot 1 on RP708214, situated at 59 Rogers Road, Bibbohra, approximately 7.5 kilometres north of the Bibbohra township. The site has a total area of 8.339 hectares, is irregular in shape and is zoned Rural. The site has approximately 297 metres of frontage to Rogers Road which is constructed to a gravel standard from its intersection with Bilwon Road, up to the access into the subject land. The site has a secondary frontage of approximately 226 metres to Bullock Road. Bullock Road is unformed for the entire frontage.

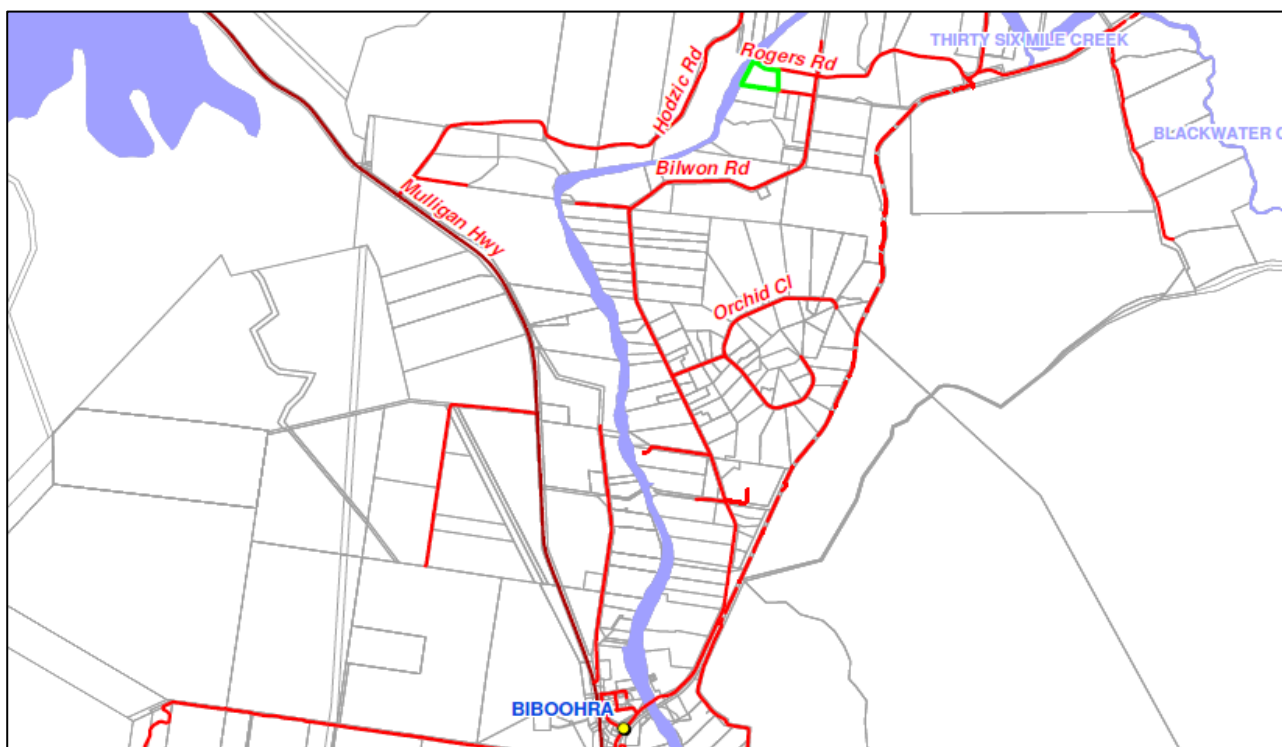
The site has approximately 300 metres of riparian frontage to the Barron River, which adjoins the western boundary. Apart from a narrow portion of land adjacent to the Barron River, the site is generally flat and cleared of regulated vegetation. Two (2) dwelling houses and multiple sheds are established in the north-western corner.

Surrounding allotments are zoned rural and contain a mix of land uses including rural lifestyle and low intensity grazing. A meat poultry farm is established on Bilwon Road approximately 500 metres to the east of the subject land.



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.



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.

BACKGROUND AND CONTEXT

Council approved a development application described in the above application details at its Ordinary Meeting held on 15 November 2017, subject to conditions. A subsequent request for a Negotiated Decision Notice was refused by Council at its Ordinary Meeting on 24 January 2018.

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

Condition 4.2.1 of the Decision Notice requires that the applicant/developer seal a 100m long section of Rogers Road (currently constructed to a gravel standard) in order to minimise dust impact on a neighbouring dwelling resulting from motor homes using Rogers Road. This condition was also the subject of the applicants request for Negotiated Decision Notice, whereby it was requested that the seal requirement be reduced to 50 metres (which Council refused). Condition 4.2.1 was required to be completed within three (3) years of the development approval coming into effect, this being by February 2021.

The applicant has subsequently lodged an application to change the development approval with regard to Condition 4.2.1. In particular, the developer has requested that the condition be amended so that the three (3) year timeframe to complete the sealing works starts from the "commencement of the use" and not from when the approval took effect in February 2018. It is important to note that the approved motor home park use has not actually commenced, in part, due to the recent downturn in tourist activity in the region.

ASSESSMENT AND DECISION REQUIREMENTS**REQUEST TO CHANGE THE DEVELOPMENT APPROVAL****Minor change for a development approval - Planning Act 2016***Schedule 1: Substantially different development (Development Assessment Rules)*

1. *An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where - amongst other criteria - a minor change is a change that would not result in 'substantially different' development.*

Schedule 2 - Dictionary of the Planning Act 2016 defines a minor change as follows:

Minor change means a change that—

- (a) for a development application (not applicable).*
- (b) for a development approval—*
 - (i) Would not result in substantially different development; and*
 - (ii) If a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A) the inclusion of prohibited development in the application; or*
 - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) referral to extra referral agencies, other than the chief executive; or*
 - (D) a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have regard to, when the application was made; or*
 - (E) public notification if public notification was not required for the development application.*
2. *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change—*
 - (a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - (b) made to a development application in accordance with part 6;*
 - (c) made to a development application after the appeal period.*
3. *In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
4. *A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
 - (a) involves a new use; or*
 - (b) result in the application applying to a new parcel of land; or*
 - (c) dramatically changes the built form in terms of scale, bulk and appearance; or*

- (d) *change the ability of the proposed development to operate as intended; or*
- (e) *removes a component that is integral to the operation of the development; or*
- (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) *introduces new impacts or increase the severity of known impacts; or*
- (h) *removes and incentive or offset component that would have balanced a negative impact of the development; or*
- (i) *impacts on infrastructure provisions.*

Comment

The intended purpose of the condition was to allow the applicant to operate and collect revenue from the motor home park operation in order to fund the sealing works. To date, the approved motor home park use has not commenced (has not started operating) and may not commence in the near future due to a downturn in motor home park activity as a result of the COVID-19 virus.

The requested change better reflects the intention of the condition and constitutes a *minor change* to the approval.

Assessing and deciding applications for minor changes

Section 81(2) of the Planning Act 2016 requires that Council must assess the proposed change having regard to:

- *The information the applicant included with the application*

Comment

The details of the request to change the approvals were provided by the applicant in an email to Council dated 8 September 2020 (**Attachment 2**). The requested change and Council officer response/s are addressed in the body of this report.

- *if submissions were made about the original application – the submissions*

Comment

The original development application was Impact Assessable and one (1) submission was received during public notification. The main planning concern raised in the submission was regarding dust nuisance likely to be felt by the residents of the dwelling on Lot 1 on RP711202 as a result of motor homes travelling along Rogers Road which is only constructed to a gravel standard. Condition 4.2.1 was included on the approval to help minimise dust nuisance and it was decided at the Council Meeting on 15 December 2017 to apply the current three (3) year timeframe in order to allow the applicant/developer to collect some revenue from the motor home park in order to fund the required sealing works.

The requested change better reflects the intended purpose of the three (3) year timeframe included in the original condition.

- *Any pre-request response notice or response notice given in relation to the change application.*

Comment

No pre-request response notice or response notice was received.

- *All matters the responsible entity (Council) would or may assess against or have regard to, if the change application were a development application.*

Comment

The requested changes and responses are addressed in the body of this report.

- *Another matter that the responsible entity (Council) considers relevant.*

Comment

No other matter is considered relevant.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL**Condition****4.2 Rogers Road**

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

Request by Applicant

Please find attached a change application form and DA Form 1 Sec 7 for MCU/17 /0001 - 59 Rogers Road Bibbohra - Motorhome Park. The change application seeks a change to timing of a condition of the development approval for a Motor Home Park:

From:

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

To:

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within six years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

The change is requested as it was intended for the enterprise to be up and running this year but this has not occurred. Due to the impacts of COVID-19 it is expected that the tourism industry will take up to seven years to recover and at the earliest this enterprise will commence operations in 2021. Delaying the completion of this condition by three years will allow the enterprise to possibly be in a position to fund and complete these costly works.

Can you please advise me of the fee as I'm unsure that I read it correctly. If I did read it correctly is there any opportunity for fee relief given the minor and uncomplicated nature of the request in this challenging business environment.

Further to the applicants request above the following correspondence occurred between the applicant and Council's Planning Officer:

From: Darren Cleland
Sent: Thursday, 22 October 2020 11:23 AM
To: Carl Ewin
Subject: Re: Request to Change Condition

Hi Carl,

No we haven't commenced the use so your approach sounds good. Thanks for that.

Regards,

Darren Cleland

From: Carl Ewin
Sent: Thursday, October 22, 2020 11:05 am
To:
Subject: Request to Change Condition

Hi Darren,

I'm just working through your request to amend Condition 4.2.1 and wanted to clarify if the motor home park use has actually commenced (is operational or has been operational).

The reason I ask is that instead of amending the condition to say 6 years, I was thinking about changing it to say "3 years from the commencement of the use", so that gives you 3 years to carry out the sealing works after whatever date you open.

Let me know.

Cheers,

Carl Ewin
Planning Officer

Response

The original development application was impact assessable and one (1) submission was received during public notification. The main planning concern raised in the submission was regarding dust nuisance likely to be felt by the residents of the dwelling on Lot 1 on RP711202 as a result of motor homes travelling along Rogers Road which is only constructed to a gravel standard. Condition 4.2.1 was included on the approval to help minimise dust nuisance and it was decided at the Council Meeting on 15 December 2017 to apply the current three (3) year timeframe in order to allow the applicant/developer to collect some revenue from the motor home park in order to fund the required sealing works.

The requested change better reflects the intended purpose of the three (3) year timeframe included in the original condition and allows the timeframe to commence after the motor home park opens for business.

It is recommended that Condition 4.2.1 be amended as follows:

4.2 Rogers Road

- 4.2.1 A 100 metres long single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years of the commencement of the use, for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

16 November 2017

Officer: Brian Millard
Direct Telephone: 07 4086 4657
Our Reference: BJM:nj
Your Reference: Cleland

Darren Cleland
59 Rodgers Road
MAREEBA QLD 4880

Dear Sir

Decision Notice

Planning Act 2016

I refer to your application and advise that on 15 November 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU/17/0001
Street Address: 59 Rogers Road BIBOOHRA QLD 4880
Real Property Description: Lot 1 RP 708214
Planning Scheme: Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)

DECISION DETAILS

Type of Decision: Approval
Type of Approval: Development Permit for Material Change of Use - Motor Home Park
Date of Decision: 15 November 2017

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 2**INFRASTRUCTURE**

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “**necessary infrastructure condition**” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

3.5 Noise Nuisance

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

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

3.6 Waste Management

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

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

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

3.7 Bushfire Management

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

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

3.8 Flood Evacuation Plan

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

3.9 Signage

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

DECISION NOTICE

MCU/17/0001
Page 4

-
- 3.9.2 The sign must not exceed a maximum sign face area of 6m² and must not move, revolve, strobe or flash.
 - 3.9.3 The sign must be kept clean, in good order and safe repair for the life of the approval.
 - 3.9.4 The sign must be removed when no longer required.
 - 3.9.5 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.
 - 3.10 The motor home park shall not accommodate more than 40 self-contained caravan/motorhomes at any one time.
 - 3.11 The maximum length of stay for any caravan/motorhome must not exceed five (5) consecutive days.
 - 3.12 The motor home park must only accommodate self-contained motor homes. Self-contained motor homes must have an on-board toilet and shower, on-board water supply and wastewater holding tanks.
 - 4. Infrastructure Services and Standards
 - 4.1 Access

An access crossover must be constructed/upgraded (from the edge of Rogers Road to the property boundary of the subject site) to the satisfaction of Council's delegated officer.
 - 4.2 Rogers Road
 - 4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.
 - 4.2.2 The reasonable value, as agreed by Council's delegated officer, of work required under Condition 4.2.1, will be credited towards the infrastructure contribution payable under Condition 5.2.
 - 4.3 Stormwater Drainage/Water Quality
 - 4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

Mareeba Shire CouncilDocument Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 5

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

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

4.4 Car Parking/Internal Driveways

4.4.1 All car parking associated with the motor home park must be accommodated within the identified motor home park area.

4.4.2 The internal access road shown on the approved plan must be constructed (from the edge of the access crossover mentioned in Condition 4.1 to the approved motor home park area) to a four (4) metre wide all weather compacted gravel standard, prior to the commencement of the use.

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

4.5 Lighting

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

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

4.6 Non-Reticulated Water Supply

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

Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 6

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

4.7 On-Site Wastewater Management

4.7.1 No black or grey water from caravans/motorhomes is to be discharged on site.

4.7.2 Any accidental discharge of black or grey water on site must be reported to Council immediately.

5. Additional Payment Condition

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$4,320.00 toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

A credit will be applied towards this contribution in accordance with Condition 4.2.2.

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

- The trunk transport infrastructure servicing the land

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

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

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

Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 7

- Complete the works prior to endorsement of the plan of subdivision.

REFERRAL AGENCIES

Not Applicable.

APPROVED PLANS

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix 4	Proposal Plan	-	-

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) 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

Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 8

(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

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

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the motor home park/caravan park/camping ground.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

There was one (1) properly made submission about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided and attached.

Name of principal submitter	Address
1. W Cardew	PO Box 2050, Mareeba

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 9

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plan
 List of Submitters
 Appeal Rights

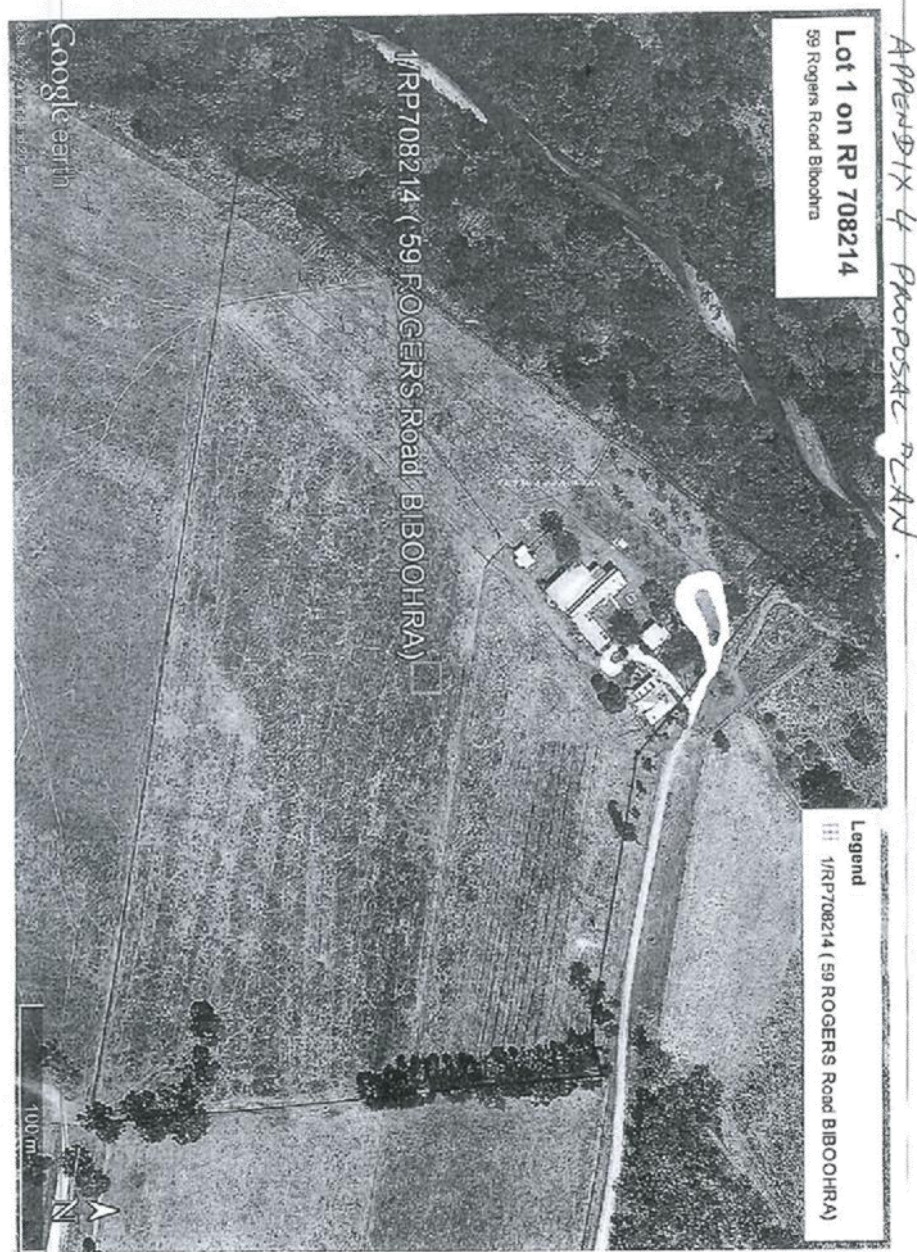
Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 10

Approved Plans/Documents



Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

DECISION NOTICE

MCU/17/0001
Page 11**List of Submitters**

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Only Properly Made Submissions are to be included in this notice

MCU/17/0001

P URP-MCU
IT URPWarren Cardew
PO Box 2050
Mareeba Qld 4880Department of Planning
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880

Dear Sir

Material change of use – Motor Home Park (Self-Contained accommodation vehicles) Lot 1 on RP708214 situated at 59 Rogers Rd Bibbohra

I Warren Cardew would like to formally lodge an objection to the proposal of Material Change of Use for a Motor Home Park (Self-Contained accommodation vehicles) for 59 Rogers Rd. Our property, 25 Rogers Rd or Lot 1 on RP 711202 is adjacent to the proposed property. Our property and home access is directly on to Rogers Rd.

Rogers Rd is an unsealed dirt road which is only 25M from our front door. My main objection is to the amount of dust that would be generated from the increased traffic on the unsealed road which would greatly affect our quality of life. This area is zoned rural and as such have a limited traffic flow. Rogers Rd services only 3 properties and is also a dead end road. So traffic is limited, there are only 2 houses directly serviced by this unsealed road so traffic is limited to only 2 families.


The proposed material change could see traffic movements up to an extra 80 heavy vehicles per day for six months in the driest time of the year, which would mean our home would be engulfed in dust every time a RV or Caravan ensemble entered or exited the proposed Motor Park. This number is based on the maximum parks available for the proposed site. There is also the possibility of even more traffic movements when people access local shops for basic supplies and tourist activities.

This proposed material change of use is totally unacceptable unless Rogers Rd is sealed before any proposed development takes place. I would also ask the council to consider the use of speed bumps on the sealed road to slow the traffic near our house as we have small children staying with us on a regular basis. The wind due to the topography of the area blows from the North East predominately so any vehicle entering or exiting Rogers Rd the dust generated blows directly into our home.

I refer to Table 1 Strategic Outcomes – Development Response section f and r. The proposed development dismiss any impact on local residents, this is not the case as my family is directly affected by air pollution and traffic interaction.

I ask the planning department to a knowledge receiving this letter by return correspondence to P.O. Box 2050 Mareeba 4880 and to consider my objection.

Kind regards


Warren Cardew
Document Set ID: 3264961
Version: 1, Version Date: 23/06/2017

Mareeba Shire Council

Document Set ID: 3330079
Version: 1, Version Date: 21/11/2017

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 of the *Planning Act 2016* states –

- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

(2) An appellant may start an appeal within the appeal period.

(3) The **appeal period** is –

- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and

DECISION NOTICE

MCU/17/0001
Page 14

-
- (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter-
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Mareeba Shire Council

Document Set ID: 3330079
Version: 1 Version Date: 21/11/2017

From: Darren Cleland
Sent: Thu, 22 Oct 2020 11:23:20 +1000
To: Carl Ewin
Subject: Re: Request to Change Condition

Hi Carl,

No we haven't commenced the use so your approach sounds good. Thanks for that.

Regards,

Darren Cleland
From: Carl Ewin <carle@msc.qld.gov.au>
Sent: Thursday, October 22, 2020 11:05 am
To: [REDACTED]
Subject: Request to Change Condition

Hi Darren,

I'm just working through your request to amend Condition 4.2.1 and wanted to clarify if the motor home park use has actually commenced (is operational or has been operational).

The reason I ask is that instead of amending the condition to say 6 years, I was thinking about changing it to say "3 years from the commencement of the use", so that gives you 3 years to carry out the sealing works after whatever date you open.

Let me know.

Cheers,

Carl Ewin
 Planning Officer



Phone: 1300 308 461 | **Direct:** 07 4086 4656 | **Fax:** 07 4092 3323
Email: carle@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
 65 Rankin St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Darren Cleland
Sent: Tue, 8 Sep 2020 16:45:07 +1000
To: Brian Millard; Planning (Shared)
Cc: Tonina Cleland
Subject: Fwd: MCU/17 /0001 - 59 Rogers Road Bibbohra Motorhome Park
Attachments: PlanningActForm5-Changeapplicationform Cleland.docx, DA Form1 7 Change att.docx

Good Afternoon,

Please find attached a change application form and DA Form 1 Sec 7 for MCU/17 /0001 - 59 Rogers Road Bibbohra - Motorhome Park. The change application seeks a change to timing of a condition of the development approval for a Motor Home Park:

From:

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within three years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

To:

4.2.1 A 100 metres single coat dust seal on Rogers Road, in the prevailing wind direction is to be completed within six years for the purpose of minimising dust impacts on the dwelling house on Lot 1 on RP711202, to the satisfaction of Council's delegated officer.

The change is requested as it was intended for the enterprise to be up and running this year but this has not occurred. Due to the impacts of COVID-19 it is expected that the tourism industry will take up to seven years to recover and at the earliest this enterprise will commence operations in 2021. Delaying the completion of this condition by three years will allow the enterprise to possibly be in a position to fund and complete these costly works.

Can you please advise me of the fee as I'm unsure that I read it correctly. If I did read it correctly is there any opportunity for fee relief given the minor and uncomplicated nature of the request in this challenging business environment.

Regards

Darren Cleland



8.4 R LAMONACA - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 14 ON SP202891 - 235 KENNEALLY ROAD, MAREEBA - RAL/20/0015

Date Prepared: 5 November 2020

Author: Planning Officer

Attachments: 1. Proposal Plan [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	R Lamonaca	ADDRESS	235 Kenneally Road, Mareeba
DATE LODGED	8 October 2020	RPD	Lot 14 on SP202891
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		
FILE NO	RAL/20/0015	AREA	4.26 hectares
LODGED BY	U&i Town Plan	OWNER	R & R Lamonaca
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	No submissions received		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. No submissions were received during public notification of the application.

The application proposes the subdivision of approximately 1.147 hectares of land off the western side of the property (proposed Lot 16). The Planning Scheme makes this application impact assessable because it proposes the creation of an additional allotment within the Emerging Community Zone. The intent of the Emerging community zone is to preserve and protect land considered suitable for future residential development beyond the life of the Planning Scheme. As such, any interim development should only be approved where it does not compromise this intent.

Ordinarily, allowing the creation of an additional small lot within this zone is not considered good town planning practice as it can hinder the future planning and development of residential estates. However, the majority of proposed Lot 16 encompasses a seasonal watercourse which renders this portion of land generally unsuitable for development. As such, the development is not likely to compromise the development potential of the balance of the site or surrounding land and is therefore not inconsistent with the intent of the zone. A drainage easement (in favour of Council) is also proposed over the seasonal watercourse in order to secure its future use for drainage purposes when the surrounding area is developed.

Considering the application does not conflict with any relevant aspect of the Mareeba Shire Council Planning Scheme 2016, it is recommended that the application be approved, subject to conditions.

OFFICER'S RECOMMENDATION

(A) That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	R Lamonaca	ADDRESS	235 Kenneally Road, Mareeba
DATE LODGED	8 October 2020	RPD	Lot 14 on SP202891
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 (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.

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

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
140_04	Proposed Reconfiguration	Robin Trotter Cadastral Surveyor	31/07/2020

(D) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

2. Timing of Effect

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior 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.
- 3.9 An easement in gross for the purpose of drainage must be established over Lot 16 generally in accordance with the extent shown on the approved plan, to the satisfaction of Council's delegated officer.

All costs associated with the easement are to be paid by the applicant/developer and Council should have no ongoing maintenance responsibility over the easement area.

4. Infrastructure Services and Standards

4.1 Access

An access crossover **to each allotment**, must be upgraded/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.

4.2 Stormwater Drainage

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

4.3 Water Supply

Lot 16 must be provided with a water supply via:

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

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 16, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 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.

4.6 Telecommunications

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

(E) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (c) Easement Documents

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

- (d) Endorsement Fees

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

- (e) Compliance with applicable codes/policies

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

- (f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance.

Further information on these matters can be obtained from www.environment.gov.au

(g) Cultural Heritage

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

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

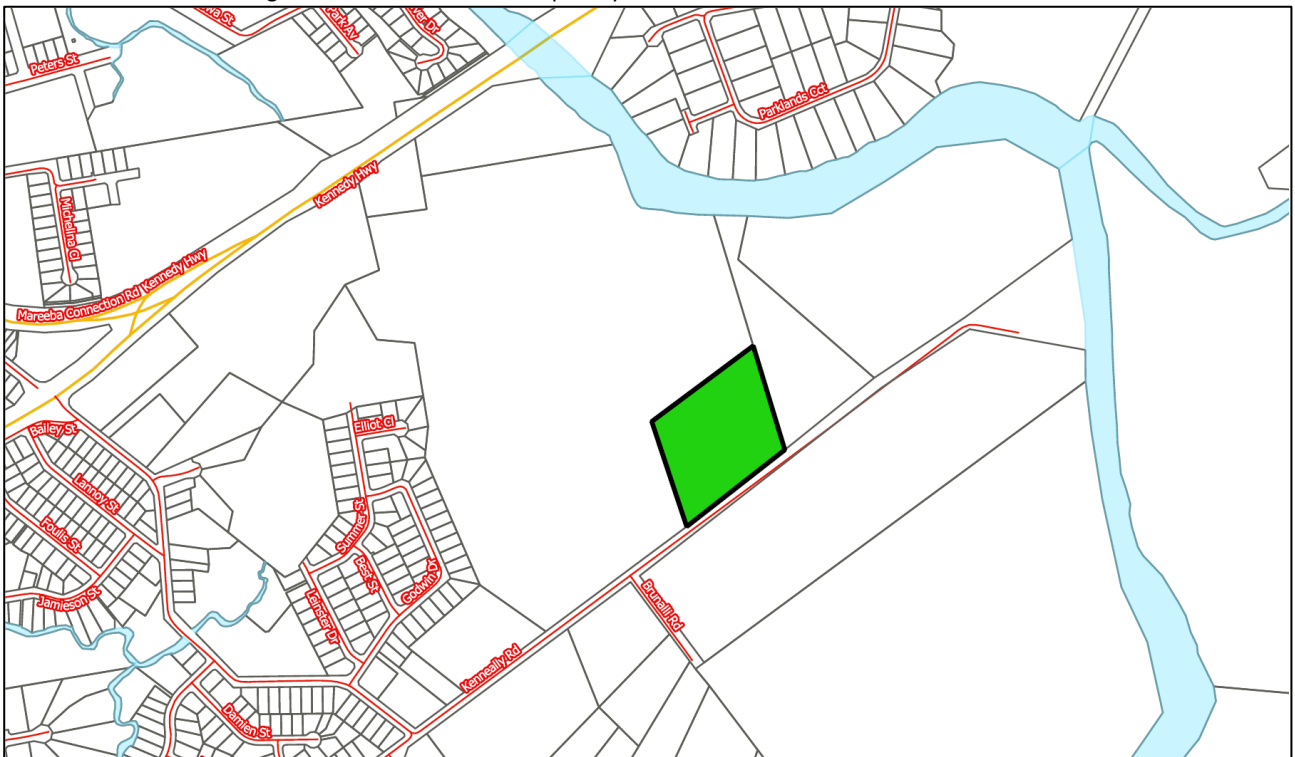
(I) That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>1 Lot</i>	
Residential	\$11,568.00	2 Lots	\$23,136.00	\$11,568.00	\$11,568.00
TOTAL CURRENT AMOUNT OF CHARGE					\$11,568.00



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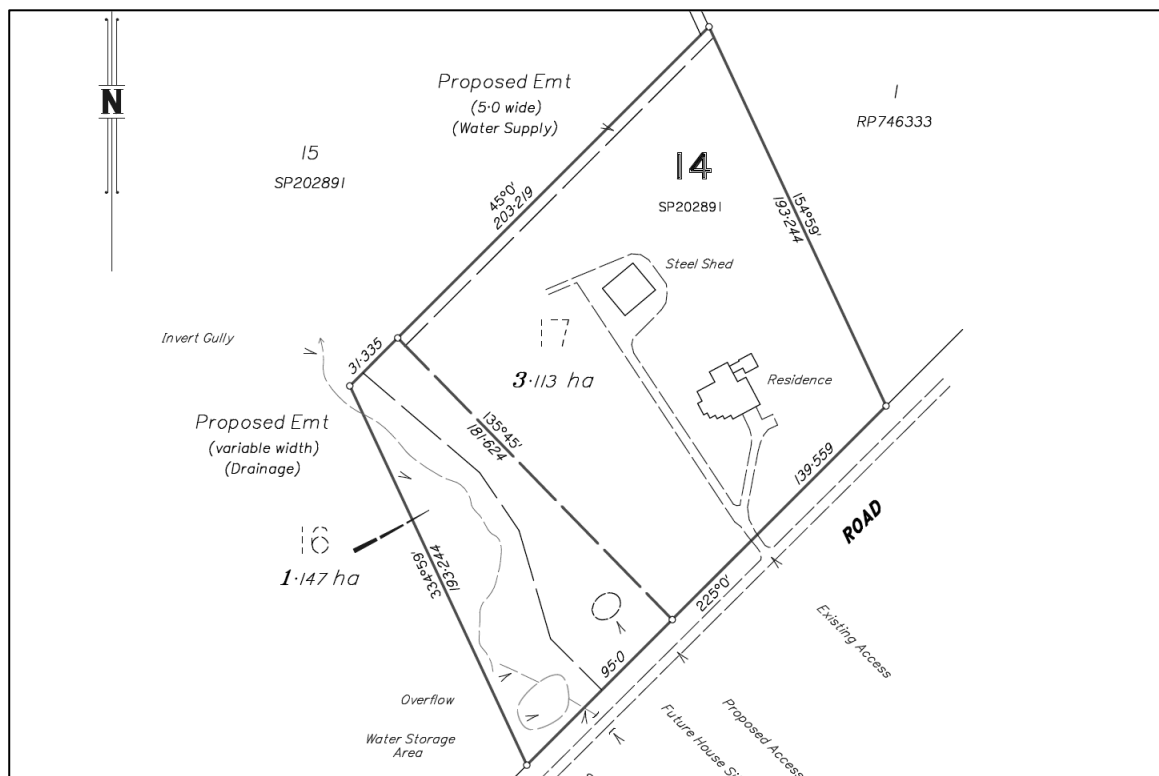
The subject site is situated at 235 Kenneally Road, Mareeba and is described as Lot 14 on SP202891. The site is shaped like a rhombus with a total area of 4.26 hectares and is zoned Emerging Community under the Mareeba Shire Council Planning Scheme 2016. The site includes 231 metres of frontage to Kenneally Road which is constructed to a bitumen sealed standard approximately 4 metres wide.

All immediate surrounding lots are zoned Emerging Community and are improved by single dwellings and sheds with some containing small scale rural uses including cropping and animal keeping (horse agistment).

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 reconfiguration will create the following allotments:

- Proposed Lot 14 - area of 3.113 hectares, 140 metres frontage to Kenneally Road; and
- Proposed Lot 16 - area of 1.147 hectares, 95 metres of frontage to Kenneally Road

Proposed Lot 14 will contain the existing dwelling and sheds. Proposed Lot 16 will be vacant. A drainage easement is proposed over the seasonal watercourse/gully that flows through proposed Lot 16. A water supply easement is proposed through Lot 14 to service Lot 16 which is benefited by an easement though northern adjoining Lot 15 on SP202891.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
Strategic Framework:	<ul style="list-style-type: none">• Urban Expansion Area
	Infrastructure Elements
Zone:	<ul style="list-style-type: none">• Major Electrical Infrastructure
Overlays:	Emerging Community Zone Bushfire Hazard Overlay Flood Hazard Overlay Hill and Slope 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 ageing 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 application proposes the subdivision of approximately 1.147 hectares of land off the western side of the property (proposed Lot 16). The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. An overarching intent of the urban expansion areas is to preserve and protect land considered suitable for future residential development beyond the life of the Planning Scheme. As such, any interim development should only be approved where it does not compromise this intent.

Ordinarily, allowing the creation of an additional small lot within these areas is not considered good town planning practice as it can hinder the future planning and development of residential estates. However, the majority of proposed Lot 16 encompasses a seasonal watercourse which renders this portion of land generally unsuitable for development. As such, the development is not likely to compromise the development potential of the balance of the site or surrounding land and therefore does not compromise 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 application proposes the subdivision of approximately 1.147 hectares of land off the western side of the property (proposed Lot 16). The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The intent of Specific Outcome 1 above is to preserve and protect land considered suitable for future

residential development beyond the life of the Planning Scheme. As such, any interim development should only be approved where it does not compromise this intent.

Ordinarily, allowing the creation of an additional small lot within these areas is not considered good town planning practice as it can hinder the future planning and development of residential estates. However, the majority of proposed Lot 16 encompasses a seasonal watercourse which renders this portion of land generally unsuitable for development. As such, the development is not likely to compromise the development potential of the balance of the site or surrounding land and therefore does not compromise Strategic Outcome 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
- 8.2.3 Bushfire hazard overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope 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 outcomes contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes 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 (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 (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 (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (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 (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 (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 Refer to planning discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (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) 2020, a standard charge of \$19,280.00 generally applies to each additional residential allotment created.

As the subject land is not serviced by the reticulated water and sewerage networks, a 40% discount is applied to the standard charge.

The applicable charge for this development is \$11,568.00 per additional allotment.

REFERRAL AGENCY

The application did not trigger referral to any referral agency.

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 14 October 2020 to 4 November 2020. The applicant submitted the notice of compliance on 4 November 2020 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 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**.*

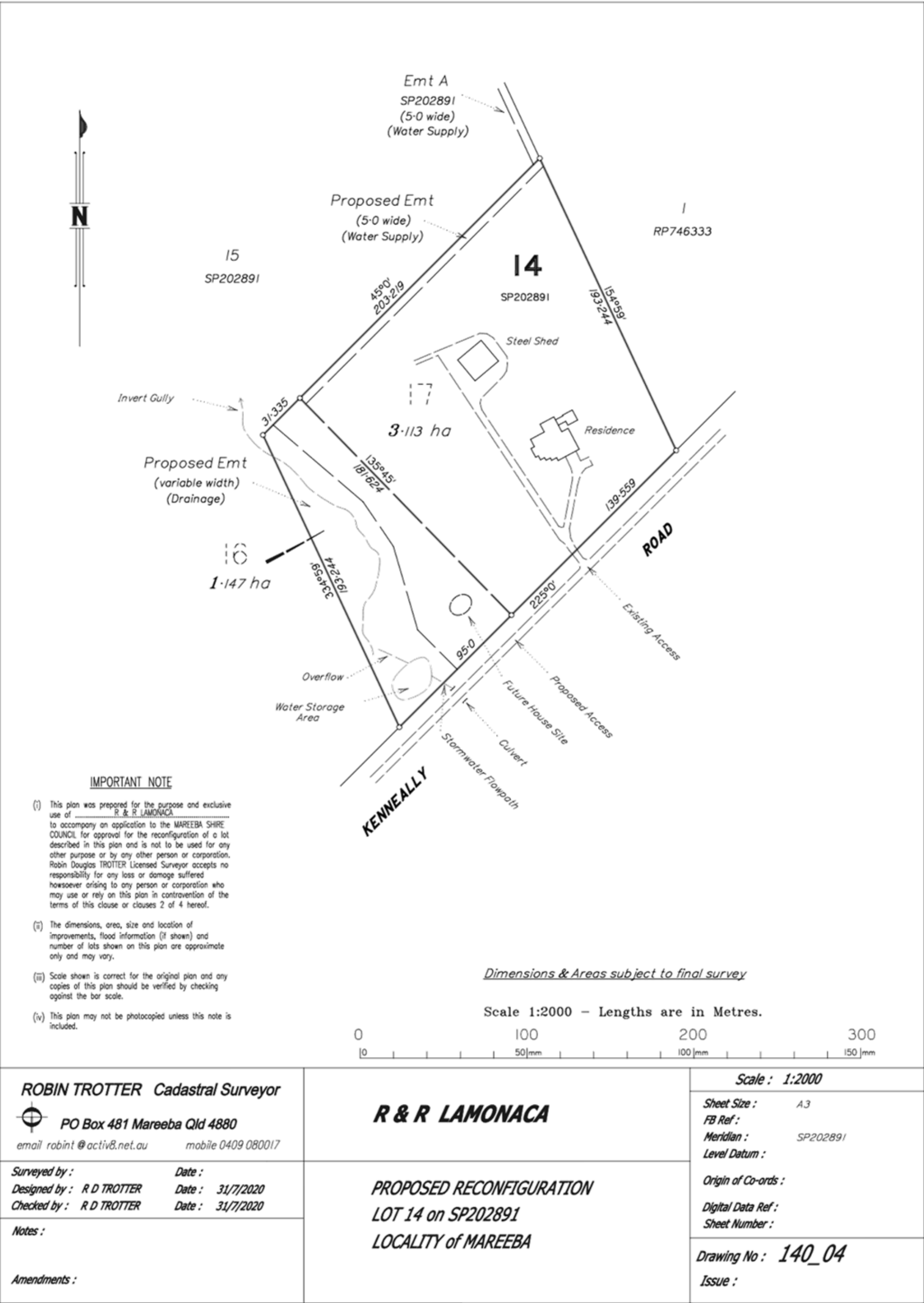
Comment

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.

Ordinarily, allowing the creation of an additional small lot within this zone is not considered good town planning practice as it can hinder the future planning and development of residential estates. However, the majority of proposed Lot 16 encompasses a seasonal watercourse which renders this portion of land generally unsuitable for development. As such, the development is not likely to compromise the development potential of the balance of the site or surrounding land and is therefore not inconsistent with the intent of the zone. Furthermore, a drainage easement (in favour of Council) is also proposed over the seasonal watercourse in order to secure its future use for drainage purposes when the surrounding area is developed.

The lots proposed will allow the desired amenity of the zone to be achieved. The proposed development complies with PO1.



8.5 APPLICATION FOR RENEWAL/CONVERSION OF SPECIAL LEASE 9/52541 OVER LOT 41 ON MPH14276, 7 ALMADEN STREET, ALMADEN

Date Prepared: 3 November 2020

Author: Senior Planner

Attachments: 1. DNRME letter dated 8 October 2020 [↓](#)

EXECUTIVE SUMMARY

The Department of Natural Resources, Mine and Energy (DNRME) is considering an application for the renewal/conversion of Special Lease 9/52541 over Lot 41 on MPH14276, situated at 7 Almaden Street, Almaden.

Lot 41 on MPH14276 has an area of 4,047 square metres and contains a dwelling house and associated domestic outbuildings.

DNRME seeks Council's views on the renewal/conversion of the special lease.

RECOMMENDATION

That Council advises the Department of Natural Resources, Mines and Energy that Council has no objection to either the renewal of Special Lease 9/52541 over Lot 41 on MPH14276, situated at 7 Almaden Street, Almaden, or the conversion of Lot 41 on MPH14276 to freehold.

BACKGROUND**Map Disclaimer:**

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The Department of Natural Resources, Mine and Energy (DNRME) is considering an application for the renewal/conversion of Special Lease 9/52541 over Lot 41 on MPH14276, situated at 7 Almaden Street, Almaden.

Lot 41 on MPH14276 has an area of 4,047 square metres and is improved by a dwelling house and domestic outbuildings.

Special Lease 9/52541 was issued for Residential purposes and is due to expire on 30 September 2022.

DNRME seeks Council's views on the renewal of the special lease and also, the potential conversion of Lot 41 on MPH14276 to freehold.

RISK IMPLICATIONS

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and the existing residential use is lawfully established.

There is no town planning objection to the renewal of the special lease or the conversion to freehold.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

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

File / Ref number 2020/013139

8 October 2020

Mareeba Shire Council
PO Box 154
Mareeba, QLD 4880
info@msc.qld.gov.au



Dear Sir/Madam,

Assessment of further dealing of Special Lease 9/52541 described as Lot 41 on MPH14276, Almaden

The abovementioned lease expires on 30/09/2022 and the department is considering further dealing with this land. The following information may help you in providing your views and/or comments regarding further dealing with this land.

Special Lease 9/52541 commenced on 01/10/1992 for a term of 30 years. The lease is currently held by Peter and Margaret Marturia for Residential purposes.

It is required that your Department provide any views or requirements for both of the following proposals:

- Renewal of Special Lease 9/52541 for a further 30 years; and
- Conversion of Special Lease 9/52541 to a freehold tenure.

Objections to the renewal/conversion, and any views or requirements that may affect the future use of the land should be received by closed of business **5 November 2020**. If you offer an objection to the renewal/conversion, a full explanation stating the reason for the objection should be forwarded to this Office.

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

If you wish to discuss this matter, please contact Taylah Hopper on (07) 4222 5417.

Postal :
DNRME Cairns
PO Box 5318
Townsville QLD 4810

Telephone : (07) 4222 5417

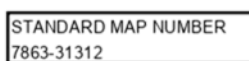
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.slams@dnrme.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans,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

Please quote reference number 2020/013139 in any future correspondence.

Yours sincerely



Taylah Hopper
Land Officer



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17°20'17" 687
ALMADEN
0.93 KM

+



DCDB	
Lot/Plan	No Lot/Plan Selected.
Area/Volume	No Lot/Plan Selected.
Tenure	No Lot/Plan Selected.
Local Government	No Lot/Plan Selected.
Locality	No Lot/Plan Selected.
Segment/Parcel	No Lot/Plan Selected.

PRINTED (dd/mm/yyyy) 08/10/2020

OC08 07/10/2020

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Digital Cadastral Data Base



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(Department of
Natural Resources,
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Document Set ID: 3879197
Version: 1, Version Date: 08/10/2020

8.6 PROPOSED MAJOR AMENDMENT NO.1 OF 2020 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 - PUBLIC CONSULTATION

Date Prepared: 2 November 2020

Author: Senior Planner

Attachments:

1. Major Amendment No.1 of 2020 - Consultation Report [↓](#)
2. Major Amendment No.1 of 2020 (as amended in response to the submissions) [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider the submissions received during the public consultation of Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016.

Major Amendment No.1 of 2020 is in response to the Minister's direction under section 26 of the *Planning Act 2016* requiring Council to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed site of Nullinga dam.

A consultation report has been prepared and is provided for Council's consideration and endorsement.

A minor change to Major Amendment No.1 of 2020 is recommended to address issues raised in the submissions.

RECOMMENDATION

That Council:

1. Endorses the Major Amendment No.1 of 2020 - Consultation Report and make the recommended minor change to Major Amendment No.1 of 2020 addressing an issue raised in the submissions.
2. Determines that the minor change to Major Amendment No.1 of 2020 does not make it significantly different to the version released for public consultation.
3. Responds to all submitters; and
4. Gives notice to the Minister that the process, he instructed Council to undertake, has been complied with and he now can approve the adoption of Major Amendment No.1 of 2020 (as amended in response to the submissions).

BACKGROUND

Council at its ordinary meeting on 15 July 2020 resolved in accordance with section 20 of the *Planning Act 2016* and Chapter 2, Part 4 of the Minister's Guidelines and Rules to make Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016.

The consultation period commenced on 9 September 2020 and ended on 9 October 2020.

Eight (8) submissions were received during the consultation period.

Each of the submissions has been considered and a consultation report (**Attachment 1**) has been prepared.

In response to an issue raised in the submissions, a change is proposed to Major Amendment No.1 of 2020 to include a Code Assessment category for the Nullinga Dam Overlay as follows:

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Nullinga dam overlay		
Material change of use for Dwelling house within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013) if complying with the relevant acceptable outcomes of the requirements.	Accepted development subject to requirements	Nullinga dam overlay code
<u>Material change of use for Animal husbandry, Animal keeping, Aquaculture, Caretaker's accommodation, Cropping, Environmental facility, Home based business, Intensive horticulture, Park, Permanent plantations, Roadside stall, Rural industry, Rural workers' accommodation, Substation, Utility installation, Wholesale nursery or Winery within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013).</u>	<u>Code assessment</u> <u>Note—Where development is subject to impact assessment in sections 5.5, 5.6, 5.7, 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.</u>	<u>Nullinga dam overlay code</u>
Any other development on land within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013) .	Impact assessment	The planning scheme including the Nullinga dam overlay code

This change removes the need for landowners to undertake public notification for many typical rural uses. Officers from Queensland Treasury (Planning) have indicated in principle agreement to this proposed change.

Council officers do not consider this to be a significant change, therefore there is no need to undertake further public consultation.

A copy of Major Amendment No.1 of 2020, including this minor change is attached (**Attachment 2**).

RISK IMPLICATIONS

Legal and Compliance

As Major Amendment No.1 of 2020 responds to an action taken by the Minister, the amendment process must be finalised within the timeframe given by the Minister.

The deadline for finalisation of the amendments is March 2021.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

In accordance with Chapter 2, Part 4 of the Minister's Guidelines and Rules, the following actions and indicative timeframe will apply to Major Amendment No.1:

1. 15 July 2020 - Council decides to make Major Amendment No.1 of 2020;
2. 16 July 2020 - Council gives notice and required materials to the Minister;
3. 27 July 2020 - State interest review commences;
4. 10 August 2020 - State interest review response and Ministers approval for Council to proceed with public consultation;
5. 9 September 2020 - 9 October 2020 - Council carried out public consultation;
6. 18 November 2020 - Council reviews submissions and prepares public consultation report;
7. December 2020 - Council seeks Minister's approval to adopt Major Amendment No.1 of 2020;
8. January 2021 - Council adopts Major Amendment No.1 of 2020.

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.

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

IMPLEMENTATION/COMMUNICATION

Subject to Council's endorsement of the consultation report (**Attachment 1**), all submitters will be provided with a copy of the report in accordance with section 18.4 of the Minister's Guidelines and Rules.

The consultation report will also be made available on the Council website.

Following the notification of submitters, a notice will be given to the Minister, requesting approval for Council to adopt Major Amendment No.1 of 2020 (as amended) (**Attachment 2**).

MAJOR AMENDMENT NO.1 OF 2020

**MAREEBA SHIRE COUNCIL PLANNING
SCHEME 2016**

**Nullinga Dam Development Area
Consultation Report**



Public Consultation Summary

Mareeba Shire Council has carried out public consultation on Major Amendment No.1 of 2020 - Nullinga Dam Development Area in accordance with the *Planning Act 2016*, the *Minister's Guidelines and Rules* and the Communications Strategy for Major Amendment No.1 of 2020.

The following specific public notice requirements were undertaken:

1. The consultation period commenced on 9 September 2020 and ended on 9 October 2020 (23 business days).
 2. A public notice was published in The Express newspaper on 9 September 2020 (**Attachment 1**).
 3. A second notice was published in the Kuranda Paper October 2020 edition (**Attachment 2**).
 4. The public notice and a copy of Major Amendment No.1 of 2020 were made available to view and download from the Mareeba Shire Council website (**Attachment 3**) and maintained for the duration of the consultation period.
 5. A press release was published in The Express newspaper on 16 September 2020, the Cairns Post on 15 September 2020 and Council's Facebook Page on 9 September 2020 (**Attachment 4**).
 6. A letter and fact sheet was sent to all land owners within the Nullinga Dam Development Area informing them of Major Amendment No.1 of 2020 (**Attachment 5**). The same fact sheet was kept available on Council's website from the commencement of the consultation period.
 7. Static displays were established at the Mareeba customer service centre, Mareeba and Kuranda libraries providing hard copies of the planning scheme amendment for viewing; information on how to prepare a submission; and fact sheet about the planning scheme amendment (**Attachment 6**).
-

Consideration of Submissions

Eight (8) submissions were received about Major Amendment No.1 of 2020. A copy of each submission is included as **Attachment 7**.

The submitters are as follows:

1. Mareeba Chamber of Commerce, PO Box 689, Mareeba QLD 4880
2. FNQ Growers, PO Box 989, Mareeba QLD 4880
3. Howe Farming Enterprises, PO Box 926, Mareeba QLD 4880
4. S & S Bell (xaartrik@hotmail.com)
5. S & K Martin, PO Box 103, Mutchilba QLD 4872
6. S & K Gargan, PO Box 1959, Mareeba QLD 4880
7. B, T, M & K Stankovich and S & M Musumeci, c/- Freshwater Planning, 17 Barron View Drive, Freshwater QLD 4870
8. R Lowden, c/- Elizabeth Taylor Town Planner, 23 Vallely Street, Freshwater QLD 4870

Submitters 3 to 8 are all land owners within the proposed Nullinga Dam Development Area.

Minister's Guidelines and Rules

Sections 18, 19 and 20 of the Minister's Guidelines and Rules establish the process for public consultation and Council's subsequent consideration of submissions.

18. Public consultation

18.1. *The local government may only commence public consultation after-*

- a) *complying with the Minister's conditions, if any, that apply to the proposed amendment given under section 17.5; and*
- b) *if relevant, giving notice under Chapter 4, part 1, section 3.3(b).*

18.2. *Public consultation must be undertaken-*

- a) *for a period of at least 20 days; and*
- b) *in accordance with-*
 - i. *the public notice requirements prescribed in the Act;*
 - ii. *the public notice requirements prescribed under Schedule 4; and*
 - iii. *the communications strategy given by the Minister under section 17.5.*

18.3. *The local government must consider every properly made submission about the proposed amendment and may consider other submissions.*

18.4. Following the end of public consultation, the local government must prepare a consultation report about how the local government has dealt with properly made submissions, which is-

- a) provided to each person who made a properly made submission;⁷ and*
- b) available to view and download on the local government's website; or*
- c) available to inspect and purchase in each of the local government's offices.*

18.5. If the local government proposes to make changes to the proposed amendment under section 19, the actions under sections 18.3 and 18.4 may be deferred until after all applicable actions under section 19 have been undertaken.

19. Changing the proposed amendment

19.1. The local government may make changes to the proposed amendment to-

- a) address issues raised in submissions;*
- b) amend a drafting error; or*
- c) address new or changed planning circumstances or information.*

19.2. The local government must ensure any changes continue to appropriately integrate and address relevant state interests, including those identified in the state interest review.

20. Effect of changes on public consultation

20.1. If the local government changes the proposed amendment and the change results in the proposed amendment being significantly different to the version released for public consultation, the local government must repeat the public consultation required for the proposed amendment.

20.2. The local government may limit the public consultation to only those aspects of the proposed amendment that have changed.

20.3. If consultation has been repeated, the local government must take the actions required under sections 18.3 and 18.4 for the repeated consultation.

Submission 1 - Mareeba Chamber of Commerce

Summary

The submitter opposes the proposed Nullinga Dam Overlay on the basis that the recent business case suggests that water costs will be prohibitive for farmers.

The submitter also holds concerns regarding water quality and potential contamination from upstream mining operations.

With the viability of Nullinga Dam questionable, the submitter believes that moving forward with the proposed planning scheme amendment will deny landowners within the Nullinga Dam Development Area the opportunity to develop their land.

The submitter believes that landowners should be compensated if the planning scheme amendment proceeds.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

The viability of the proposed dam and potential water quality issues will be a consideration for future governments, if and when the dam proceeds towards construction.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

It is recommended that Major Amendment No.1 of 2020 be modified to include a Code Assessment category for the Nullinga Dam Overlay as follows:

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Nullinga dam overlay		
Material change of use for Dwelling house within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013) if complying with the relevant acceptable outcomes of the requirements.	Accepted development subject to requirements	Nullinga dam overlay code
Material change of use for <u>Animal husbandry, Animal keeping, Aquaculture, Caretaker's accommodation, Cropping, Environmental facility, Home based business, Intensive horticulture, Park, Permanent plantations, Roadside stall, Rural industry, Rural workers' accommodation, Substation, Utility installation, Wholesale nursery or Winery</u> within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013) .	Code assessment <u>Note—Where development is subject to impact assessment in sections 5.5, 5.6, 5.7, 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.</u>	<u>Nullinga dam overlay code</u>
Any other development on land within the 'Nullinga dam development area' identified on the Nullinga dam overlay map (OM-013) .	Impact assessment	The planning scheme including the Nullinga dam overlay code

Submission 2 - FNQ GrowersSummary

This submission is substantially the same as Submission 1.

The submitter opposes the proposed Nullinga Dam Overlay on the basis that the recent business case suggests that water costs will be prohibitive for farmers.

The submitter also holds concerns regarding water quality and potential contamination from upstream mining operations.

With the viability of Nullinga Dam questionable, the submitter believes that moving forward with the proposed planning scheme amendment will deny landowners within the Nullinga Dam Development Area the opportunity to develop their land.

The submitter believes that landowners should be compensated if the planning scheme amendment proceeds.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

The viability of the proposed dam and potential water quality issues will be a consideration for future governments, if and when the dam proceeds towards construction.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 3 - Howe Farming EnterprisesSummary

The submitter opposes the proposed Nullinga Dam Overlay on the basis that it would devalue their land and interfere with ongoing farming operations.

The submitter requests that the Minister and Council reconsider the proposed amendment.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing

the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 4 - S & S Bell

Summary

The submitter opposes the proposed Nullinga Dam Overlay.

The submitter purchased their land to establish a dwelling house, outbuildings and carry out livestock grazing. The submitter is concerned that the proposed overlay will adversely impact on their ability to develop their property.

The submitter disagrees with the intent to preserve the Nullinga Dam development area as this would significantly impact on the value and ability to sell their property.

The submitter believes that landowners should be compensated if the planning scheme amendment proceeds.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 5 - S & K Martin

Summary

The submitter opposes the proposed Nullinga Dam Overlay and the Nulling Dam.

The submitter purchased their property to develop a family home and small business.

The development of Nullinga Dam would lead to the loss of their existing development and future plans.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 6 - S & K Gargan

Summary

The submitter opposes the proposed Nullinga Dam Overlay.

The submitter advises that their land currently incorporates:

- Approximately 400 acres under pivot irrigation
- 400 acres of dry land farming
- Land suitable for 500 head of cattle
- Several dams and sheds
- Two houses.

The submitter believes that the land has more potential that can be achieved through continued investment.

Due to the uncertainty surrounding the viability of Nullinga Dam, the submitter considers it unjust to limit development options using the Nullinga Dam Overlay.

Imposing the Nullinga Dam Overlay would decrease the value of their land and also impact on the ability to sell the land.

The submitter believes that the State should either resume their land immediately, or not proceed with the planning scheme amendment.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 7 - B, T, M & K Stankovich and S & M MusumeciSummary

The submitter opposes the proposed Nullinga Dam Overlay.

The submitter believes that proposed amendments are not considered to be reasonable nor relevant and significantly restrict and prohibit properties within the Nullinga Dam Overlay to protect a future Dam that is considered by the State to be '*not financially or economically viable*' just so there is no '*increase the cost of land acquisition in the future*' for the State Government.

The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture.

Neither the State Government nor the Local Government have provided any predicted timeframe for the Nullinga Dam.

The submitter believes that the restrictions of the Nullinga Dam Overlay are such that if implemented, the property's potential is significantly reduced to become an unviable investment for its owners with the yearly holding cost (rates, insurance, etc) being an ongoing financial burden with no realistic potential for a profitable return.

If the Overlay is implemented, the submitter believes that the property should be resumed by the State Government at its current fair Market Value.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development

Area.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Submission 8 - R Lowden

Summary

The submitter opposes the proposed Nullinga Dam Overlay.

The proposed amendment of the Mareeba Shire Planning Scheme to introduce the Nullinga Dam Development Area Overlay Map, Code and Table of Assessment, allows the State Government to have 'a bet each way' while sterilizing development opportunities for affected land owners, in the short, medium and long term, with the very real prospect that the Nullinga Dam may never proceed if an alternative option, down the track, proves viable.

The boundary of the Nullinga Dam Development Area, as shown on the Overlay Map, is stated to include, the extent of the predicted 100% water level line and a 200-metre lineal buffer. These two different boundary lines are not shown on the Overlay Map.

The Nullinga Dam Overlay Code effectively limits development on land within the Development Area to a Dwelling house – max. 200m² and all associated outbuildings- max. 200m² with all structures designed to be removable; and prohibits activities that impact on the structure and geology of the land or impact on surface/ground water, in particular extractive industry; and also prohibits the creation of new lots.

To achieve this the Table of Assessment for Nullinga Dam Overlay changes the level of assessment for all development (other than a Dwelling house and associated out-buildings) to Impact assessable development.

This means that land uses previously able to establish on Rural zoned land as Accepted development (AD)/Accepted developed subject to requirements (ADSR) or Code assessable development (CAD), are now all Impact assessable development.

The list includes:

1. Agricultural supplies store - CAD;
 2. Animal husbandry – AD;
 3. Aquaculture – ADSR/CAD;
 4. Caretaker's accommodation – ADSR/CAD;
 5. Cropping – AD/ADSR/CAD;
 6. Emergency services – ADSR/CAD;
-

-
7. Environment facility – CAD;
 8. Extractive industry – CAD;
 9. Food & drink outlet (if temporary) – AD;
 10. Home based business – ADSR/CAD;
 11. Intensive animal industry - ADSR;
 12. Intensive horticulture -ADSR;
 13. Nature-based tourism (if temporary) – AD or CAD;
 14. Park – AD;
 15. Permanent plantation – ADSR/CAD;
 16. Roadside stall – ADSR/CAD;
 17. Rural industry – AC/ADSR/CAD;
 18. Rural workers accommodation – AD/ACDSR/CAD;
 19. Substation – AD;
 20. Tourist attraction – CAD;
 21. Tourist park – CAD;
 22. Transport depot – ADSR/CAD;
 23. Utility installation – AD;
 24. Veterinary services – CAD;
 25. Wholesale nursery – CAD;
 26. Winery -CAD.

Twenty six (26) land uses that currently either do not require a planning approval or only require a code assessable planning approval will now require Impact assessment against the whole of the Planning Scheme, public notification and significant time delays and significant increases in cost to the landowner with the possibility of refusal at the end of the process, just to protect land for a Dam that may never be built.

The Nullinga Dam may never proceed and if it does, it is many years away; therefore, in fairness to existing landowners greater thought and a greater level of refinement should have been introduced into the Overlay Map, Code and Tables of Assessment, to allow a range of rural land uses/developments to be able to establish on land in the future, within the clearly identified boundaries Development Area, if the amendment were to proceed.

Officer comments

Council has been issued a Ministerial direction under section 26 of the *Planning Act 2016* to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site. Council must amend its Planning Scheme by March 2021.

It is acknowledged that Major Amendment No.1 of 2020 does change the *categories of development and assessment* for most development within the Nullinga Dam Development Area.

Overlay Map OM-013 maps the entirety of the Nullinga Dam Development Area. There is no additional 200 metre buffer outside the area already mapped on the overlay map.

Section 29 of the Planning Act 2016 allows landowners to request to apply under a superseded planning scheme within 1 year after the planning scheme becomes a superseded planning scheme.

In response to the submitters concerns, Council officers, in consultation with officers of Queensland Treasury (Planning Section) have reviewed the proposed *categories of development and assessment*, and in principle agreement has been reached to make minor

amendments.

A Code assessment category will be added to the Nullinga Dam Overlay, thereby removing the requirement for impact assessment for many typical rural uses. All of the code assessable uses will still be assessed against the Nullinga Dam Overlay Code and will still need to achieve its outcomes. Removing the requirement to undertake public notification for these limited rural uses will not adversely impact on the viability of the future Nullinga Dam.

The majority of submitters have expressed the view that the State should proceed with the resumption of land (with fair compensation), rather than leave landowners in limbo. Again, this is a consideration for the State Government.

Recommendation

As per recommendation for Submission 1.

Attachment 1

CLASSIFIEDS

PUBLIC NOTICE

Mareeba SHIRE COUNCIL

PUBLIC CONSULTATION OF MAJOR AMENDMENT NO. 5 OF 2020 TO THE MAREEBA SHIRE DRAINAGE PLANNING SCHEME 2016

Notice is given under section 70 of the Planning Act 2016 and the Minister's Guidelines and is to be held on 15 July 2020. Mareeba Shire Council is required to make Major Amendment No. 5 of 2020 to the Mareeba Shire Drainage Planning Scheme 2016. The full text of the amendment is Major Amendment No. 5 of 2020 - Multiple Drainage Development Area.

The purposes and general effect of Major Amendment No. 5 of 2020 are to establish the Nungah Drain Corridor to protect the proposed Nungah Drain from activities that may:

- Physically impact the structural integrity of the land
- Increase buildings and infrastructure with the area
- Affect water quality

Public Consultation Period

The public consultation period for Major Amendment No. 5 of 2020 commences Wednesday 9 September 2020 and closes Friday 10 October 2020. During the public consultation period, Major Amendment No. 5 of 2020 and supporting material will be available for viewing and purchase at the Mareeba Shire Council Planning Scheme 2016, Mareeba.

They will also be available for viewing and downloading on the council's website: www.mareeba.vic.gov.au. Major Amendment No. 5 of 2020 will also be displayed at the Mareeba and Turinda libraries.

Submissions

Any person can submit a written submission about any aspect of the Major Amendment No. 5 of 2020.

Submissions should include:

- Be in writing
- Be signed by each person who has made the submission (unless the submission is made electronically)
- State the name and address of each person making the submission, and
- State the grounds of the submission and the facts and circumstances relied on to support the grounds of the submission.

Be received no later than 5.00pm on Friday 10 October 2020.

All submissions must be addressed to the Chief Executive Officer, Mareeba Shire Council, PO Box 10, Mareeba VIC 3205.

Submissions can also be made via email to info@mareeba.vic.gov.au.

Persons can call on 1300 308 455 or email info@mareeba.vic.gov.au for information about the planning scheme amendment.

Peter Francis

Chief Executive Officer

PO Box 204 Mareeba, Q.L.D. 4880

N.O. CO-OP LTD

ELECTION OF DIRECTORS - NOMINATIONS

In pursuance of Rule 49 of the rules of N.O. Co-Op Ltd, I hereby call for nominations for the election of TWO (2) DIRECTORS to fill vacancies occurring on or before 4th October.

Members of N.O. Co-Op Ltd and N.O. Co-Op Ltd are eligible to stand for election. The nomination of a Member eligible to stand for election, in accordance with Rule 49 of the Co-Operative Rules, and the eligible for election if their nomination under Rule 49 of the Co-Operative Rules is accepted.

APPOINTMENT NO later than 12.00 noon on Tuesday, 22 SEPTEMBER 2020 at the time for receiving such nomination.

The nomination of a Member eligible to stand for election, in accordance with Rule 49 of the Co-Operative Rules, and the eligible for election if their nomination under Rule 49 of the Co-Operative Rules is accepted.

The nomination of a Member eligible to stand for election, in accordance with Rule 49 of the Co-Operative Rules, and the eligible for election if their nomination under Rule 49 of the Co-Operative Rules is accepted.

The nomination of a Member eligible to stand for election, in accordance with Rule 49 of the Co-Operative Rules, and the eligible for election if their nomination under Rule 49 of the Co-Operative Rules is accepted.

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Mareeba Shire Council Planning Scheme 2016
Major Amendment No.1 of 2020 - Consultation Report

Page No.14



Mareeba
SHIRE COUNCIL

**PUBLIC CONSULTATION
OF MAJOR AMENDMENT NO.1 OF 2020
TO THE MAREEBA SHIRE COUNCIL
PLANNING SCHEME 2016**

Notice is given under section 20 of the Planning Act 2016 and the Minister's Guidelines and Rules that on 15 July 2020, Mareeba Shire Council resolved to make Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016. The full title of the amendment is Major Amendment No.1 of 2020 - Nullinga Dam development area.

The purpose and general effect of Major Amendment No.1 of 2020 is to establish the Nullinga Dam Overlay to protect the proposed Nullinga Dam site from activities that may:

- Physically impact the structure/geology of the land
- Increase buildings and infrastructure with the area
- Affect water quality

Public Consultation Period

The public consultation period for Major Amendment No.1 of 2020 commences Wednesday 9 September 2020 and closes Friday 9 October 2020.

During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

They will also be available for viewing and download on council's website: www.msc.qld.gov.au.

Major Amendment No.1 of 2020 will also be displayed at the Mareeba and Kuranda libraries.

Submissions

Any person can make a written submission about any aspect of the Major Amendment No.1 of 2020. A properly made submission must:

- Be in writing
- Be signed by each person who has made the submission (unless the submission is made electronically)
- State the name and address of each person making the submission; and
- State the grounds of the submission and the facts and circumstances relied on to support the grounds of the submission; and
- Be received no later than 5:00pm on Friday 9th October, 2020.

All submissions must be addressed to the Chief Executive Officer, Mareeba Shire Council, PO Box 154, Mareeba QLD 4880.

Submissions can also be made via email to info@msc.qld.gov.au.

Please call council on 1300 308 461 or email planning@msc.qld.gov.au for information about the planning scheme amendment.

Peter Franks
CHIEF EXECUTIVE OFFICER
PO Box 154 Mareeba, QLD 4880

Attachment 2



Australia Day Awards 2021
Nominations are open for Mareeba Shire Council's 2021 Australia Day Awards.

Mareeba Shire Mayor Angela Toppin is encouraging residents to nominate individuals and community groups that have gone above and beyond to help others. "This year has been extraordinary in terms of dealing with the challenges and opportunities of COVID-19," Cr Toppin said.

"COVID-19 has impacted the way we live our lives but has not stopped the outstanding contributions of so many within our community and we must acknowledge these, residents and community groups."

"Mareeba Shire is very fortunate to have so many wonderful, dedicated and community-minded people who volunteer and give back to their local community."

"Whether it's a service group or sporting club, you, as a neighbour or a stranger, please consider nominating them for an Australia Day award," Cr Toppin said.

Australia Day Awards are open to Mareeba Shire residents and community groups that have made an outstanding achievement or contribution within the community.

Mayor Toppin said nominees and award recipients will be acknowledged appropriately amidst COVID-19 restrictions.

Residents are encouraged to submit nominations online through Council's website. Nomination forms can also be downloaded from Council's website or collected from Council's customer service centres in Mareeba and Kuranda. Nomination forms should be returned to the customer service centres or posted to PO Box 154 Mareeba Q 4800.

Nominations must be received no later than 3pm Tuesday 15 December 2020.



KURANDA HISTORICAL SOCIETY UPDATE

During September, our long postponed (due to COVID-19) Strategic Planning Project was finally able to commence with the first of two workshops for Kuranda Historical Society (KHS) members led by Dr Jo Wills (Business Development Officer, FING, Queensland Museum). The aim of the Project is to provide a solid structure for the Society as it moves into a more active phase, following a couple of years spent just getting established. A second workshop for members will be held in October, the results of these workshops will then be compiled into a Strategic Planning report by Dr Wills.

This Project is made possible through the Regional Arts Development Fund. Thanks to Mareeba Shire Council and Arts Queensland. Thanks to the Kuranda Country Women's Association for providing a lovely and COVID-Safe venue and thanks also to Kim and Bob at Foodworks for their generous in-kind support of refreshments for the workshops.



Mareeba SHIRE COUNCIL



FOODWORKS Kuranda

Planning Act 2016
PUBLIC NOTICE
MAREEBA SHIRE COUNCIL
PUBLIC CONSULTATION OF MAJOR AMENDMENT NO.1 OF 2020 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

On 15 July 2020 Mareeba Shire Council resolved to make Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016.

The full title of the amendment is Major Amendment No.1 of 2020 - Nullinga Dam development area.

The purpose and general effect of Major Amendment No.1 of 2020 is to establish the Nullinga Dam Overlay to protect the proposed Nullinga Dam site from activities that may:

- physically impact the structure/geology of the land;
- increase floodings and infrastructure with the area;
- affect water quality.

Public consultation period

The public consultation period for Major Amendment No.1 of 2020 commenced on Wednesday 9 September 2020 and will close on Friday 9 October 2020.

During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

They will also be available for viewing and download on Council's website: www.msc.qld.gov.au/planning.

Major Amendment No.1 of 2020 will also be displayed at the Mareeba and Curanda libraries.

Submissions

Any person can make a written submission about any aspect of the Major Amendment No.1 of 2020. A properly made submission must:

- be in writing;
- be signed by each person who has made the submission (unless the submission is made electronically);
- state the name and address of each person making the submission; and
- state the grounds of the submission and the facts and circumstances relied on to support the grounds of the submission; and
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All submissions must be addressed to the Chief Executive Officer, Mareeba Shire Council, PO Box 154, Mareeba QLD 4800.

Submissions can also be made via email to info@msc.qld.gov.au for information about the planning scheme amendment.

Peter Franko
Chief Executive Officer
Mareeba Shire Council





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Certified Practising Accountant

PO Box 130 Kuranda
Queensland 4851

Tel/Fax: (07) 4093 9770
Mobile: 0418 314 532
Email: bharry@hodsonnott.com.au



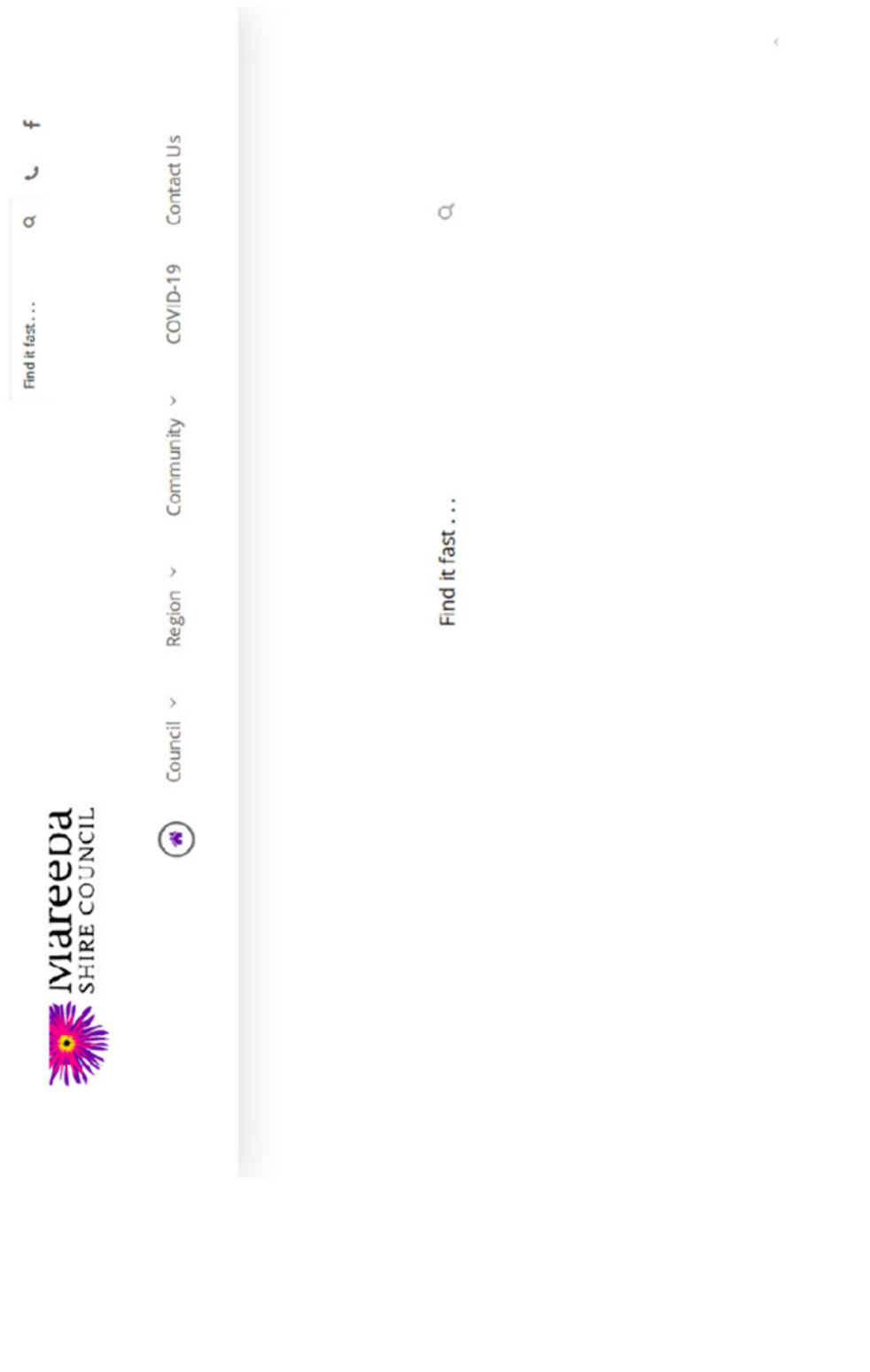
waterbores QLD

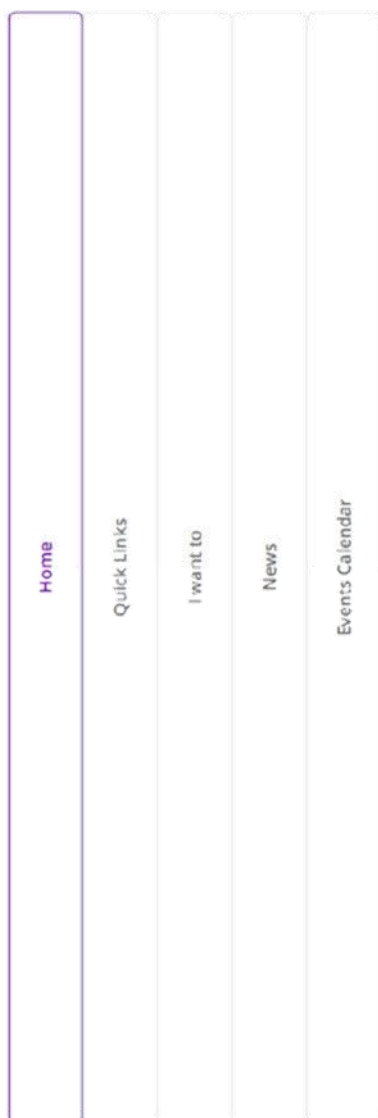
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Attachment 3



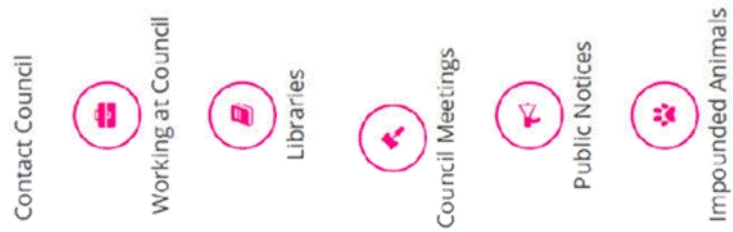


A Growing, Confident And Sustainable Shire

The Shire's estimated resident population of 22,000 is dispersed across 53,457 km². Mareeba, with a district population of over 10,000, is the main commercial and administrative centre and lies 64 km south west of Cairns. Most of the shire's remaining population reside in and around smaller towns and districts including Kuranda, Koah, Speewah, Bibbohra, Mt Molloy, Julatten, Mt Carbine, Mutchilba, Dimbula, Irvinebank, Watsonville, Almaden and Chillagoe.

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Nullinga Dam Overlay – Public Consultation

An amendment to Mareeba
Shire Council's planning
scheme is being made to
protect the Nullinga...



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mural on...



EOI Great
Wheelbarrow Race
Committee

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calling for expressions of
interest from community
members to volunteer and...




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Issued

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Nullinga Dam Overlay – Public Consultation

September 8, 2020

An amendment to Mareeba Shire Council's planning scheme is being made to protect the Nullinga Dam development area.

Mareeba Shire Council tabled the amendment at the July Council meeting after the issue was identified by the Queensland Minister for Infrastructure and Planning.

Under section 26 of the Planning Act 2016 Council was directed to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed site of Nullinga Dam by the Minister.

The State Government endorsed a detailed business case for the proposed Nullinga Dam in August 2019. While the Queensland Government decided not to proceed with construction at present, Mareeba Shire Mayor Angela Toppin welcomed the Government's

decision to take immediate steps to protect the proposed Nullinga Dam area. "The development area will be preserved in a way, as a strategic precautionary measure," she said.

The planning scheme amendment will introduce the Nullinga Dam Overlay. This overlay will identify the Nullinga Dam development area and will make all development, except for a dwelling house and associated outbuilding/s, impact assessable development within the Nullinga Dam development area.

"A key requirement of the planning scheme amendment is to ensure any new development within the Nullinga Dam development area is limited in size and designed to be relocatable," Cr Toppin said.

Subdivision to create any new lots within the Nullinga Dam development area would also not be supported by the planning scheme amendment.

On 10 August 2020, the Minister for Infrastructure and Planning permitted Council to proceed to the public consultation of the planning scheme amendment.

Public consultation of the amendment will occur from 9 September 2020 up to and including 9 October 2020. During this consultation period, any person may make a properly made submission to Council in relation to the proposed amendment.

Details of the proposed amendment are available from Council's website and can be viewed at the Mareeba Shire Council Chambers, 65 Rankin Street, Marceba.

MORE INFO

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PUBLIC CONSULTATION OF MAJOR AMENDMENT No.1 of 2020 – NULLINGA DAM DEVELOPMENT AREA – MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

On 6 July 2020, the Minister for Infrastructure and Planning directed Mareeba Shire Council in accordance with section 26 of the Planning Act 2016, to amend the Mareeba Shire Council Planning Scheme 2016 (the planning scheme) to protect the proposed Nullinga Dam site.

The Ministerial Direction requires that the planning scheme be amended by March 2021.

On 15 July 2020, Council resolved in accordance with section 20 of the *Planning Act 2016* and Chapter 2, Part 4 of the Ministers Guidelines and Rules to make Major Amendment No.1 of 2020 to the planning scheme.

The full title of the amendment is Major Amendment No.1 of 2020 – Nullinga Dam development area.

The purpose and general effect of Major Amendment No.1 of 2020 is to establish the Nullinga Dam Overlay to protect the proposed Nullinga Dam site from activities that may:

- physically impact the structure/geology of the land;
- increase buildings and infrastructure with the area;
- affect water quality.

Major Amendment No.1 of 2020 and related documentation is downloadable below:

[Major Amendment No.1 of 2020](#)

[Fact Sheet](#)

[Communications Strategy for Major Amendment No.1 of 2020](#)
[Ministerial Direction](#)

Nullinga Dam Overlay

Major Amendment No.1 of 2020 will establish the Nullinga Dam Overlay to control new development within the proposed Nullinga Dam development area.

The overlay will make all development, except for a dwelling house and associated outbuilding/s, impact assessable development with the Nullinga Dam development area.

Major Amendment No.1 of 2020 will require new development within the Nullinga Dam development area to be limited in size and designed to be relocatable.

Subdivision to create any new lots within the Nullinga Dam development area would not be supported by the planning scheme amendment.

Public consultation period

The public consultation period for Major Amendment No.1 of 2020 commences Wednesday 9 September 2020 and closes Friday 9 October 2020.

During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

Major Amendment No.1 of 2020 will also be displayed at the Mareeba and Kuranda libraries.

Submissions

Any person can make a written submission about any aspect of the Major Amendment No.1 of 2020. A properly made submission must:

- in writing;
- signed by each person who has made the submission (unless the submission is made electronically);
- state the name and address of each person making the submission; and
- state the grounds of the submission and the facts and circumstances relied on to support the grounds of the submission; and
- received no later than 5:00pm on Friday 9 October 2020.

All submissions must be addressed to the Chief Executive Officer, Mareeba Shire Council, PO Box 154, Mareeba QLD 4880.

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Submissions can also be made via email to info@msc.qld.gov.au.

Please call council on 1300 308 461 or email planning@msc.qld.gov.au for information about the planning scheme amendment.

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Attachment 4



Move to protect Nullinga Dam site

SARAH NICHOLSON

THE Nullinga Dam may have stalled but the Mareeba Shire Council has taken a step to prevent development on the site in case the infrastructure project receives a green light in the future.

The council tabled an amendment to the planning scheme during July's ordinary council meeting – when the Queensland Government exercised a provision under section 26 of the Planning Act 2016 to future-proof the plot – and has now moved to the public consultation stage.

The northern Tablelands council is encouraging stakeholders to make submissions about the proposed planning scheme alteration, with the process open until October 9.

The tweak to the MSC planning scheme would introduce the Nullinga Dam overlay and identify the area as well as making all development – except for a dwelling house and associated outbuildings – “impact assessable development within” the specified envelope.

Mareeba Mayor Angela Toppin said while the State Government elected not to endorse a detailed business case for the proposed work in August 2019, it was encouraging to see steps taken to protect the parcel.

“The development area will be preserved in a way, as a strategic precautionary measure,” she said.

The proposed dam – which would sit to the west of Atherton on the Walsh River – was first proposed in the 1950s but initially abandoned by the creation of Tinaroo Dam, which was selected as a better site.

But the idea has been resurrected over the years to enhance Far North water security, with the Tablelands agriculture and horticulture communities supporting the dam as it would boost business opportunities.

The latest push was abandoned by the Queensland Government 13 months ago when it determined the infrastructure would not be economically viable. But Natural Resources Minister Anthony Lynham said at the time the dam site would be “locked down” as a precautionary measure.

Move to protect Nullinga Dam site

SARAH NICHOLSON

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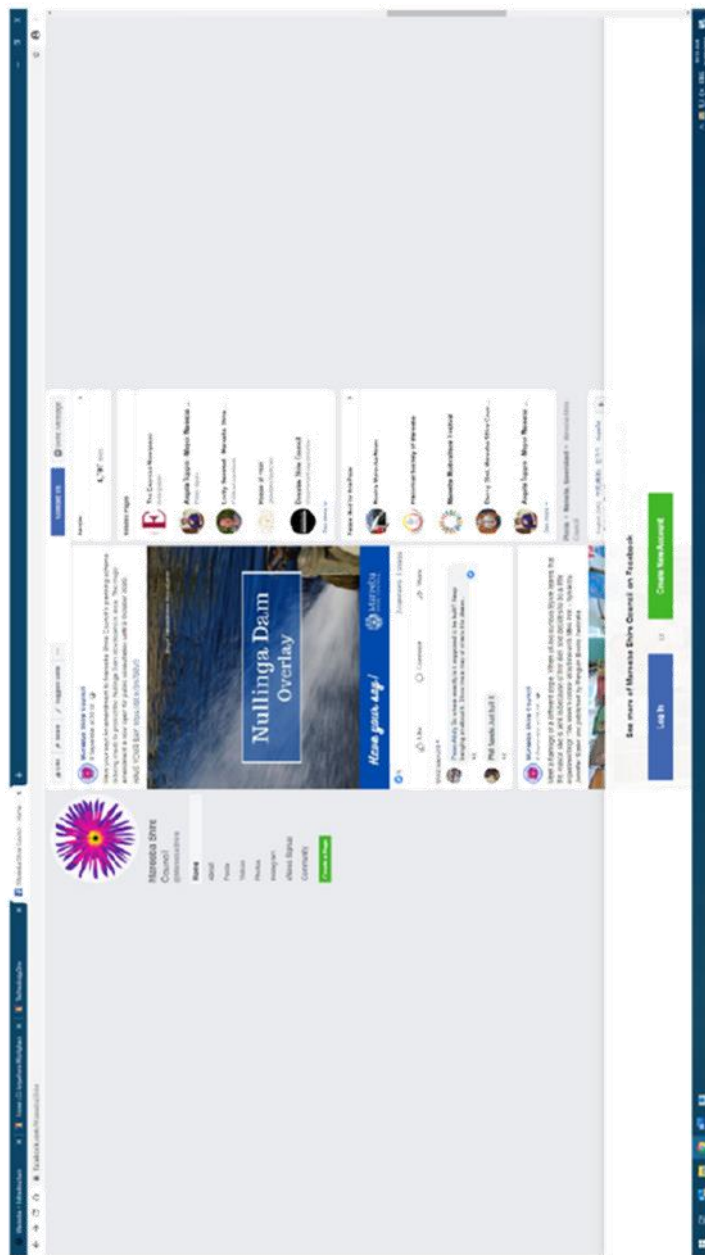
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The latest push was abandoned by the Queensland Government 13 months ago when it determined the infrastructure would not be economically viable. But Natural Resources Minister Anthony Lynham said at the time the dam site would be “locked down” as a precautionary measure.







Attachment 5

65 Rankin Street
PO Box 154 MAREEBA QLD 4880
P: 07 4085 4657
F: 07 4085 4733
W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: URP-SCH
Our Ref: PI:BM

8 September 2020

██████████
██████████
██████████
BRISBANE QLD 4001

Dear Sir/Madam

PUBLIC CONSULTATION OF MAJOR AMENDMENT NO.1 OF 2020 - NULLINGA DAM DEVELOPMENT AREA - MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

On 6 July 2020, the Minister for Infrastructure and Planning directed Mareeba Shire Council in accordance with section 26 of the Planning Act 2016, to amend the Mareeba Shire Council Planning Scheme 2016 (the planning scheme) to protect the proposed Nullinga Dam site.

The Ministerial Direction requires that the planning scheme be amended by March 2021.

On 15 July 2020, Council resolved in accordance with section 20 of the *Planning Act 2016* and Chapter 2, Part 4 of the Minister's Guidelines and Rules to make Major Amendment No.1 of 2020 to the planning scheme.

The full title of the amendment is Major Amendment No.1 of 2020 - Nullinga Dam development area.

The purpose and general effect of Major Amendment No.1 of 2020 is to establish the Nullinga Dam Overlay to protect the proposed Nullinga Dam site from activities that may:

- physically impact the structure/geology of the land;
- increase buildings and infrastructure with the area;
- affect water quality.

Nullinga Dam Overlay

Your property(s) described as Lot 100 on SP149568 Springmount Road, Mutchilba has been identified as incorporating areas designated within the **Nullinga Dam Overlay**.

Major Amendment No.1 of 2020 will establish the Nullinga Dam Overlay to control new development within the proposed Nullinga Dam development area.

The overlay will make all development, except for a dwelling house and associated outbuilding/s, impact assessable development with the Nullinga Dam development area.

Major Amendment No.1 of 2020 will require new development within the Nullinga Dam development area to be limited in size and designed to be relocatable.

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

Public Consultation of Major Amendment No.1 of 2020
Mareeba Shire Council Planning Scheme 2016Page 2
8 September 2020

Subdivision to create any new lots within the Nullinga Dam development area would not be supported by the planning scheme amendment.

Attached for your information is a fact sheet on Major Amendment No.1 of 2020.

Public consultation period

The public consultation period for Major Amendment No.1 of 2020 commences Wednesday 9 September 2020 and closes Friday 9 October 2020.

During the public consultation period, Major Amendment No.1 of 2020 and supporting material will be available for viewing and purchase at Mareeba Shire Council Chambers, 65 Rankin Street, Mareeba.

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Submissions can also be made via email to info@msc.qld.gov.au

Please call council on 1300 308 461 or email planning@msc.qld.gov.au for information about the planning scheme amendment.

Yours faithfully



PETER FRANKS
CHIEF EXECUTIVE OFFICER

Mareeba Shire Council

Part 8.2.13: Nullinga Dam Overlay

FACT SHEET



Major Amendment No.1 of 2020—Nullinga Dam development area

What is the Nullinga Dam development area?

The Nullinga Dam development area is generally based on the predicted 100 percent water level, plus 200 metre lineal buffer, of the proposed Nullinga Dam.

The Nullinga Dam development area is mapped by the Nullinga Dam Overlay (Overlay Map OM-013).

The proposed Nullinga Dam is a regionally significant water resource and will perform an essential future role by supplying irrigation and domestic water supplies to a number of communities.

In recognition of its significance, on 6 July 2020, the Minister for Infrastructure and Planning directed Council to amend the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam development area.

What does the Nullinga Dam Overlay mean for development?

Development applications within the Nullinga Dam Overlay will be assessed against the Nullinga Dam Overlay Code. The code seeks to achieve:

The 'Nullinga Dam development area' is protected from development that is likely to compromise the future construction and associated structural integrity of the Nullinga Dam.

Development does not increase the number of buildings, lots and infrastructure within the 'Nullinga Dam development area' by ensuring:

- (i) Land within the 'Nullinga Dam development area' is maintained in its current configuration; and*
- (ii) Residential and non-residential infrastructure, including cropping infrastructure is limited in size and designed to be relocatable;*

Land within the 'Nullinga Dam development area' is not reconfigured to create additional lot/s situated within the 'Nullinga Dam development area'.

Development does not compromise or impact on the structure, stability or geology of land within the 'Nullinga Dam development area'.

For more information about the major amendment No. 1 of 2020:

T: 1300 308 461
E: info@msc.qld.gov.au
W: www.msc.qld.gov.au

What are Overlays?

Overlays identify areas of land with particular characteristics that require special planning consideration when a development is proposed.

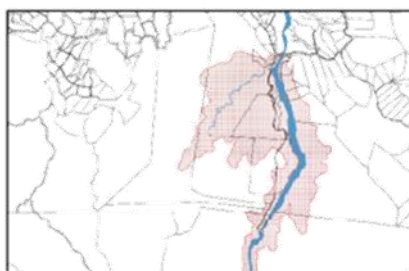
The characteristics may relate to natural hazards such as bushfire, flooding or landslides, a value such as Good Quality Agricultural Land, Biodiversity or Heritage, or a constraint such as proximity to an airport, quarry or major water resource (e.g. proposed Nullinga Dam).

Not all properties are affected by overlays; however, some properties may be affected by more than one (e.g. Bushfire and Landslide Overlays).

The Mareeba Shire Council Planning Scheme provides maps that outline the impact of overlays on properties. The Planning Scheme contains specific requirements relating to each overlay that must be addressed if a development triggers an overlay.

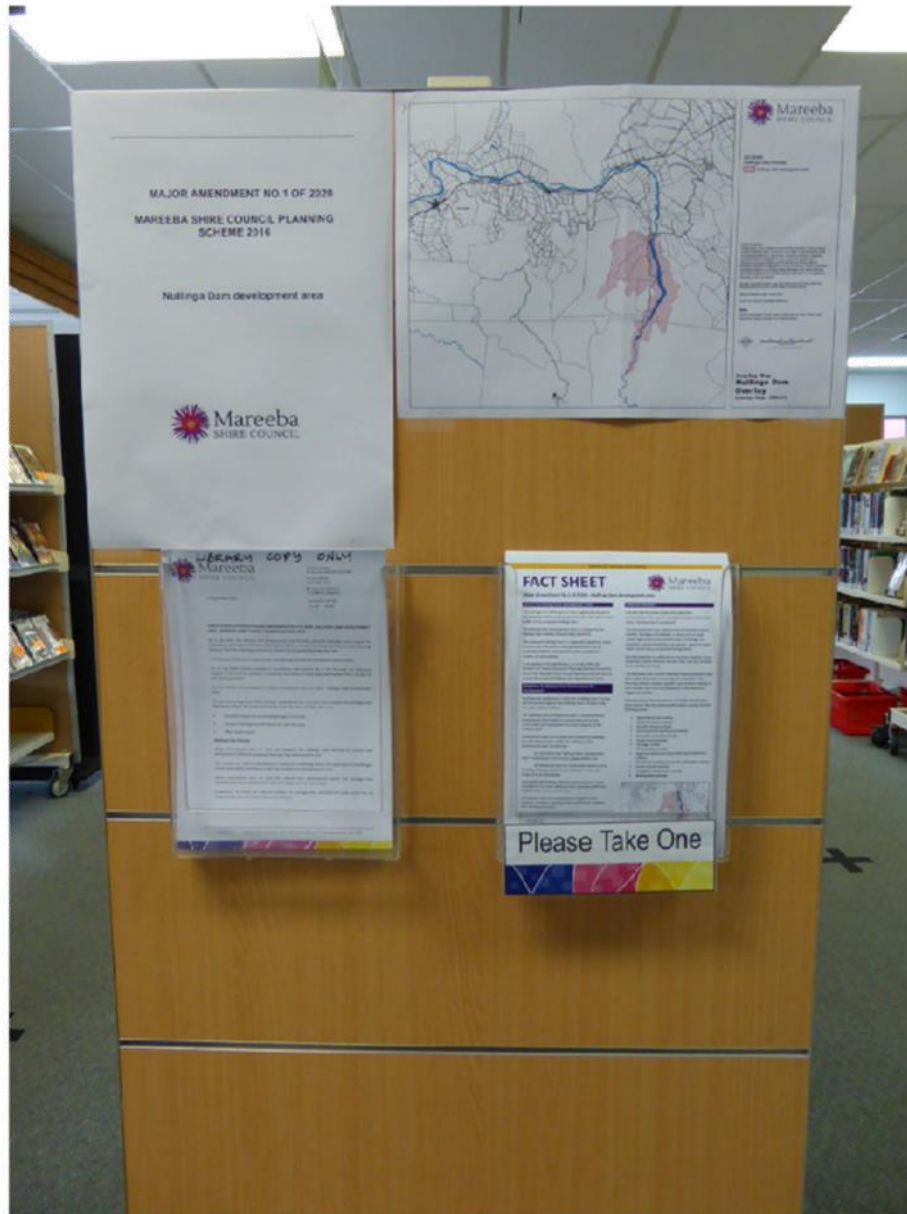
Following Major Amendment No.1 of 2020, the Mareeba Shire Council Planning Scheme will contain overlays for the following areas:

- Agricultural land overlay
- Airport environs overlay
- Bushfire Hazard overlay
- Environmental significance overlay
- Extractive resources overlay
- Flood Hazard overlay
- Heritage overlay
- Hill and slope overlay
- Regional infrastructure corridors and substations overlay
- Residential dwelling house and outbuilding overlay
- Scenic amenity overlay
- Transport infrastructure overlay
- **Nullinga dam overlay**



Disclaimer: This fact sheet is intended to help the public gain a general understanding of planning scheme matters and is a guide only. The content of this fact sheet does not replace the provisions of the MSC Planning Scheme, nor should it be interpreted as Council policy.

Attachment 6



Attachment 7

Submission 1



PO Box 689
Mareeba QLD 4880
07 4092 6050
0499 045 979
admin@mareebachamber.com.au
mareebachamber.com

5th October, 2020

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

Submission to Major Amendment No.1 of 2020 – Nullinga Dam development area.

The Mareeba Chamber of Commerce opposes the establishment of the Nullinga Dam overlay to control new development within the proposed Nullinga Dam development area.

The Chamber is a strong advocate of growth and development in Mareeba shire, and has worked collaboratively with all levels of government, and community stakeholders, to ensure our region continues to thrive economically and socially.

Nullinga has long been mooted as part of a multi-thronged solution to providing long-term water security for Mareeba Shire, however, the Queensland Government's business case cast serious doubts about the feasibility of the project.

"The business case analysis reveals construction of the proposed Nullinga Dam is neither financially or economically viable. The proposed Nullinga Dam site is located in a poor performing catchment requiring a costly build solution." NDIMP Detailed Business Case, July 2019.

We oppose moves to secure the development area of the dam site for a number of reasons.

The Queensland Government's business case revealed the cost to purchase water from Nullinga Dam would start at \$15,000 which is grossly prohibitive for farmers.

The government would need to subsidise the purchase of water allocations back to current market price to enable agriculture to be able to enter the market. Of equal concern is the cost for administering the scheme. The business case makes the water cost prohibitive for agricultural production.

We are aware of concerns regarding water quality in the Walsh Catchment from old tin mines in the Watsonville area, and believe this would also negatively impact on the likelihood of the dam being built.

For these reasons, we believe that Nullinga is not considered a feasible option to provide long-term water security for the region and, therefore, question the need to protect the dam area by establishing the proposed overlay



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Agriculture is an economic powerhouse in the Mareeba Shire and beyond. It delivers enormous economic flow-on effects to businesses within the shire and beyond.

The proposed Nullingda Dam Overlay will deny landholders the right to develop their land, for residential and non-residential infrastructure including subdivision and agriculture.

The Chamber vehemently opposes any moves to deny landholders, whose land is within the dam's development area, opportunities to develop their land, or be required to comply with a rigorous development application process to do so.

The Chamber submits that if development rights are removed, landholders should be fairly compensated at market value.

Yours sincerely

Joe Moro
President
Mareeba Chamber of Commerce

Submission 2



President: Mr Joe Moro

Email: moro_joe@hotmail.com

Secretary: Mrs Maree Lopez

Email: jam.lopez97@gmail.com

PO Box 589

MAREEBA QLD 4880

Telephone: (07) 4692 6099

Email: pxdfygg@hinaond.com

7 October 2020

The Chief Executive Officer

Mareeba Shire Council

PO Box 154

Mareeba QLD 4880

Submission to Major Amendment No.1 of 2020 – Nullinga Dam development area

FNQ Growers opposes the establishment of the Nullinga Dam overlay to control new development within the proposed Nullinga Dam development area.

FNQ Growers is the united voice for horticulture growers in far North Queensland. We represent more than 300 growers from Lakeland in the north, south to Tully and west to Dimbulah.

Long-term, reliable and equitable water security is critical to the region.

Nullinga has long been mooted as part of a multi thronged solution to providing long-term water security for Mareeba Shire, however, the Queensland Government's business case cast serious doubts about the feasibility of the project.

FNQ Growers has grave concerns about the viability of the proposed new dam, based on information released in the Queensland Government's Business Case, which showed the high cost of water allocations based on a full cost recovery methodology.

The Nullinga business case revealed the cost of water would start at around \$15,000 which is grossly prohibitive for farmers. Without a reasonable subsidy from the government, it is unlikely farmers, in particular cane and horticulture, would be able to afford to purchase water allocations.



President: Mr Joe Moro

Email: joe_moro@hotmail.com

Secretary: Mrs Maree Lopez

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"The business case analysis reveals construction of the proposed Nullinga Dam is neither financially or economically viable. The proposed Nullinga Dam site is located in a poor performing catchment requiring a costly build solution." NDIMP Detailed Business Case, July 2019.

Further, we have concerns about water quality in the Walsh Catchment from old tin mines in the Watsonville area, and believe this would also negatively impact on the likelihood of the dam being built.

For these reasons, we believe that Nullinga is not considered a feasible option to provide long-term water security for the region and, therefore, question the need to protect the dam area by establishing the proposed overlay.

Agriculture is an economic powerhouse in the Mareeba Shire and beyond, with its value to the Tableland's economy increasing by 45% over the last four years (*Tablelands Agricultural Profile with 2018/2019, Queensland Department of Agriculture, 2019*).

Our farmers are price takers, not price setters and contend with a variety of challenges, driven by external influences, that they have no control over. Denying development rights is ill-guided and shows a lack of support for agriculture.

The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for residential and non-residential infrastructure including subdivision and agriculture.

FNQ Growers submits that if development rights are removed, landholders should be fairly compensated at market value.

Sincerely

joe moro

Joe Moro

Submission 3

Howe Farming Enterprises Pty Ltd

ACN: 099 827 791
ABN: 63 099 827 791

PO Box 926
MAREEBA QLD 4880
1687 Chewko Road
WALKAMIN QLD 4872



Ph: 07 4093 3791
Fax: 07 4093 3779
admin@howefarms.com

Dennis Howe
1687 Chewko Road,
Walkamin 4872

24/09/2020

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

To Whom It May Concern,

I am writing to you to express my opposition to Major Amendment No.1 of 2020 – Nullinga Dam development area.

Howe Farming Enterprises has a combination of leasehold and freehold properties amounting to 825Ha within the overlay area. The implementation of this amendment and the restrictions it would bring; will devalue the freehold land and interfere with the ongoing operations of our business. I would ask that the State and Local government reconsider moving forward with this amendment.

Kind Regards,

Dennis Howe
Managing Director
Howe Farming Enterprises P/L

Submission 4



To Whom It May Concern,

We, Shane Edward Bell and Shenae Ebony Bell of Lot 162 on RP843529 situated at 255 Collins Weir Road, Mutchilba strongly object to any proposed amendment of the Nullinga Dam Development area.

Namely, Major Amendment no. 1 of 2020-Nullinga Dam development area.

We purchased our property as a freehold rural land holding with the intention of establishing a dwelling and any associated buildings for livestock grazing, which to our knowledge are conditions adequate within the zoning of our property.

Therefore, strongly disagree with any further future development within the overlay, and/or restrictions placed over our property which will adversely affect further development and additional value added to our property.

Also strongly disagree with the proposal of the preservation of the land for future development which would obviously greatly affect the valuation & saleability of our property & all other properties concerned within the proposed catchment area & believe adequate compensation should therefore be applied to all affected properties if the amendment was to be enforced.

Property Owners

Shane Edward Bell -  Date: 5-10-2020

Shenae Ebony Bell -  Date: 5-10-2020

Submission 5

10/5/2020 Gmail - Nullinga Dam Development Area

Gmail

Nullinga Dam Development Area
1 message

Kelcy & Shaun Martin <kelcy.shawnmartin@gmail.com>
To: info@msc.qld.gov.au

Mon, Oct 5, 2020 at 9:47 AM

To Whom It May concern regarding the Nullinga Dam Development Scheme,

As the owners of Lot 164 on RP843529 situated at 447 Collins Weir Road Mutchilba we Shaun Barry Martin & Kelcy Allen Martin fully object to the proposed development and protection of the proposed site.

We have worked extremely hard to move from out west to our dream property. We bought and own this property and it is our 3 small childrens only home. We have over the years begun big developments to secure our children's future on this property. We run a small business from this property and spent money and time building it up. We also run a 2nd small business on this property utilising the land which we have worked hard to own and build, this piece is our home, our children's home and our livelihood. To loose it would completely upturn all our plans, our hard work, our hopes and dreams and completely break our hearts.

We fully object to any hold on our land to protect the site.
We fully object to the development of the Nullinga Dam in full

Please respond to this email, as confirmation that this letter has been received and reviewed by the appropriate parties.

Kind Regards
Shaun & Kelcy Martin

—
Shaun & Kelcy Martin

S & K Fencing
P.O. Box 103
Mutchilba QLD 4872
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Email: kelcy.shawnmartin@gmail.com
Find us on Facebook

S. Martin
K. Martin

<https://mail.google.com/mail/u/0/?ik=af3dc3660&view=pt&search=cll&permthid=threed-a%3A2240466927916336778&siml=msg-a%3A2242118411...> 1/1

Document Set ID: 3876005
Version: 1, Version Date: 08/10/2020

Submission 6

SA & KJ Gargan
PO Box 1959
Mareeba
Qld 4880

P: 07 40934313
M: 0455534315 (Simon)
E: skgargan@outlook.com.au

6th October 2020

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

Dear Sir

**RE: SUBMISSION REGARDING PUBLIC CONSULTATION OF MAJOR AMENDMENT NO.1 OF 2020 –
NULLINGA DAM DEVELOPMENT AREA – MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016**

We are the owners of Lot 50 on SP220744 and Lot 49 on SP220774 situated on 78 Collins Weir Road, both of which have been identified as incorporating areas designated within the Nullinga Dam Overlay, proposed in Major Amendment 1 of 2020. We will be negatively affected by the amendment to the Mareeba Shire Council Planning Scheme 2016 to protect the proposed Nullinga Dam site and as such are objecting to it.

We have already been living with the uncertainty surrounding the dam for several years and are not confident that a decision will be made any time soon. On that basis it seems unjust to limit our ability to develop the farm indefinitely.

We purchased the 2226 hectare Freehold property from John Gargan (Simon Gargan's father) in 1996 and have spent the last 24 years developing the land, at considerable cost. All our income from the farm has been reinvested into it, allowing it to become a viable entity with considerable potential for further growth.

Currently the land incorporates the following:

- Approximately 400 acres under pivot irrigation
- 400 acres of dry land farming
- Further land suitable for approximately 500 head of cattle
- Several dams and sheds
- Two houses

The property has far more potential, something we hope to achieve through the continued investing of earnings back into the farm.

Correspondence dated 8 September 2020 from the Mareeba Shire Council states that:

"The purpose of the Major Amendment No. 1 of 2020 is to establish the Nulling Dam Overlay to protect the proposed Nulling Dam site from activities that may:

- physically impact the structure/geology of the land
- increase buildings and infrastructure within the area
- affect water supply

The development area is based on the predicted 100 percent water level, plus 200 metre lineal buffer, of the proposed Nulling Dam."

The measures listed above would prevent us from making any further improvements or developments to our farm.

We built a house in 2006 on our property well above the expected water level of the dam, however, the excessive 200m buffer means that it is within the overlay.

We have 3 children and our hope has always been that we could pass a small block of land on to each of them for either farming or recreational purposes. We are at the stage of life when we must consider our future and succession planning, so this situation is of great concern to us and our family.

In June 2019, the business case analysis conducted by Building Queensland and Sunwater, stated that the Nulling Dam was neither financially nor economically viable. In view of this information we fail to see how it can be justified to have our rights to our land, our home and our livelihood taken away from us.

Should the amendment to protect the dam site take place we would no longer have the option to:


- Increase cropping by developing further land
- Subdivide the land
- Pass on a block of land to each of our children for them to develop and build on. Relocatable buildings are not acceptable as long term family homes.

The amendment would therefore result in a significant decrease to the value of our land and potentially make it unsaleable, due to the continued uncertainty surrounding the dam. It is possible this situation could go on many years into the future.

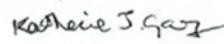
Whilst we can work with a dam going ahead or a dam not going ahead it is extremely difficult to work with this "in limbo" situation.

As such we strongly object to the Major Amendment No. 1 of 2020 – Nullinga Dam Development Area – Mareeba Shire Council Planning Scheme 2016 and find it totally unreasonable on all accounts. To impose such restrictions, which would both devalue our land and prevent us from doing anything to it to improve its profitability and add to its value, just so the Government can minimise the cost of acquiring the land at some undetermined date in the future, seems very unjust. If a final decision regarding whether or not the dam goes ahead cannot be made, we feel that the fairest outcome would be for the State Government to either resume our land now, at market value, or leave us to continue to develop our property without restrictions.

Yours Faithfully



Simon Gargan
Property owner



Katherine Gargan
Property owner

Submission 7

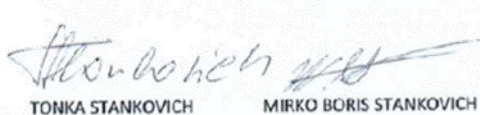
07 October, 2020

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

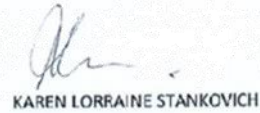
Dear Sir,

RE: PUBLIC CONSULTATION OBJECTION SUBMISSION FOR THE MAJOR AMENDMENT
NO.1 OF 2020. MAREEBA SHIRE COUNCIL PLANNING SCHEME, 2016 - NULLINGA
DAM DEVELOPMENT AREA.

As the registered Landowners of Stankovich Road, Mutchilba and more particularly described as Lot
41 on SP188672, We, TONKA STANKOVICH, MIRKO BORIS STANKOVICH, KAREN LORRAINE
STANKOVICH, BORIS STANKOVICH, SALVATORE GERARD MUSUMECI and MARYJANE VANJA
MUSUMECI find attached a Submission (Objection) in relation to the abovementioned proposed
Major Amendment, prepared and lodged on our behalf by Freshwater Planning Pty Ltd.


TONKA STANKOVICH

MIRKO BORIS STANKOVICH


KAREN LORRAINE STANKOVICH
BORIS STANKOVICH
SALVATORE GERARD MUSUMECI
MARYJANE VANJA MUSUMECI

Your Ref:
Our Ref: F20/24

07 October, 2020

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



Attention: Regional Land Use Planning Group

Dear Sir,

**RE: PUBLIC CONSULTATION OBJECTION SUBMISSION FOR THE MAJOR AMENDMENT NO.1 OF 2020
MAREEBA SHIRE COUNCIL PLANNING SCHEME, 2016 - NULLINGA DAM DEVELOPMENT AREA.**

Freshwater Planning Pty Ltd has been engaged by B, T, M B & K L STANKOVICH and S G & M V MUSUMECI, the owners of Lot 41 on SP188672, situated on Stankovich Road, Mutchilba to review and provide an Objection in relation to the Nullinga Dam Development Area that is currently undergoing Public Consultation by the Mareeba Shire Council. The Letter is considered to be a Formal Objection by way of Submission provided in relation to the Major Amendment No.1 of 2020 for the Mareeba Shire Council Planning Scheme – Nullinga Dam Development Area.

Submitter's Interest in the Nullinga Dam Development Area

The Submitters Land, Lot 41 on SP188672, is located on Stankovich Road, Mutchilba and directly adjoins the Walsh River. Their site is designated as containing Nullinga Dam Development Area within the Nullinga Dam Overlay proposed with the Major Amendment No.1 of 2020.

The Stankovich Road original parcel of Land was initially purchased by the Landowners in 1997/1998 and an Extractive Industry Permit was placed and held on the property for Extraction of Sand and Rock for Quarry purposes. The Landowners were working in River Extracting Material up until approximately 2005 with a then Department of Natural Resources Licence however, Approved volumes reduced considerably, and the Permit was extinguished. In 2004/2005 the Stankovich Road Property, originally 2320.16 hectares, and was Subdivided into five (5) River Frontage Allotments. The current site, Lot 41 on SP188572, was retained by the Landowners to be further developed/subdivided in the future.

This Land, Lot 41, is irregular in shape, has an area of 252 hectares, contains frontage to Stankovich Road, vacant vegetated land and borders the Walsh River. The site is currently intersected by Easement A on SP188572 which is an Access Easement burdening the site in benefit of Lot 40 on SP188682. The Mareeba Shire Council has recently Approved with Conditions a Reconfiguration of a Lot – 1 Lot into 4 Rural Lots being Development Application RAL/20/0008 which encompasses land designated within the proposed Overlay Mapping – Nullinga Dam Overlay (Overlay Map OM-013).

Freshwater Planning Pty Ltd
t/e The Freshwater Trust
ACN 603 020 220 | ABN 31 167 983 959

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

Major Amendment No.1 of 2020 – Nullinga Dam Development Area

The Minister for Infrastructure and Planning has exercised his powers under Section 26 of the Planning Act, 2016 to direct the Mareeba Shire Council to take action to Amend the Mareeba Shire Council Planning Scheme 2016, to protect the proposed Nullinga Dam site (Nullinga Dam Development Area).

The proposed Major Amendment No.1 of 2020 states that 'A detailed business case for the proposed Nullinga Dam was prepared by Building Queensland and completed in June 2019. The business case concluded that the dam was not currently financially or economically viable and consequently construction should not progress at this time'.

Page
2

In August 2019, the State Government endorsed the findings of the detailed business case for the Nullinga Dam and decided that construction would not proceed at this time. The State Government recommended, however, the Coordinator-General, in conjunction with the Department of Natural Resources, Mines and Energy (DNRM), take immediate steps to protect the proposed Nullinga Dam site (dam site) as a strategic precautionary measure, including investigation and potential declaration of a State Development Area.'

This Major Amendment No.1 of 2020 is to 'establish a new planning scheme overlay to control new development within the proposed dam site. The overlay would make all development, except for a dwelling house and associated outbuilding/s, impact assessable development within the Nullinga Dam development area. A key requirement of the planning scheme amendment would be to ensure any new development within the Nullinga Dam development area is limited in size and designed to be relocatable. Subdivision to create any new lots within the Nullinga Dam development area would not be supported by the planning scheme amendment.'

This now requires that any Development Application within the Nullinga Dam Overlay will be assessed against the Nullinga Dam Overlay Code. The Nullinga Dam Overlay Fact Sheet, provided by the Mareeba Shire Council, notes that the Nullinga Dam Overlay Code seeks to achieve:

The 'Nullinga Dam development area' is protected from development that is likely to compromise the future construction and associated structural integrity of the Nullinga Dam.

Development does not increase the number of buildings, lots and infrastructure within the 'Nullinga Dam development area' by ensuring:

- (i) Land within the 'Nullinga Dam development area' is maintained in its current configuration; and
- (ii) Residential and non-residential infrastructure, including cropping infrastructure is limited in size and designed to be relocatable;

Land within the 'Nullinga Dam development area' is not reconfigured to create additional lot/s situated within the 'Nullinga Dam development area';

Development does not compromise or impact on the structure, stability or geology of land within the 'Nullinga Dam development area';

Landowners Objections

The Mareeba Shire Fact Sheet informs that *'the Nullinga Dam Development Area is generally based on the predicted 100 per cent water level, plus 200 metre lineal buffer, of the proposed Nullinga Dam'*. This 200 metre lineal buffer does not take into account the topography of the area and in particular the topography within the Landowners site. The Overlay Mapping designation comprises of almost all of the useable portion of the property in addition to covering steep mountainous areas. The lineal 200 metre buffer is considered to be a poor representation on any Development Area due to the Overlay's lineal buffering not taking into consideration the physical features and contours of the site and within the immediate surrounding area.

Page
3

The Landowners of the site are comprised of professionals that reside within the Property Development, Extractive Industries and Earth Moving and Raw Materials realms within the Mareeba Shire and over the Tablelands. These Landowners have previously developed land within the surrounding area, held and applied for several Sand Extraction Permits within the Walsh River and have recently received Approval through the Mareeba Shire Council to subdivide their current property into four (4) Rural Allotments. This clearly demonstrates the Landowners historic Development credentials of which they intended to utilise in developing the current site. The proposed Nullinga Dam Development Area will deprive the site of any Development Potential, including Improvement Potential and value adding while reducing the Marketability and Valuation of the site. The current property and Approved Reconfiguration have the ability to provide four (4) Rural Allotments fronting the Walsh River, in addition to any Extractive Industries or Rural Activities Potential of the site. The introduction of the Nullinga Dam Development Area will ensure to remove any current or future potential improvements/Development over the site effectively resulting in a vacant parcel/parcels of Land that are undevelopable for the future whilst the Council still collects full Rates over the property/properties while their Land Valuation plummets.

The Major Amendment No.1 of 2020 notes that Building Queensland undertook a detailed Business Case in June, 2019 that concluded that *'the dam was not currently financially or economically viable and consequently construction should not progress at this time'* with the State Government, in August 2019, endorsing these findings and decided *'that construction would not proceed at this time'*. As the State Government has undertaken a comprehensive and detailed Study and endorsed that the Dam is not currently financially nor economically viable directing any construction not to proceed clearly demonstrates that any Dam Project is will not be feasible within the short nor medium term future, if at all. However, the State Government feels the need to excise their powers to direct the Mareeba Shire Council to protect this land for the future. Neither the State Government nor the Local Government have provided any predicted timeframe for the Nullinga Dam, however, are more than accepting to remove any As of Right abilities/Accepted Development, Improvements/Enhancements, and Development Potential of the properties within this Development Area. Any possible Development Potential, Improvements or As of Right (Accepted Development or Self Assessable Development) Uses over these properties are now Impact Assessable adding a significant cost and restrictions to any property owners/companies within this Nullinga Dam Development Area. It is accepted that the proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture.

The proposed Amendments deny any Subdivision Potential for any of the large Rural Allotments with the Nullinga Dam Overlay Code Performance Criteria P04 stating that *'Any Reconfiguring a Lot in the Nullinga Dam Development Area identified on the Nullinga Dam Overlay Map (OM-013) does not involve the creation of a new lot.'*

The proposed Amendments significantly reduces the ability for any additional Infrastructure, including cropping Infrastructure, to be provided onsite ensuring any Infrastructure to be limited in size and designed to be relocatable. The Code's Performance Criteria ensures that any Development does not include any activities that alter the physical landscape, surface water or groundwater quality, or activities that may increase Infrastructure and/or the number of buildings over the property.

The proposed Amendments also restrict any new Extractive Industries to be Development within the Nullinga Dam Development Area.

Page
4

These restrictions to any Development, Improvements, Agriculture (Rural Activities), Subdivision Potential or As of Right/Acceptable Uses within the Rural Zone ensure that these parcels of land within the Nullinga Dam Development Area are undevelopable, and unusable to anything else then what is currently existing.

The Major Amendment No.1 of 2020 notes that within the Explanatory Statement, the Office of the Coordinator General and the Department of Natural Resources, Mines and Energy identified that *'activities that may potentially increase the cost of land acquisition in the future'*. This demonstrates that any property Mapped as containing the the Nullinga Dam Development Area is unable to be further Improved or Developed due to increasing the cost of land acquisition in the future, therefore restricting the ability for the landowners to undertake, improve or enhance activities over their properties because it will cost the Government more to acquire these properties in the future, if the Nullinga Dam ever goes ahead.

The Nullinga Dam Development Area has stripped any potential for the landowners within the Development Area, resulting in these properties to remain as is, whilst being Rated at the same value as similar properties outside the Development Area that retain their Development Potential. The proposed Amendments significantly and substantially affect the Landowners of Lot 41 on SP188672, located on Stankovich Road, Mutchilba. As previously mentioned, the Landowners are currently heavily involved within Extractive Activities and resulting Earthmoving and Raw Materials Uses. The proposed Amendments, in particular Performance Criteria P03 of the Nullinga Dam Overlay Code states that *'no new extractive industry is developed in the Nullinga Dam Development Area identified on the Nullinga Dam Overlay Map (OM-013)'*. As the Overlay Mapping encompasses the majority of the accessible site and in particular within proximity and along the Walsh River, these Amendments ensure that a main purposes for the Landowners purchasing/retaining the property was due to its Extractive Activities Potential which the Nullinga Dam Overlay Code now prohibits. The Landowners have historically used the surrounding area for Extractive Industries purposes. Freshwater Planning Pty Ltd understands that the Landowners had planned to use the site (Lot 41) in the meantime as a processing site for Raw Materials extracted from the Walsh River. Additional Extractive Industries Permits have been applied for since 2005 however, to date the Landowners have been unable to secured Approval for Extractive Industries within the Walsh River as the State Government did not want any Extraction from the Walsh River as they were not confident that the Nullinga Dam would ever proceed. Due to this the Landowners have undertaken Preliminary Investigations in relation to Extractive Industries over the current site of which the Nullinga Dam Overlay Code now prohibits.

In addition to the Extractive and Earthmoving and Raw Materials Industries, the Landowners also current and historically are Land Developers throughout the Tablelands and in particular within the Mareeba Shire. The site is currently one of five (5) Rural Allotments that was previously Subdivided by the Landowners from the original Stankovich Road Property, totaling 2,320.16 hectares. The Landowners retained Lot 41 on SP188672 due to its further Developmental and Subdivisional Potential. The proposed Amendments have denied any Subdivision Potential of their site and with P04 of the Nullinga Dam Overlay stating that *'any Reconfiguring a Lot in the Nullinga Dam Development Area identified on the Nullinga Dam Overlay Map (OM-013) does not involve the creation of a new lot'*. The majority of the properties which are located within the Nullinga Dam Overlay comprise

of large Rural Allotments with significant Subdivision Potential. In this instance, the Landowners have recently successfully achieved Approval for a Reconfiguration over the site for the provision of four (4) Rural Allotments. However, under the proposed Amendments any Accommodation Activity that is able to be provided within these Approved Allotments, whilst being "Accepted Development subject to requirements", are significantly restricted to Dwelling House and domestic outbuildings with any Dwelling House not exceeding 200 m² of Gross Floor Area and the cumulative Gross Floor Area of all domestic outbuildings must not exceed 200 m². In addition to this, all structures must be designed and constructed to allow for their future removal. This effectively ensures that these properties that are Mapped within the Nullinga Dam Overlay, which are Zoned Rural and contain areas greater than 60.0 hectares in size, are restricted to removable or designed to be removed within the future Dwellings of Gross Floor Area of 200m² with cumulative outbuildings not exceed 200 m². Under the Mareeba Shire Planning Scheme Rural Zoned Allotments are required to be a minimum 50.0 hectares with the Amendments proposing an allowed Gross Floor Maximum Area of 400 m² (Dwelling 200 m² and Cumulative Outbuildings 200 m²) resulting in a restricted site coverage no greater than 0.00067% that is required to be either removable or designed to be removed within the future.

As the property is designated within the Rural Zone and adjoins the Walsh River, the proposed Amendments 'key requirement of the Planning Scheme Amendments would be to ensure that any new development within within the Nullinga Dam development area is limited in size and designed to be relocatable' in addition to the Nullinga Dam Overlay Code's Purpose for the protection of the Nullinga Dam Development Area, notes that any 'Development does not increase the number of buildings, lots and infrastructure within the Nullinga Dam Development Area by ensuring that (i) land within the Nullinga Dam Development Area is maintained in its current configuration; and (ii) Residential and Non Residential Infrastructure including cropping infrastructure is limited in size and designed to be relocatable'. This Amendment will ensure to squash any potential for Rural Activities within this Rural Allotment which adjoins the Walsh River as no Agricultural Venture is going to start up whilst being restricted to:

- no additional Buildings or Improvements;
- restrictions in size Infrastructure; and
- any reduced Infrastructure has to be designed to be removable as the most viable portion of the property lies within the Mapped Nullinga Dam Development Area.

The unallocated timeframe additionally provides no assurance for anyone wanting to improve their property or Use it as it is intended to for other Rural Zoned Allotments throughout the Shire.

The proposed Major Amendment No.1 of 2020 within the Mareeba Shire Planning Scheme for the Nullinga Dam Development Area has destroyed any Subdivision Potential, As of Right Uses/Accepted Uses, Rural Activities and Extractive Industries over the site of which the Landowners originally purchased/retained the property for given their professional areas of expertise. These Amendments will significantly reduce the Property Values of the site and immediate vicinity by removing any Developmental Potential or ability for As of Right Uses over the property, effectively ensuring that the site stays vacant whilst collecting Rates similar to those of a full developable property. These Amendments will continue to force the Devaluation of the site and other properties within the Nullinga Dam Development Area. If these proposed Amendments are accepted, then the site becomes effectively prohibited for any Development and required to remain as a vacant parcel of land forever in a day, just so there is no 'increase the cost of land acquisition in the future' for the State Government.

Conclusion

The proposed Major Amendments No.1 of 2020 within the Mareeba Shire Planning Scheme for the Nullinga Dam Development Area is not considered to be reasonable, relevant, appropriate nor acceptable to B, T, M B & K L STANKOVICH and S G & M V MUSUMECI, the owners of Lot 41 on SP188572, situated on Stankovich Road, Mutchilba. The proposed Amendments which have been enforced by the Minister removes any Development Potential of the property whilst ensuring that no improvements/enhancements are acceptably provided nor the Use of the property for its As of Right Uses/Accepted Development. Any Uses that are able to be provided over the site will be substantially restricted to a point that is not considered acceptable, appropriate or viable to the property. The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture. Page 6

In summary, the Landowners Object to the proposed Major Amendment No.1 of 2020 within the Mareeba Shire Planning Scheme, 2016 encompassing the Nullinga Dam Development Area. The proposed Amendments are not considered to be reasonable nor relevant and significantly restrict and prohibit properties within the Nullinga Dam Overlay to protect a future Dam that is considered by the State to be *'not financially or economically viable'* just so there is no *'increase the cost of land acquisition in the future'* for the State Government. In particular, the concluded Landowner's Objections to the proposal Major Amendment No.1 of 2020 are:

- ✚ The State Government has undertaken a comprehensive and detailed Study and endorsed that the Dam is not currently financially nor economically viable directing any construction not to proceed clearly demonstrates that any Dam Project is will not be feasible within the short nor medium term future, if at all. However, the State Government feels the need to excise their powers to direct the Mareeba Shire Council to protect this land for the future;
- ✚ The proposed Nullinga Dam Overlay will deny landholders the right to develop their land, for Residential and Non-Residential Infrastructure including Subdivision and Agriculture;
- ✚ Neither the State Government nor the Local Government have provided any predicted timeframe for the Nullinga Dam, however, are more than accepting to remove any As of Right abilities/Accepted Development, Improvements/Enhancements, and Development Potential of the properties within this Development Area;
- ✚ Any possible Development Potential, Improvements or As of Right (Accepted Development or Self Assessable Development) Uses over these properties are now Impact Assessable adding a significant cost and restrictions to any property owners/companies within this Nullinga Dam Development Area;
- ✚ The proposed Amendments deny any Subdivision Potential for any of the large Rural Allotments with the Nullinga Dam Overlay Code Performance Criteria P01 stating that *'Any Reconfiguring a Lot in the Nullinga Dam Development Area Identified on the Nullinga Dam Overlay Map (OIM-013) does not involve the creation of a new lot'*;
- ✚ The proposed Amendments significantly reduces the ability for any additional infrastructure, including cropping Infrastructure, to be provided onsite ensuring any Infrastructure to be limited in size and designed to be relocatable. The Code's Performance Criteria ensures that any Development does not include any activities that alter the physical landscape, surface water or groundwater quality, or activities that may increase Infrastructure and/or the number of Buildings over the property;
- ✚ The proposed Amendments restrict any new Extractive Industries to be Development within the Nullinga Dam Development Area;

✦ Restrictions to any Development, Improvements, Agriculture (Rural Activities), Subdivision Potential or As of Right/Acceptable Uses within the Rural Zone ensure that these parcels of land within the Nullinga Dam Development Area are undevelopable, and unusable to anything else then what is currently existing;

✦ Any allowed Improvements or Buildings will be overly onerously restricted (size and form) to a point that will make them not viable nor appropriate or acceptable to a landowner;

Page
7

✦ This Amendment will ensure to squash any potential for Rural Activities within this Rural Allotment which adjoins the Walsh River as no Agricultural Venture is going to start up whilst being restricted to no additional Buildings or Improvements; restrictions in size Infrastructure; and any reduced Infrastructure has to be designed to be removable as the most viable portion of the property lies within the Mapped Nullinga Dam Development Area;

✦ The Amendment will continue to force the Devaluation of the site and other properties within the Nullinga Dam Development Area. If these proposed Amendments are accepted, then the site becomes effectively prohibited for any Development and required to remain as a vacant parcel of land forever in a day, just so there is no 'increase the cost of land acquisition in the future' for the State Government, and

✦ The Office of the Coordinator General and the Department of Natural Resources, Mines and Energy identified that 'activities that may potentially increase the cost of land acquisition in the future'. This demonstrates that any property Mapped as containing the the Nullinga Dam Development Area is unable to be further Improved or Developed due to increasing the cost of land acquisition in the future, therefore restricting the ability for the landowners to undertake, improve or enhance activities over their properties because it will cost the Government more to acquire these properties in the future, if the Nullinga Dam ever goes ahead

The Landowner believe that the restrictions of the Nullinga Dam Overlay are such that if implemented, the property's potential is significantly reduced to become an unviable investment for its owners with the yearly holding cost (rates, insurance, etc) being an ongoing financial burden with no realistic potential for a profitable return. If the Overlay is implemented, the Landowners consider that the impacts are such that it would be considered reasonable that the property is resumed by the State Government at its current fair Market Value.

Yours faithfully,



MATTHEW ANDREIC ON BEHALF OF B, T, M B & K L STANKOVICH AND S G & M V MUSUMECI

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Submission 8

Elizabeth Taylor
Town Planner
23 Valley Street
FRESHWATER QLD 4870

Ref: ET20-026
Council Ref: URP-SCH

30 September 2020

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

RE: SUBMISSION IN RELATION TO MAJOR AMENDMENT NO. 1 OF 2020 – NULLINGA DAM
DEVELOPMENT AREA – MAREEBA SHIRE PLANNING SCHEME 2016.

The following submission has been prepared on behalf of Mr Rob Lowden, landowner of Lot 40
SP188672, which is impacted by the proposed Nullinga Dam Development Area.

Statutory Considerations

Section 26(2) of the Planning Act 2016 specifies that the Minister can require the Local Government
to take action - (b) to protect, or give effect, to a State interest.

'State interest' is defined in Schedule 2 of the Planning Act 2016, as follows:

'State interest means an interest the Minister considers –
(a) affects an economic or environmental interest of the State or part of the State;
or
(b) affects the interests of ensuring this Act's purpose is achieved.'

Section 3 (1) of Chapter 1 of the Planning Act 2016, outlines the Purpose of the Act, as follows:

(1) 'The purpose of this Act is to establish an efficient, effective, transparent, integrated,
coordinated and accountable system of land use planning (planning), development
assessment and related matters that facilitates the achievement of ecological
sustainability.'

Section 3(2) of the Planning Act 2016, outlines Ecological sustainability, as follows:

(2) 'Ecological sustainability is a balance that integrates-
(a) The protection of ecological processes and natural systems at local, regional and
State and wider levels; and
(b) Economic development; and
(c) The maintenance of the cultural, economic, physical and social wellbeing of
people and communities.'

In the Minister's directive to Council, dated 06 July 2020, to commence amendments to the Planning Scheme to protect the proposed Nullinga Dam site, it states:

- *To protect the proposed Nullinga Dam site from activities that may:*
 - *Physically impact the structure/geology of the land;*
 - *Increase buildings and infrastructure within the area;*
 - *Affect water quality.*

On face value, protecting the Nullinga Dam Development Area from activity that would compromise the future development of the Dam, as a major regional water resource, appears to:

1. Qualify as a State interest;
2. Align with the purpose of the Act; and
3. Achieve ecological sustainability.

However, the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvements – Business Case/Cost Benefit Analysis Report suggests otherwise.

The Building Queensland website, states:

NULLINGA DAM AND MAREEBA DIMBULAH WATER SUPPLY SCHEME IMPROVEMENTS

Building Queensland led the development of the Nullinga Dam and Mareeba Dimbulah Water Supply Scheme Improvements Detailed Business Case in partnership with Sunwater.

The business case provides a robust assessment of the opportunities and challenges of increasing water availability in support of potential future agricultural demand in the Mareeba Dimbulah Water Supply Scheme.

The business case investigated improving the Mareeba Dimbulah Water Supply Scheme rules and operation, and upgrading the existing Arriga and East Barron Channels. An in-depth analysis of the design and construction of Nullinga Dam was also undertaken.

The business case analysis reveals construction of the proposed Nullinga Dam is neither financially or economically viable. The proposed Nullinga Dam site is located in a poor performing catchment requiring a costly build solution. To construct a dam that would meet identified demand would require an extended and costly construction program relative to the volume of water that would be available.

The detailed business case was completed in June 2019.

The analysis considers five (5) Nullinga Dam options, as follows:

No.	Description	Yield (ML/a)	Real up-front Capital Costs ¹¹ (2018-19) \$M	Nominal up-front Capital Costs ¹² \$M	Nominal Capital Costs (including capitalised maintenance) \$M
Reference Project 1 – Nullinga Dam (58,000 ML/a)					
1A	Nullinga Dam (PSL 545m AHD), standalone, two proposed pipelines – Cairns and A3 Walsh River Pipeline	55,000	255.8	1070.9	1112.1
1B	Nullinga Dam (PSL 545m AHD), conjunctive, upgrade of the Arnga Main Channel	58,000	713.7	1006.5	1027.9
Reference Project 2 – Nullinga Dam (74,000 ML/a)					
2A	Nullinga Dam (PSL 556m AHD), standalone, two proposed pipelines – Cairns and A3 Walsh River Pipeline	74,000	1068.0	1495.4	1551.1
2B	Nullinga Dam (PSL 556m AHD), partially conjunctive, upgrade of Arnga Main Channel and a new A3 Walsh River Pipeline	74,000	1832.8	1879.5	1854.8
2C	Nullinga Dam (PSL 556m AHD), fully conjunctive, upgrade of Arnga Main Channel and a new A3 West Barron Pipeline	74,000	999.1	1393.7	1417.4

The Executive Summary of the Report, states:

Table 1-4 Summary of economic analysis findings, discounted at 7% real

COMPONENT	REFERENCE PROJECT, NPV \$M				
	1A Standalone 58,000 ML/a	1B Conjunctive 58,000 ML/a	2A Standalone 74,000 ML/a	2B Partly Conjunctive 74,000 ML/a	2C Full Conjunctive 74,000 ML/a
Present Value of Benefits \$M	\$50.5m	\$50.5m	\$63.2m	\$63.2m	\$63.2m
Present Value of Costs \$M	\$457.5m	\$422.9m	\$628.2m	\$589.4m	\$575.5m
NPVs \$M	-\$406.9m	-\$372.4m	-\$565.0m	-\$526.2m	-\$512.3m
BCR	0.11	0.12	0.10	0.11	0.11

Broadly, all considered Reference Projects result a BCR of approximately 0.1. This means for every dollar spent in the delivery and operations of the a proposed Nullinga Dam, only 10 cents in economic benefits would be realised.

Table 1-4 clearly demonstrates that all five (5) Nullinga Dam options are not economically/socially viable.

Table 1-5 Estimated upfront water charges under full cost recovery approaches

REFERENCE PROJECT	UPFRONT CAPITAL CHARGE (\$/ML) Differential charging		UPFRONT CAPITAL CHARGE (\$/ML) Flat charging	
	MP	HP	MP (and MP equivalent)	HP price based on MP equivalent ¹²
Reference Project 1A	6,800	40,200	17,000	21,286
Reference Project 1B	6,300	46,000	15,800	22,714
Reference Project 2A	8,900	57,600	18,000	25,714
Reference Project 2B	8,400	54,800	17,100	24,429
Reference Project 2C	8,200	53,500	16,700	23,857

Under the full cost recovery approaches presented above:

- differential charging approach would result in extremely high HP water prices, which are 10 to 13 times higher than current HP prices in the MDWSS, with HP customers paying \$46,000 per ML or higher
- a flat charging regime would result in an upfront payment of between 4 and 9 times the current stated price, with customers being required to pay approximately \$15,900 per ML or greater.

Under any considered full cost recovery model, the pricing would be commercially unattractive for all current (and future) MDWSS customers. The central case scenario adopted for consideration in the DBC has therefore assumed:

- a proposed Nullinga Dam would not operate under a full cost recovery model
- water pricing would reflect willingness and capacity to pay assumptions (i.e. upfront price of \$2,000 to \$3,000 per ML for MP and HP respectively)
- ongoing fees set to recover operating, maintaining and refurbishing costs of the asset only.¹³

The adoption of the above pricing is inconsistent with current pricing and cost recovery principles of both the Queensland and Commonwealth Governments¹⁴ for new water infrastructure; however, without capping upfront charges and limiting ongoing charges to the recovery of Operating and Maintenance (O&M) costs only, it is reasonably anticipated that no customer would be willing or able to pay the associated prices.

Table 1-5 establishes that under a 'full cost recovery' policy no water user would pay the estimated cost of water and therefore Nullinga Dam could not operate under a full cost recovery model. Currently both the Queensland Government and the Commonwealth Government operate under full cost recovery water pricing policies.

The key findings and recommendations of the detailed business case report are reproduced below and confirm the Nullinga Dam is not viable.

Table 1-3 Findings from the DBC

Area	Key finding
Demand	<ol style="list-style-type: none"> 1) There is no immediate need for additional urban water supply for Cairns, as CRC has strategies to meet supply requirements over the next 40 years 2) There is an opportunity to support expanded agricultural activities in the MDWSS through access to additional allocations, at a stated price of \$1,000 to \$3,000 per ML 3) There is little capacity for customers to pay more than the stated price of \$2,000 to 3,000 per ML (even for the highest priority water) where sugarcane is the predominant crop type (as it currently is for the RDA/MP central case demand)
Considered options	<ol style="list-style-type: none"> 4) Based on an assessment of the identified non-infrastructure options, with the adoption principle of exploring and converting MP to HP where there are customers able and willing to pay, it is acknowledged that as part of ongoing water plan review activities: <ol style="list-style-type: none"> a. DWRME should consider changing the water year to three months later than currently stated in the water plan b. Sunwater should continue to strengthen water ordering processes and consider potential opportunities for continuous sharing arrangements 5) The remaining unfunded modernisation works identified in the FEC and outside the current MDWSS Efficiency Improvement Project, will not result in a positive socio-economic return on investment 6) Two proposed Nullinga Dam options are the identified Reference Projects for the DBC, along with sub-options that consider both standalone and conjunctive scheme approaches
Reference Project	<ol style="list-style-type: none"> 7) Reference Project 1 would cater for 58,000 ML/a 8) Reference Project 2 would cater for 79,000 ML/a 9) Only Reference Project 2 (and associated sub-options) would be able to support potential local operator demand
Economic analysis	<ol style="list-style-type: none"> 10) None of the Reference Projects considered will result in a positive socioeconomic return. With no BCR greater than 0.12, the cost of each Reference Project significantly exceeds its expected benefits. 11) The Nullinga Dam option with the highest BCR (Reference Project 1B) has less than 1 per cent chance of achieving a BCR of 0.39 or higher, based on applied probabilities of all considered cost and benefit variables
Financial analysis	<ol style="list-style-type: none"> 12) Any full cost recovery pricing model, which would align with current Queensland and Commonwealth Government water pricing policies, are commercially unviable, with a cost recovery approach resulting in: <ol style="list-style-type: none"> a. customers paying \$15,900 per ML for MP (and MP equivalent) water allocations b. an upfront payment of between 4 and 9 times higher than customers willingness and capacity to pay for the majority of the known crop types 13) Adoption of the stated price of \$2,000 for MP and \$3,000 for HP, and recovery of G&M costs only through ongoing charges, for the central case demand scenario, will result in all Reference Projects return a negative NPV 14) All Reference Projects would result in a funding gap equal to 90% (or greater) of upfront capital costs. This funding requirement would need to be met to support a water price of \$2,000 to \$3,000 per ML

1.10 Recommendations

It is recommended that the Queensland Government endorses the DBC and notes:

- Nullinga Dam is not financially nor economically viable under any scenario, with BCIRs of approximately 0.1 and negative NPVs ranging from -\$394.3m to -\$531.3m (or lower) for each of the investigated options.
- The nominal costs¹⁸ of the proposed Nullinga Dam options, based on a Class 3 cost estimate¹⁹ and corresponding level of design documentation, include:
 - capital expenditure, including implementation and risk costs, of between \$1,027.9m to \$1,551.3m
 - O&M costs of between \$96.1m to \$250.2m.
- Any full cost recovery pricing model, which would align with current Queensland and Commonwealth Government water pricing policies, are commercially unviable, with a full cost recovery charging approach resulting in:
 - \$15,900 per ML for MP (and MP-equivalent) water allocations (or higher)
 - an upfront payment of between four and nine times higher than customers' willingness and capacity to pay for the majority of the known crop types
 - no demand and no revenue.
- At prices current customers are willing and able to pay (\$2,000 per ML for MP and \$3,000 per ML for HP), potential nominal revenues²⁰ associated with the Nullinga Dam options include:
 - upfront water sales of \$272.7m to \$357.1m
 - ongoing fee revenue of \$88.5m to \$231.0m.

1.11 Risks

Should any of the considered Nullinga Dam options be progressed to detailed planning and delivery phase, the following risks have been identified, each having the potential to adversely impact the cost estimate and delivery schedule:

- commercially binding agreements are required to be entered into with future customers
- existing water plan does not make allowance for a Nullinga Dam and consideration would need to be given to amending the plan if Nullinga Dam were to proceed to construction
- limited environmental studies completed to date
- an EIS is required including mandatory cultural heritage and native title investigation and management activities
- engineering and design documentation to be further developed.

Based on the timeframe to deliver an EIS and other approval processes, detailed design, dam construction and the likely period for the dam to fill post-construction, the implementation of any of the Reference Projects, should any be progressed, would likely not result in water sales occurring until 2035 onwards.

On 08 August 2019 the State Government, through the Minister for Natural Resources, Dr Anthony Lynham, announced alternative options would be considered in light of the findings and recommendations of the Report. However, the Minister went on to state:

Despite those trepidations, Dr Lynham said the Palaszczuk Government recognised that there might be strategic benefits for Far North Queensland in preserving the site.

"The Co-ordinator General and the Department of Natural Resources, Mines and Energy are working on the best way to do this now," he said.

The Minister's statement, above that there "might be" strategic benefits to Far North Queensland in preserving the dam site is uncertain and imprecise and suggests a lack of intent to follow through over the longer term, particularly if viable alternative options are identified.

The proposed amendment of the Mareeba Shire Planning Scheme to introduce the Nullinga Dam Development Area Overlay Map, Code and Table of Assessment, allows the State Government to a have 'a bet each way' while sterilizing development opportunities for affected land owners, in the short, medium and long term, with the very real prospect that the Nullinga Dam may never proceed if an alternative option, down the track, proves viable.

This heavy-handed approach to land use forward planning does not align with the purpose of the Act, or promote ecological sustainability and rather than being a project of State interest, Nullinga Dam Development Area can be more accurately described as a "moth-balled white elephant"; with all affected landowners to pay the price.

Mareeba Shire Council is being forced to "carry the can" with the State Government resiling from designating the Nullinga development area a State Development Area, which confirms the "two way bet" approach being taken by the State Government to now consider other options, while hanging affect land owners along the Walsh River in the Nullinga Dam development area, out to dry.

Town Planning Considerations

Mayor Amendment No. 1 of 2020 - Nullinga Dam Development Area is comprised of three (3) planning mechanisms:

- Nullinga Dam Development Area Overlay Map; and
- Nullinga Dam Overlay Code; and
- Nullinga Dam Overlay Table of Assessment.

The amendments currently state that ONLY land located in the designated Development Area will be impacted by the Code.

The boundary of the Nullinga Dam Development Area, as shown on the Overlay Map, is stated to include, the extent of the predicted 100% water level line and a 200-metre lineal buffer. These two different boundary lines are not shown on the Overlay Map and the scale of the Overlay Map makes it impossible for a landowner to identify that part of his/her lot, which is either in or out of the Development Area. Given that the planning/development implications of whether land is in or out is critical to a landowner in determining his/her development opportunities/constraints, the Overlay Map should be refined to:

- Clearly identify the extent of both the 100% water level line and the 200-metre lineal buffer boundary; and
- Clearly identify the contour line/s where the outer Development Area boundary line is located on each impacted property.

The Nullinga Dam Overlay Code effectively limits development on land within the Development Area to a Dwelling house – max. 200m² and all associated outbuildings- max. 200m² with all structures designed to be removable; and prohibits activities that impact on the structure and geology of the

land or Impact on surface/ground water, in particular extractive industry; and also prohibits the creation of new lots.

To achieve this the Table of Assessment for Nullinga Dam Overlay changes the level of assessment for all development (other than a Dwelling house and associated out-buildings) to Impact assessable development.

This means that land uses previously able to establish on Rural zoned land as Accepted development (AD)/Accepted developed subject to requirements (ADSR) or Code assessable development (CAD), are now all Impact assessable development.

The list includes:

1. Agricultural supplies store - CAD;
2. Animal husbandry - AD;
3. Aquaculture - ADSR/CAD;
4. Caretaker's accommodation - ADSR/CAD;
5. Cropping - AD/ADSR/CAD;
6. Emergency services - ADSR/CAD;
7. Environment facility - CAD;
8. Extractive industry - CAD;
9. Food & drink outlet (if temporary) - AD;
10. Home based business - ADSR/CAD;
11. Intensive animal industry - ADSR;
12. Intensive horticulture - ADSR;
13. Nature-based tourism (if temporary) - AD or CAD;
14. Park - AD;
15. Permanent plantation - ADSR/CAD;
16. Roadside stall - ADSR/CAD;
17. Rural industry - AC/ADSR/CAD;
18. Rural workers accommodation - AD/ACDSR/CAD;
19. Substation - AD;
20. Tourist attraction - CAD;
21. Tourist park - CAD;
22. Transport depot - ADSR/CAD;
23. Utility installation - AD;
24. Veterinary services - CAD;
25. Wholesale nursery - CAD;
26. Winery - CAD.

Twenty six (26) land uses that currently either do not require a planning approval or only require a code assessable planning approval will now require Impact assessment against the whole of the Planning Scheme, public notification and significant time delays and significant increases in cost to the landowner with the possibility of refusal at the end of the process, just to protect land for a Dam that may never be built.

Given that the Council was only directed to commence preparation of the Planning Scheme amendment in July 2020 and only 2/3 months later the work is done, it is very obvious that the

amendments are blunt and need refinement and that little consideration of the impacts on landowners has been undertaken.

As an example: of the 25 land uses listed above the following should not have been listed as Impact assessable development:

1. Agricultural supplies store - effectively a shed that can be removed from the land in the future, if necessary and should be able to establish without Impact assessment;
2. Animal husbandry - an expected rural use, containing ancillary yards, coups, stables and temporary holding facilities and should be able to establish without Impact assessment;
3. Caretaker's accommodation - a modest accommodation activity and should be able to establish without Impact assessment;
4. Cropping - an expected rural use that should be able to establish on rural land without Impact assessment;
5. Emergency Services - if ever needed in the area why require Impact assessment?
6. Food & drink outlet (if temporary) meets the temporary test;
7. Home based business - establishes in an existing dwelling, why require Impact assessment;
8. Intensive animal industry - an expected rural use, containing animal enclosures, ancillary storage of feed and should be able to establish without Impact assessment;
9. Intensive horticulture - an expected rural use, contained in easily moveable greenhouses and structures, ancillary storage and packaging areas and should be able to establish without Impact assessment;
10. Permanent plantation - could establish until land needed for Dam, if ever;
11. Roadside stall - temporary structure;
12. Rural industry - sheds that can be relocated and should be able to establish without Impact assessment;
13. Tourist park - low impact land use on rural land and should be able to establish without Impact assessment;
14. Transport depot - shed, which can be relocated and should be able to establish without Impact assessment;
15. Wholesale nursery - low impact use, easily relocated and should be able to establish without Impact assessment.

The Nullinga Dam may never proceed and if it does, it is many years away; therefore, in fairness to existing landowners greater thought and a greater level of refinement should have been introduced into the Overlay Map, Code and Tables of Assessment, to allow a range of rural land uses/developments to be able to establish on land in the future, within the clearly identified boundaries Development Area, if the amendment were to proceed.

There is also the opportunity for future Planning Schemes to provide more stringent controls, should the Dam project be funded and be identified as proceeding, down the track, after alternative options have been considered; but at this point in time, the proposed Nullinga Dam planning provisions are too blunt, ill-considered and do not take into consideration the significant and unnecessary impost on effected landowners in the short, medium and long term.

In Conclusion

Major Amendment No. 1 of 2020 - Nullinga Dam Development Area, is not good planning and should not proceed, for the following reasons:

- The Governments' own reports and studies confirm that the Nullinga Dam is unviable because it will cost too much to build, with all 5 options having a funding gap of 90% of upfront capital costs and none of the 5 options having a positive socio-economic return; the dam site is located in a poor performing catchment; construction will have significant environmental impacts; there are alternative options that offer a better economic outcome and less capital expenditure; and the cost of water will be too high, being 5 to 6 times, what water users could pay, from \$2,000.00 to \$3,000.00 per ML up to \$15,900.00 ML;
- Therefore, the Major Amendment No. 1, is contrary to the Purpose of the Act and it does not achieve the principle of ecological sustainability and should not be driven forward under the pretext of a State Interest;
- The Major Amendment does not represent well-founded strategic forward planning or a State interest, rather it represents "a bet each way" by the State Government, at the expense of affected landowners, sterilising their land;
- The Major Amendment is ill-considered and imposes an unreasonable impost on affected landowners for no beneficial regional planning outcome, in the short, medium or long term, if ever;
- The Overlay Map, Code and Table of Assessment provisions are un-refined, unclear and particularly onerous on affected landowners, with little thought having been given to the actual implications of making all future development (except a dwelling house and associated outbuildings) impact assessable development for potentially the next 30/40 years;
- Given the considerable lead time for any future dam or alternative water option the proposed amendment is unwarranted in the life of the current Planning Scheme.

Proposed Major Amendment No. 1 of 2020 – Nullinga Dam Development Area, is premature, unwarranted, and contrary to the Planning Act 2016 and should not proceed.

Yours faithfully,



Elizabeth Taylor
Town Planner

MAJOR AMENDMENT NO.1 OF 2020
MAREEBA SHIRE COUNCIL PLANNING
SCHEME 2016

Nullinga Dam development area

(November 2020 - As amended in response to public consultation)



Explanatory Statement

This Explanatory Statement is produced as supporting material to Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016.

The amendment is proposed in accordance with section 20 of the *Planning Act 2016* (the Act) and the Minister's Guidelines and Rules which sets out the minimum requirements for a local government when amending a planning scheme for section 20 of the Act.

The purpose of this document is to provide context and background to Major Amendment No.1 of 2020 and will assist readers in understanding the nature of the changes.

Major Amendment No.1 of 2020 specifically addresses:

- Nullinga Dam development area

Nullinga Dam development area

A detailed business case for the proposed Nullinga Dam was prepared by Building Queensland and completed in June 2019. The business case concluded that the dam was not currently financially or economically viable and consequently construction should not progress at this time.

In August 2019, the State Government endorsed the findings of the detailed business case for the Nullinga Dam and decided that construction would not proceed at this time. The State Government recommended, however, the Coordinator-General, in conjunction with the Department of Natural Resources, Mines and Energy (DNRME) take immediate steps to protect the proposed Nullinga Dam site (dam site) as a strategic precautionary measure, including investigation and potential declaration of a State Development Area.

The Office of the Coordinator General (OCG) has completed an investigation and concluded that amendments to Council's planning scheme are the most appropriate the protection for dam site in the long term.

The OCG, in consultation with the Regional Water Supply Infrastructure team of DNRME, identified three distinct categories of activities which are potentially incompatible with a future dam:

- activities that physically impact the structure/geology of the land
- activities that may potentially increase the cost of land acquisition in the future
- activities that may affect water quality.

Major Amendment No.1 of 2020 would establish a new planning scheme overlay to control new development within the proposed dam site.

The overlay would make all development, except for a dwelling house and associated outbuilding/s, impact assessable development with the Nullinga Dam development area.

A key requirement of the planning scheme amendment would be to ensure any new development within the Nullinga Dam development area is limited in size and designed to be relocatable.

Subdivision to create any new lots within the Nullinga Dam development area would not be supported by the planning scheme amendment.

Contents

Explanatory Statement	1
Part 1 Preliminary	3
Clause 1 Short title	3
Clause 2 Adoption	3
Clause 3 Commencement	3
Part 2 Amendment of the Planning Scheme	3
Clause 4 Amendment of the Planning Scheme	3
Clause 5 Amendment of Preliminaries - Contents	3
Clause 6 Amendment of Preliminaries - Tables	3
Clause 7 Amendment of Part 1 – About the planning scheme	3
Clause 8 Amendment of Part 3 - Strategic framework	3
Clause 9 Amendment of Part 5 - Tables of assessment	4
Clause 10 Amendment of Part 8 - Overlays	4
Clause 11 Amendment to Schedule 2 - Mapping	4
Appendix A	5
Appendix B	17
Appendix C	22
Appendix D	33
Appendix E	36

Part 1 Preliminary

Clause 1 Short title

This amendment may be cited as Major Amendment No.1 of 2020 – Nullinga Dam development area.

Clause 2 Adoption

Mareeba Shire Council adopted this planning scheme amendment on **to be determined**.

Clause 3 Commencement

This amendment took effect on **to be determined**.

Part 2 Amendment of the Planning Scheme

Clause 4 Amendment of the Planning Scheme

Mareeba Shire Council Planning Scheme 2016 is amended in the manner set out in this part.

Clause 5 Amendment of Preliminaries - Contents

(1) Contents

omit, insert – amended Contents, generally in accordance with attached Appendix A.

Clause 6 Amendment of Preliminaries - Tables

(1) Tables

omit, insert – amended Tables, generally in accordance with attached Appendix B.

Clause 7 Amendment of Part 1 – About the planning scheme

(1) Part 1, 1.2 – Planning scheme components

insert – (1)(h)(xiii) Nullinga dam overlay.

Clause 8 Amendment of Part 3 - Strategic framework

(1) Part 3, 3.6 Transport and infrastructure, 3.6.1 Strategic outcomes

insert

(11) Regional water supply needs, including the Mareeba Shire's future agricultural water supply needs are secured through the identification of the Nullinga dam development area and its protection from incompatible and inappropriate development.

-
- (2) Part 3, 3.6.7 Element-Water supply and wastewater services,
3.6.7.1 Specific outcomes

insert

- (7) *Development within the Nullinga dam development area does not include:*

- (a) *activities that physically impact the structure/geology of the land, in particular excavation activities in areas where the dam wall and any spillways are proposed to be sited;*
- (b) *activities and development that increase the number of buildings, lots; and*
- (c) *activities that may affect surface water and groundwater quality.*

Clause 9 Amendment of Part 5 - Tables of assessment

- (1) Part 5, 5.10 Categories of development and assessment - Overlays

omit Table 5.10.1-Assessment benchmarks for overlays

insert - amended Table 5.10.1- Assessment benchmarks for overlays as attached in Appendix C.

Clause 10 Amendment of Part 8 - Overlays

- (1) Part 8, following 8.2.12 Transport infrastructure overlay code

insert new 8.2.13 Nullinga dam overlay code as attached in Appendix D.

Clause 11 Amendment to Schedule 2 - Mapping

- (1) Schedule 2, SC2.1 Map index

insert, in Overlay maps:

- *OM-013 Nullinga dam overlay map*

- (2) Schedule 2, SC2.5 Overlay maps

insert new OM-013 Nullinga dam overlay map, generally in accordance with plan attached in Appendix E.

(Note: the extent of the Nullinga dam development area is as per the predicted lake water level and buffer.

Appendix A

Contents

Note: For the purpose of ease of understanding by Council, the changes are indicated by "Strikeout" (denoting deletion) and "Underline" (denoting insertion).

Contents

Part 1 About the planning scheme	20
1.1 Introduction	20
1.2 Planning scheme components	22
1.3 Interpretation	24
1.3.1 Definitions	24
1.3.2 Standard drawings, maps, notes, editor's notes and footnotes	24
1.3.3 Punctuation	24
1.3.4 Zones for roads, closed roads, waterways and reclaimed land	25
1.4 Categories of development	25
1.5 Hierarchy of assessment benchmarks	25
1.6 Building work regulated under the planning scheme	26
1.7 Local government administrative matters	26
1.7.1 Temporary Uses	26
1.7.2 Commonwealth Government owned Land	28
1.7.3 Local Heritage Register	28
1.7.4 Dual occupancy	28
Part 2 State planning provisions	29
2.1 State planning policy	29
2.2 Regional plan	29
2.3 Referral agency delegations	29
2.4 Regulated requirements	30
Part 3 Strategic framework	31
3.1 Preliminary	31
3.2 Strategic intent	32
3.2.1 Setting the scene	32
3.2.2 The way forward: Mareeba Shire in 2031	35
3.3 Settlement pattern and built environment	37
3.3.1 Strategic outcomes	37
3.3.2 Element—Activity centres network	39
3.3.3 Element—Major regional activity centre	39
3.3.4 Element—Village activity centre	40
3.3.5 Element—Rural activity centres	40
3.3.6 Element—Rural villages	40
3.3.7 Element—Residential areas and development	41
3.3.8 Element—Urban expansion and investigation areas	41
3.3.9 Element—Aged care and retirement areas	42
3.3.10 Element—Rural residential areas	42
3.3.11 Element—Rural areas	43
3.3.12 Element—Industry areas	44
3.3.13 Element—Sustainable design	44
3.3.14 Element—Natural hazard mitigation	45
3.3.15 Element—Indigenous communities	45
3.4 Natural resources and environment	46
3.4.1 Strategic outcomes	46
3.4.2 Element—Conservation areas	47
3.4.3 Element—Pest and weed management	47
3.4.4 Element—Biodiversity areas	48
3.4.5 Element—Strategic rehabilitation and ecological corridors	48
3.4.6 Element—Watercourses and wetlands	49
3.4.7 Element—Water resources	49
3.4.8 Element—Air and noise quality	50
3.4.9 Element—Contaminated land	50
3.5 Community identity and diversity	51
3.5.1 Strategic outcomes	51
3.5.2 Element—Local character	52
3.5.3 Element—Cultural heritage	52



3.5.4	Element—Scenic amenity	53
3.5.5	Element—Open space and recreation	54
3.5.6	Element—Community facilities	54
3.5.7	Element—Health	55
3.5.8	Element—Safe and healthy communities	55
3.6	Transport and infrastructure	56
3.6.1	Strategic outcomes	56
3.6.2	Element—Road network	58
3.6.3	Element—Rail network	58
3.6.4	Element—Freight	58
3.6.5	Element—Public and active transport	59
3.6.6	Element—Air transport	59
3.6.7	Element—Water supply and wastewater services	60
3.6.8	Element—Stormwater management	60
3.6.9	Element—Waste management	60
3.6.10	Element—Energy supply	61
3.6.11	Element—Information and communication technology	61
3.7	Economic development	62
3.7.1	Strategic outcomes	62
3.7.2	Element—Rural and Agricultural land	64
3.7.3	Element—Rural enterprise	64
3.7.4	Element—Intensive animal industries	64
3.7.5	Element—Forestry and permanent plantations	65
3.7.6	Element—Retail and commercial development	65
3.7.7	Element—Tourism	66
3.7.8	Element—Industry	67
3.7.9	Element—Education, research, culture and the arts	67
3.7.10	Element—Mining	67
3.7.11	Element—Extractive resources	68
3.7.12	Element—Small scale and emerging industries	68
3.7.13	Element—Energy generation	69
3.7.14	Element—Major employment generators	69
Part 4	Priority Infrastructure plan	70
4.1	Preliminary	70
4.2	Planning assumptions	70
4.2.1	Dwellings, non-residential floor space and land area	71
4.2.2	Geographical areas	71
4.2.3	Time Periods	71
4.2.4	Existing level of development	71
4.2.5	Development potential of land	71
4.2.6	Assumed Scale of Development	72
4.2.7	Occupancy rates	73
4.2.8	Floor area and jobs	73
4.2.9	PIP Projection Categories	73
4.2.10	Population and employment	75
4.2.11	Demand generation	82
4.2.11.1	Demand rates	82
4.3	Priority infrastructure area	84
4.4	Desired Standards of Service (DSS)	84
4.4.1	Water supply network desired standards of service	84
4.4.2	Sewerage network desired standards of service	87
4.4.3	Stormwater network desired standards of service	89
4.4.4	Transport network desired standards of service	90
4.4.5	Public parks and land for community facilities network desired standards of service	91
4.5	Plans for trunk infrastructure	95
4.6	Definitions	101
4.7	Abbreviations	102
Part 5	Tables of assessment	103



5.1	Preliminary	103
5.2	Reading the tables	103
5.3	Categories of development and assessment	104
5.3.1	Process for determining the category of development and the category of assessment for assessable development	104
5.3.2	Determining the category of development and categories of assessment	105
5.3.3	Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development	106
5.4	Regulated categories of development and categories of assessment prescribed by the Regulation	107
5.5	Categories of development and assessment—Material change of use	108
5.6	Categories of development and assessment—Reconfiguring a lot	169
5.7	Categories of development and assessment—Building work	170
5.8	Categories of development and assessment—Operational work	171
5.9	Categories of development and assessment—Local plans	172
5.10	Categories of development and assessment—Overlays	177
Part 6	Zones	187
6.1	Preliminary	187
6.2	Zone codes	188
6.2.1	Centre zone code	188
6.2.2	Community facilities zone code	193
6.2.3	Conservation zone code	196
6.2.4	Emerging community zone code	199
6.2.5	Industry zone code	204
6.2.6	Low density residential zone code	208
6.2.7	Medium density residential zone code	212
6.2.8	Recreation and open space zone code	216
6.2.9	Rural zone code	219
6.2.10	Rural residential zone code	223
Part 7	Local plans	227
7.1	Preliminary	227
7.2	Local plan codes	228
7.2.1	Kuranda local plan code	228
7.2.2	Mareeba local plan code	234
Part 8	Overlays	242
8.1	Preliminary	242
8.2	Overlay codes	243
8.2.1	Agricultural land overlay code	243
8.2.2	Airport environs overlay code	246
8.2.3	Bushfire hazard overlay code	251
8.2.4	Environmental significance overlay code	255
8.2.5	Extractive resources overlay code	261
8.2.6	Flood hazard overlay code	263
8.2.7	Heritage overlay code	274
8.2.8	Hill and slope overlay code	278
8.2.9	Regional infrastructure corridors and substations overlay code	280
8.2.10	Residential dwelling house and outbuilding overlay code	282
8.2.11	Scenic amenity overlay code	289
8.2.12	Transport infrastructure overlay code	291
8.2.13	Nullifga dam overlay code	293
Part 9	Development codes	295
9.1	Preliminary	295
9.2	Codes and requirements for regulated categories of development and categories of assessment prescribed by the Regulation	295



9.3	Use codes	296
9.3.1	Accommodation activities code	296
9.3.2	Commercial activities code	308
9.3.3	Community activities code	312
9.3.4	Energy and infrastructure activities code	315
9.3.5	Industrial activities code	320
9.3.6	Rural activities code	323
9.3.7	Sport and recreation activities code	330
9.4	Other development codes	332
9.4.1	Advertising devices code	332
9.4.2	Landscaping code	351
9.4.3	Parking and access code	356
9.4.4	Reconfiguring a lot code	376
9.4.5	Works, services and infrastructure code	384
Schedule 1	Definitions	391
SC1.1	Use definitions	391
SC1.1.1	Defined activity groups	414
SC1.1.2	Industry thresholds	415
SC1.2	Administrative definitions	418
Schedule 2	Mapping	436
SC2.1	Map index	436
SC2.2	Strategic framework maps	442
SC2.3	Zone maps	452
SC2.4	Local plan maps	484
SC2.5	Overlay maps	489
Schedule 3	Priority infrastructure plan mapping and supporting material	638
Schedule 4	Notations required under the Planning Act 2016	746
SC4.1	Notation of decisions affecting the planning scheme under section 89 of the Act	746
SC4.2	Notation of resolution(s) under Chapter 4, Part 2, Division 2 of the Act	746
SC4.3	Notation of registration for urban encroachment provisions under section 287 of the Act	746
Schedule 5	Designation of premises for development	747
Schedule 6	Planning scheme policies	748
SC6.1	Planning scheme policy index	748
SC6.2	Planning Scheme Policy 1 – Character Area Design Guideline	749
SC6.3	Planning Scheme Policy 2 – Ecological Assessment Reports	771
SC6.4	Planning Scheme Policy 3 – Extractive Industry	783
SC6.5	Planning Scheme Policy 4 – FNQROC Regional Development Manual	787
SC6.6	Planning Scheme Policy 5 – Geotechnical Reports	788
SC6.7	Planning Scheme Policy 6 – Landscaping and Preferred Plant Species	795
SC6.8	Planning Scheme Policy 7 – Local Heritage Places	832
SC6.9	Planning Scheme Policy 8 – Structure Planning	840
SC6.10	Planning Scheme Policy 9 – Footpath Paving	843
Schedule 7	Local Heritage Places	851
SC7.1	Purpose of the Schedule	851
SC7.2	Local Heritage Places Listings	851
7.1	Almaden Locality	853
7.1.1	Almaden Cemetery	853
7.1.2	Railway Hotel	854
7.2	Bibbohra Locality	855
7.2.1	Bibbohra Railway Bridge	855
7.3	Calcifer Locality	856



7.3.1. Calcifer Smelter, Tramway and Township	856
7.4. Mount Carbine Locality	858
7.4.1. Mount Carbine Mining Stamp	858
7.5. Chillagoe Locality	860
7.5.1. Chillagoe Community Church (Chillagoe Catholic Church)	860
7.5.2. Chillagoe Cemetery	861
7.5.3. Chillagoe Police Residence (Former Chillagoe police station)	863
7.5.4. Chillagoe Police Station	864
7.5.5. Chillagoe Post Office (Former)	865
7.5.6. Post Office Hotel	867
7.5.7. Chillagoe Railway Station and Goods Shed	868
7.6. Dimbulah Locality	869
7.6.1. Dimbulah Picture Theatre (Former)	869
7.6.2. Junction Hotel	870
7.6.3. Dimbulah Memorial Hall	871
7.6.4. Dimbulah Queensland Country Women's Association Hall (CWA)	873
7.6.5. Dimbulah Railway Station (Dimbulah Railway Museum and Information Centre)	874
7.6.6. Tobacco Buildings, Dimbulah (Eureka Syndicate Site)	875
7.7. Emuford Locality	876
7.7.1. Emuford Battery (Former)	876
7.8. Gurrumbah Locality	879
7.8.1. Gurrumbah (Melaney's Pocket)	879
7.9. Irvinebank Locality	880
7.9.1. Irvinebank Cemetery	880
7.9.2. 2623 Herberton-Pelford Road	882
7.9.3. Freethinkers Cottage	883
7.9.4. Manco Cottage	884
7.9.5. Irvinebank State School	885
7.9.6. Irvinebank Workers Residences	887
7.9.7. Irvinebank Police Station	888
7.9.8. Irvinebank Post and Telegraph Office (Former)	889
7.10. Kingsborough Locality	890
7.10.1. Kingsborough Cemetery	890
7.11. Kuranda Locality	891
7.11.1. 9 Coondoo Street (Djurn Dardagal)	891
7.11.2. 13 Coondoo Street (Former School of Arts Building, Tropical Pulse)	892
7.11.3. 22-26 Barang Street (Kuranda Backpackers Hostel, Grevillea, Methodist Youth Centre, YWCA)	893
7.11.4. 36 Coondoo Street (Jilli Binpa Building)	894
7.11.5. Kuranda Hotel (Kuranda Hotel Motel, Remilton's Hotel, The Bottom Hotel)	895
7.11.6. Kuranda Queensland Country Women's Association Hall	896
7.11.7. St Christopher's Catholic Church	897
7.11.8. St Saviour's Anglican Church	898
7.11.9. Coondoo Street, Kuranda - Fig Trees	899
7.11.10. Grave of JWH Keating	900
7.11.11. Kuranda Amphitheatre	901
7.11.12. Barron Falls Hydro Electric Power station and original power house site	902
7.12. Lappa Locality	905
7.12.1. Lappa Junction Hotel (Espanola Hotel)	905
7.13. Mareeba Locality	906
7.13.1. Civic Building	906
7.13.2. Mareeba Mosque	907
7.13.3. Peninsula Pub (Peninsula Hotel)	908
7.13.4. Mareeba Pioneer Cemetery (Costin Street Cemetery)	909
7.13.5. Mareeba Shire Council Office (former)	910
7.13.6. St Thomas of Villanova Catholic Church	911

7.13.7. St Thomas's Priory (The Roman Catholic Trust Corporation for the Diocese of Cairns).....	912
7.13.8. Mareeba State P-7 School (US 2 Station Hospital (Former), Australian First Army (NO) HQ).....	913
7.13.9. Tobacco Leaf Marketing Board Building.....	914
7.13.10. Uniting Church (Mareeba Methodist Church (former)).....	915
7.13.11. Mareeba Women's Rest Room (Byrnes Street Public Toilets; Former QCWA Building).....	917
7.13.12. Atherton Family Cemetery.....	918
7.13.13. Mareeba Airfield and Heavy Anti Aircraft Gun Stations 418 and 419 (Hoevet's Airfield).....	919
7.14. Mt Molloy Locality.....	925
7.14.1. Mt Molloy Mill Manager's House.....	925
7.14.2. Mount Molloy Smelter.....	927
7.14.3. Mitchellvale Graves.....	929
7.15. Montalbion Locality.....	931
7.15.1. Montalbion Pioneer Cemetery.....	931
7.16. Mount Mulligan Locality.....	932
7.16.1. Mount Mulligan Mine and Township.....	932
7.17. Petford Locality.....	940
7.17.1. Petford Railway Passenger Station.....	940
7.18. Thornborough Locality.....	941
7.18.1. The Bump Track, Thornborough to Kingsborough.....	941
7.19. Watsonville Locality.....	943
7.19.1. ANZAC Memorial Tree.....	943
7.19.2. Watsonville Pioneer Cemetery.....	944
7.19.3. Watsonville Windmill.....	946
7.20. Wetherby Station Locality.....	948
7.20.1. Grave of Georgina Mathieson.....	948
Appendix 1 Index and glossary of abbreviations and acronyms.....	950
Appendix 2 Table of amendments.....	951
Part 1. About the planning scheme.....	14
1.1. Introduction.....	14
1.2. Planning scheme components.....	16
1.3. Interpretation.....	18
1.3.1. Definitions.....	18
1.3.2. Standard drawings, maps, notes, editor's notes and footnotes.....	18
1.3.3. Punctuation.....	18
1.3.4. Zones for roads, closed roads, waterways and reclaimed land.....	19
1.4. Categories of development.....	10
1.5. Hierarchy of assessment benchmarks.....	10
1.6. Building work regulated under the planning scheme.....	20
1.7. Local government administrative matters.....	20
1.7.1. Temporary Uses.....	20
1.7.2. Commonwealth Government-owned Land.....	22
1.7.3. Local Heritage Register.....	22
1.7.4. Dual occupancy.....	22
Part 2. State planning provisions.....	23
2.1. State planning policy.....	23
2.2. Regional plan.....	23
2.3. Referral agency delegations.....	23
2.4. Regulated requirements.....	24
Part 3. Strategic framework.....	25
3.1. Preliminary.....	25
3.2. Strategic intent.....	26
3.2.1. Setting the scene.....	26
3.2.2. The way forward: Mareeba Shire in 2031.....	29
3.3. Settlement pattern and built environment.....	31



3.3.1	Strategic outcomes	31
3.3.2	Element Activity centres network	32
3.3.3	Element Major regional activity centre	33
3.3.4	Element Village activity centre	34
3.3.5	Element Rural activity centres	34
3.3.6	Element Rural villages	34
3.3.7	Element Residential areas and development	35
3.3.8	Element Urban expansion and investigation areas	35
3.3.9	Element Aged care and retirement areas	36
3.3.10	Element Rural residential areas	36
3.3.11	Element Rural areas	37
3.3.12	Element Industry areas	38
3.3.13	Element Sustainable design	38
3.3.14	Element Natural hazard mitigation	39
3.3.15	Element Indigenous communities	39
3.4	Natural resources and environment	40
3.4.1	Strategic outcomes	40
3.4.2	Element Conservation areas	41
3.4.3	Element Pest and weed management	41
3.4.4	Element Biodiversity areas	42
3.4.5	Element Strategic rehabilitation and ecological corridors	42
3.4.6	Element Watercourses and wetlands	43
3.4.7	Element Water resources	43
3.4.8	Element Air and noise quality	44
3.4.9	Element Contaminated land	44
3.5	Community identity and diversity	45
3.5.1	Strategic outcomes	46
3.5.2	Element Local character	46
3.5.3	Element Cultural heritage	46
3.5.4	Element Scenic amenity	47
3.5.5	Element Open space and recreation	48
3.5.6	Element Community facilities	48
3.5.7	Element Health	49
3.5.8	Element Safe and healthy communities	49
3.6	Transport and infrastructure	50
3.6.1	Strategic outcomes	50
3.6.2	Element Road network	52
3.6.3	Element Rail network	52
3.6.4	Element Freight	52
3.6.5	Element Public and active transport	53
3.6.6	Element Air transport	53
3.6.7	Element Water supply and wastewater services	54
3.6.8	Element Stormwater management	54
3.6.9	Element Waste management	54
3.6.10	Element Energy supply	55
3.6.11	Element Information and communication technology	55
3.7	Economic development	56
3.7.1	Strategic outcomes	56
3.7.2	Element Rural and Agricultural land	58
3.7.3	Element Rural enterprise	58
3.7.4	Element Intensive animal industries	58
3.7.5	Element Forestry and permanent plantations	59
3.7.6	Element Retail and commercial development	59
3.7.7	Element Tourism	60
3.7.8	Element Industry	61
3.7.9	Element Education, research, culture and the arts	61
3.7.10	Element Mining	61
3.7.11	Element Extractive resources	62
3.7.12	Element Small scale and emerging industries	62

3.7.13 Element – Energy generation	63
3.7.14 Element – Major employment generators	63
Part 4 – Priority infrastructure plan	64
4.1 Preliminary	64
4.2 Planning assumptions	64
4.2.1 Dwellings, non-residential floor space and land area	65
4.2.2 Geographical areas	65
4.2.3 Time Periods	65
4.2.4 Existing level of development	65
4.2.5 Development potential of land	65
4.2.6 Assumed Scale of Development	66
4.2.7 Occupancy rates	67
4.2.8 Floor area and jobs	67
4.2.9 PIP Projection Categories	67
4.2.10 Population and employment	69
4.2.11 Demand generation	76
4.2.11.1 Demand rates	76
4.3 Priority infrastructure area	78
4.4 Desired Standards of Service (DSS)	78
4.4.1 Water supply network desired standards of service	78
4.4.2 Sewerage network desired standards of service	81
4.4.3 Stormwater network desired standards of service	83
4.4.4 Transport network desired standards of service	94
4.4.5 Public parks and land for community facilities network desired standards of service	95
4.5 Plans for trunk infrastructure	80
4.6 Definitions	95
4.7 Abbreviations	96
Part 5 – Tables of assessment	97
5.1 Preliminary	97
5.2 Reading the tables	97
5.3 Categories of development and assessment	98
5.3.1 Process for determining the category of development and the category of assessment for assessable development	98
5.3.2 Determining the category of development and categories of assessment	99
5.3.3 Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development	100
5.4 Regulated categories of development and categories of assessment prescribed by the Regulation	101
5.5 Categories of development and assessment – Material change of use	102
5.6 Categories of development and assessment – Reconfiguring a lot	163
5.7 Categories of development and assessment – Building work	164
5.8 Categories of development and assessment – Operational work	165
5.9 Categories of development and assessment – Local plans	166
5.10 Categories of development and assessment – Overlays	174
Part 6 – Zones	181
6.1 Preliminary	181
6.2 Zone codes	182
6.2.1 Centre zone code	182
6.2.2 Community facilities zone code	187
6.2.3 Conservation zone code	190
6.2.4 Emerging community zone code	193
6.2.5 Industry zone code	198
6.2.6 Low density residential zone code	202
6.2.7 Medium density residential zone code	206



6.2.8 Recreation and open space zone code	210
6.2.9 Rural zone code	213
6.2.10 Rural residential zone code	217
Part 7 Local plans	221
7.1 Preliminary	221
7.2 Local plan codes	222
7.2.1 Kiranda local plan code	222
7.2.2 Mareeba local plan code	228
Part 8 Overlays	236
8.1 Preliminary	236
8.2 Overlay codes	237
8.2.1 Agricultural land overlay code	237
8.2.2 Airport environs overlay code	240
8.2.3 Bushfire hazard overlay code	246
8.2.4 Environmental significance overlay code	249
8.2.5 Extractive resources overlay code	256
8.2.6 Flood hazard overlay code	257
8.2.7 Heritage overlay code	268
8.2.8 Hill and slope overlay code	272
8.2.9 Regional infrastructure corridors and substations overlay code	274
8.2.10 Residential dwelling house and outbuilding overlay code	276
8.2.11 Scenic amenity overlay code	283
8.2.12 Transport infrastructure overlay code	285
Part 9 Development codes	287
9.1 Preliminary	287
9.2 Codes and requirements for regulated categories of development and categories of assessment prescribed by the Regulation	287
9.3 Use codes	288
9.3.1 Accommodation activities code	288
9.3.2 Commercial activities code	300
9.3.3 Community activities code	304
9.3.4 Energy and infrastructure activities code	307
9.3.5 Industrial activities code	312
9.3.6 Rural activities code	316
9.3.7 Sport and recreation activities code	322
9.4 Other development codes	324
9.4.1 Advertising devices code	324
9.4.2 Landscaping code	343
9.4.3 Parking and access code	348
9.4.4 Reconfiguring a lot code	368
9.4.5 Works, services and infrastructure code	376
Schedule 1 Definitions	383
SC1.1 Use definitions	383
SC1.1.1 Defined activity groups	406
SC1.1.2 Industry thresholds	407
SC1.2 Administrative definitions	410
Schedule 2 Mapping	428
SC2.1 Map index	428
SC2.2 Strategic framework maps	434
SC2.3 Zone maps	444
SC2.4 Local plan maps	476
SC2.5 Overlay maps	481
Schedule 3 Priority infrastructure plan mapping and supporting material	630
Schedule 4 Notations required under the Planning Act 2016	738
SC4.1 Notation of decisions affecting the planning scheme under section 30 of the Act	738
SC4.2 Notation of resolution(s) under Chapter 4, Part 2, Division 2 of the Act	738

SC4.3 Notation of registration for urban encroachment provisions under section 207 of the Act	738
Schedule 5 Designation of premises for development	739
Schedule 6 Planning scheme policies	740
SC6.1 Planning scheme policy index	740
SC6.2 Planning Scheme Policy 1 Character Area Design Guideline	741
SC6.3 Planning Scheme Policy 2 Ecological Assessment Reports	763
SC6.4 Planning Scheme Policy 3 Extractive Industry	775
SC6.5 Planning Scheme Policy 4 FNQROC Regional Development Manual	770
SC6.6 Planning Scheme Policy 5 Geotechnical Reports	780
SC6.7 Planning Scheme Policy 6 Landscaping and Preferred Plant Species	787
SC6.8 Planning Scheme Policy 7 Local Heritage Places	824
SC6.9 Planning Scheme Policy 8 Structure Planning	832
SC6.10 Planning Scheme Policy 9 Footpath Paving	835
Schedule 7 Local Heritage Places	843
SC7.1 Purpose of the Schedule	843
SC7.2 Local Heritage Places Listings	843
7.1 Almaden Locality	846
7.1.1 Almaden Cemetery	846
7.1.2 Railway Hotel	846
7.2 Eiboohra Locality	847
7.2.1 Biboohra Railway Bridge	847
7.3 Calcifer Locality	848
7.3.1 Calcifer Smelter, Tramway and Township	848
7.4 Mount Carbine Locality	850
7.4.1 Mount Carbine Mining Stamp	850
7.5 Chillagoe Locality	852
7.5.1 Chillagoe Community Church (Chillagoe Catholic Church)	853
7.5.2 Chillagoe Cemetery	853
7.5.3 Chillagoe Police Residence (Former Chillagoe police station)	855
7.5.4 Chillagoe Police Station	856
7.5.5 Chillagoe Post Office (Former)	857
7.5.6 Post Office Hotel	859
7.5.7 Chillagoe Railway Station and Goods Shed	860
7.6 Dimbulah Locality	861
7.6.1 Dimbulah Picture Theatre (Former)	861
7.6.2 Junction Hotel	862
7.6.3 Dimbulah Memorial Hall	863
7.6.4 Dimbulah Queensland Country Women's Association Hall (CWA)	865
7.6.5 Dimbulah Railway Station (Dimbulah Railway Museum and Information Centre)	866
7.6.6 Tobacco Buildings, Dimbulah (Furka Syndicate Site)	867
7.7 Emuford Locality	868
7.7.1 Emuford Battery (Former)	868
7.8 Gurrumbah Locality	871
7.8.1 Gurrumbah (Melaney's Pocket)	871
7.9 Irvinebank Locality	872
7.9.1 Irvinebank Cemetery	872
7.9.2 2622 Herberton Heford Road	874
7.9.3 Freethinkers Cottage	875
7.9.4 Mango Cottage	876
7.9.5 Irvinebank State School	877
7.9.6 Irvinebank Workers Residences	879
7.9.7 Irvinebank Police Station	880
7.9.8 Irvinebank Post and Telegraph Office (Former)	881



7.10	Kingsborough Locality	882
7.10.1	Kingsborough Cemetery	882
7.11	Kuranda Locality	883
7.11.1	9 Coondoo Street (Djuni-Djuni)	883
7.11.2	413 Coondoo Street (Former School of Arts Building, Tropical Pulse)	884
7.11.3	22-26 Barang Street (Kuranda Backpackers Hostel, Gravellea, Methodist Youth Centre, YWCA)	885
7.11.4	30 Coondoo Street (Jilli Binna Building)	886
7.11.5	Kuranda Hotel (Kuranda Hotel Motel, Remilton's Hotel, The Ration Hotel)	887
7.11.6	Kuranda Queensland Country Women's Association Hall	888
7.11.7	St Christopher's Catholic Church	889
7.11.8	St Saviour's Anglican Church	890
7.11.9	Coondoo Street Kuranda - Fig Trees	891
7.11.10	Grave of JWH Keating	892
7.11.11	Kuranda Amphitheatre	893
7.11.12	Barron Falls Hydro Electric Power station and original power house site	894
7.12	Lappa Locality	897
7.12.1	Lappa Junction Hotel (Espanola Hotel)	897
7.13	Mareeba Locality	898
7.13.1	Civic Building	898
7.13.2	Mareeba Mosque	899
7.13.3	Peninsula Pub (Peninsula Hotel)	899
7.13.4	Mareeba Pioneer Cemetery (Cockin Street Cemetery)	901
7.13.5	Mareeba Shire Council Office (former)	902
7.13.6	St Thomas of Villanova Catholic Church	903
7.13.7	St Thomas's Priory (The Roman Catholic Trust Corporation for the Diocese of Cairns)	904
7.13.8	Mareeba State P-7 School (US 2 Station Hospital (Former), Australian First Army (NO) HQ)	905
7.13.9	Tobacco Leaf Marketing Board Building	906
7.13.10	Uniting Church (Mareeba Methodist Church (former))	907
7.13.11	Mareeba Women's Rest Room (Byrnes Street Public Toilets, Former QCWA Building)	909
7.13.12	Atherton Family Cemetery	910
7.13.13	Mareeba Airfield and Heavy Anti Aircraft Gun Stations 442 and 449 (Hooveet's Airfield)	911
7.14	Mt Molloy Locality	917
7.14.1	Mt Molloy Mill Manager's House	917
7.14.2	Mount Molloy Smelter	919
7.14.3	Mitchellvale Graves	921
7.15	Montalbion Locality	923
7.15.1	Montalbion Pioneer Cemetery	923
7.16	Mount Mulligan Locality	924
7.16.1	Mount Mulligan Mine and Township	924
7.17	Petford Locality	932
7.17.1	Petford Railway Passenger Station	932
7.18	Thornborough Locality	933
7.18.1	The Rump Track, Thornborough to Kingsborough	933
7.19	Watsonville Locality	935
7.19.1	ANZAC Memorial Tree	935
7.19.2	Watsonville Pioneer Cemetery	936
7.19.3	Watsonville Windmill	938
7.20	Wetherby Station Locality	940
7.20.1	Grave of Georgina Mathieson	940
	Appendix 1 Index and glossary of abbreviations and acronyms	942
	Appendix 2 Table of amendments	943

Appendix B

Tables

Note: For the purpose of ease of understanding by Council, the changes are indicated by "Strikeout" (denoting deletion) and "Underline" (denoting insertion).

Tables

Table Number	Table Name	Page No.
Table 1.7.1	Temporary use limitations	20
Table 2.3.1	Delegated referral agency jurisdictions	24
Table 4.2.6.1	Assumed scale of development for residential zones	60
Table 4.2.6.2	Assumed scale of development for non-residential zones	66
Table 4.2.7.1	Average residential occupancy rates in the various PIA localities	67
Table 4.2.8.1	Average job numbers per GFA	67
Table 4.2.9.1	PIP projection categories and residential planning scheme land uses	67
Table 4.2.9.2	PIP projection categories and non-residential planning scheme land uses	68
Table 4.2.10.1	Existing and projected population	70
Table 4.2.10.2	Existing and projected dwellings and land area	71
Table 4.2.10.3	Existing and projected employment	72
Table 4.2.10.4	Existing and projected non-residential floor space and land area	74
Table 4.2.11.1.1	Demand rates for the Mareeba Shire	76
Table 4.2.11.2.1	Demand generation rates	77
Table 4.4.1	Water supply network DSS	78
Table 4.4.2	Sewerage network DSS	81
Table 4.4.3	Stormwater network DSS	83
Table 4.4.4	Transport network DSS	84
Table 4.4.5	Public parks and land for community facilities DSS	85
Table 4.4.5.1	Accessibility standard	86
Table 4.4.5.2	Rate of land provision	86
Table 4.4.5.3	Size of parks and community land	86
Table 4.4.5.4	Maximum desired grade	86
Table 4.4.5.5	Minimum desired flood immunity for parks	86
Table 4.4.5.6	Standard facilities/embellishments for parks	87
Table 4.5.1	Water supply network schedule of works	89
Table 4.5.2	Sewerage network schedule of works	90
Table 4.5.3	Stormwater network schedule of works	90
Table 4.5.4	Transport network schedule of works	91
Table 4.5.5	Parks and land for community facilities schedule of works	92
Table 4.5.6	Extrinsic material	94
Table 4.6.1	Definitions	95
Table 4.7.1	Abbreviations	96
Table 5.4.1	Development under schedules 6 of the Regulation: material change of use	101
Table 5.4.2	Regulated categories of development and categories of assessment: reconfiguring a lot	101
Table 5.4.3	Regulated categories of development and categories of assessment: operational work	101
Table 5.5.1	Centre zone	102
Table 5.5.2	Community facilities zone	120
Table 5.5.3	Conservation zone	127
Table 5.5.4	Emerging community zone	128
Table 5.5.5	Industry zone	130
Table 5.5.6	Low density residential zone	142
Table 5.5.7	Medium density residential zone	144
Table 5.5.8	Recreation and open space zone	147
Table 5.5.9	Rural zone	151
Table 5.5.10	Rural residential zone	158
Table 5.6.1	Reconfiguring a lot	163



Table Number	Table Name	Page No.
Table 5.7.1	Building work	164
Table 5.8.1	Operational work	165
Table 5.9.1	Kuranda local plan: material change of use	166
Table 5.9.2	Kuranda local plan: reconfiguring a lot	166
Table 5.9.3	Kuranda local plan: building work	166
Table 5.9.4	Mareeba local plan: material change of use	167
Table 5.9.5	Mareeba local plan: reconfiguring a lot	170
Table 5.9.6	Mareeba local plan: building work	170
Table 5.10.1	Assessment criteria for overlays	171
Table 6.2.1.3A	Centre zone code - For accepted development subject to requirements and assessable development	183
Table 6.2.1.3B	Setbacks and treatments to side and rear boundaries	186
Table 6.2.2.3	Community facilities zone code - For accepted development subject to requirements and assessable development	188
Table 6.2.3.3	Conservation zone code - For assessable development	191
Table 6.2.4.3	Emerging community zone code - For accepted development subject to requirements and assessable development	194
Table 6.2.5.3	Industry zone code - For accepted development subject to requirements and assessable development	199
Table 6.2.6.3A	Low density residential zone code - For accepted development subject to requirements and assessable development	203
Table 6.2.6.3B	Maximum densities for Accommodation activities	205
Table 6.2.7.3A	Medium density residential zone code - For accepted development subject to requirements and assessable development	207
Table 6.2.7.3B	Maximum densities for Accommodation activities	209
Table 6.2.8.3	Recreation and open space zone code - For accepted development subject to requirements and assessable development	211
Table 6.2.9.3	Rural zone code - For accepted development subject to requirements and assessable development	214
Table 6.2.10.3	Rural residential zone code - For accepted development subject to requirements and assessable development	218
Table 7.2.1.3A	Kuranda local plan - For accepted development subject to requirements and assessable development	223
Table 7.2.1.3B	Kuranda local plan precincts preferred plant species	227
Table 7.2.2.3	Mareeba local plan - For accepted development subject to requirements and assessable development	229
Table 8.2.1.3	Agricultural land overlay code - For accepted development subject to requirements and assessable development	238
Table 8.2.2.3	Airport environs overlay code - For accepted development subject to requirements and assessable development	241
Table 8.2.3.3	Bushfire hazard overlay code - For accepted development subject to requirements and assessable development	245
Table 8.2.4.3A	Environmental significance overlay code - For accepted development subject to requirements and assessable development	250
Table 8.2.4.3B	Setback and buffer distances from waterways	254
Table 8.2.5.3	Extractive resources overlay code - For accepted development subject to requirements and assessable development	255

Table Number	Table Name	Page No.
Table 8.2.6.3A	Flood hazard overlay code - For accepted development subject to requirements and assessable development	259
Table 8.2.6.3B	Flood immunity levels	265
Table 8.2.6.3C	Community infrastructure flood immunity levels	265
Table 8.2.6.3D	Development category	266
Table 8.2.7.3	Heritage overlay code - For accepted development subject to requirements and assessable development	268
Table 8.2.8.3	Hill and slope overlay code - For assessable development	272
Table 8.2.9.3	Regional infrastructure corridors and substations overlay code - For accepted development subject to requirements and assessable development	274
Table 8.2.10.3A	Residential dwelling house and outbuilding overlay code - For accepted development subject to requirements and assessable development	277
Table 8.2.10.3B	Pavement Standards for Access, Manoeuvring and Car Parking areas	282
Table 8.2.11.3	Scenic amenity overlay code - For accepted development subject to requirements and assessable development	283
Table 8.2.12.3	Transport infrastructure overlay code - For accepted development subject to requirements and assessable development	285
Table 8.2.13.3	Nullinga dam overlay code - For accepted development subject to requirements and assessable development	287
Table 9.3.1.3A	Accommodation activities code – For accepted development subject to requirements and assessable development	289
Table 9.3.1.3B	Minimum site area and minimum site frontage	296
Table 9.3.1.3C	Communal open space	296
Table 9.3.1.3D	Private open space	297
Table 9.3.1.3E	Maximum scale of accommodation activities associated with a Home based business	299
Table 9.3.2.3	Commercial activities code – For accepted development subject to requirements and assessable development	301
Table 9.3.3.3	Community activities code - For accepted development subject to requirements and assessable development	304
Table 9.3.4.3	Energy and infrastructure activities code - For accepted development subject to requirements and assessable development	308
Table 9.3.5.3	Industrial activities code– For accepted development subject to requirements and assessable development	313
Table 9.3.6.3A	Rural activities code - For accepted development subject to requirements and assessable development	315
Table 9.3.6.3B	Poultry farming (over 1,000 birds) setback distances	321
Table 9.3.7.3	Sport and recreation code – For accepted development subject to requirements and assessable development	322
Table 9.4.1.3A	Advertising devices code - For accepted development subject to requirements and assessable development	324
Table 9.4.1.3B	Acceptable advertising devices	327
Table 9.4.1.3C	Acceptable locations for Freestanding advertising devices	330
Table 9.4.1.3D	Number, Type and Design of Advertising Devices	337
Table 9.4.2.3A	Landscaping code - For accepted development subject to requirements and assessable development	344
Table 9.4.2.3B	Side and rear boundary landscape treatments	347



Table Number	Table Name	Page No.
Table 9.4.3.3A	Parking and access code – For accepted development subject to requirements and assessable development	348
Table 9.4.3.3B	Vehicle Parking and Service Vehicle Space Requirements	354
Table 9.4.3.3C	Pavement Standards for Access, Manoeuvring and Car Parking areas	364
Table 9.4.3.3D	Bicycle Parking and End of Trip Facility Requirements	365
Table 9.4.3.3E	Vehicular Access for Specific Uses	367
Table 9.4.4.3A	Reconfiguring a lot code – For assessable development	369
Table 9.4.4.3B	Minimum area and dimensions for Reconfiguring a lot	373
Table 9.4.5.3	Works, services and infrastructure code – For accepted development subject to requirements and assessable development	376
Table SC1.1.1	Index of use definitions	383
Table SC1.1.2	Use definitions	384
Table SC1.1.1.1	Index of defined activity groups	406
Table SC1.1.1.2	Defined activity groups	406
Table SC1.1.2.1	Industry thresholds	407
Table SC1.2.1	Index of administrative definitions	410
Table SC1.2.2	Administrative definitions	411
Table SC2.1.1	Map index	420
Table SC3.1.1	Priority infrastructure plan map index	630
Table SC4.1.1	Notation of decisions under section 89 of the Act	738
Table SC4.2.1	Notation of resolutions under Chapter 4, Part 2, Division 2 of the Act	738
Table SC4.3.1	Notation of registrations made under section 267 of the Act	738
Table SC5.1	Designation of premises for development of infrastructure under section 42 of the Act	739
Table SC6.1.1	Planning scheme policy index	740
Table AP1.1	Abbreviations and acronyms	942
Table AP2.1	Table of amendments	943

Appendix C

Table 5.10.1-Assessment benchmarks for overlays

Note: For the purpose of ease of understanding by Council, the changes are indicated by "Strikeout" (denoting deletion) and "Underline" (denoting insertion).

TABLES OF ASSESSMENT

5.10 Categories of development and assessment—Overlays

The following table identifies where an overlay changes the category of development and/or category of assessment from that stated in a zone or local plan and the relevant assessment benchmarks.

Table 5.10.1—Assessment benchmarks for overlays

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Agricultural land overlay		
Material change of use for Air services if servicing a property within the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n)	Accepted development Note—Where development is subject to a different category of development in sections 5.5 or 5.9, the category of development is changed to accepted development pursuant to subsection 5.3.2 (8) of the planning scheme.	
Material change of use for Caretaker's accommodation if: (a) complying with the relevant acceptable outcomes of the requirements; and (b) in the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) .	Accepted development subject to requirements Note—Where development is subject to a different category of development in sections 5.5 or 5.9, the category of development is changed to accepted development subject to requirements pursuant to subsection 5.3.2 (8) of the planning scheme.	Agricultural land overlay code Relevant zone code Accommodation activities code Works, services and infrastructure code
Material change of use for Animal keeping or Intensive animal industries if: (a) in the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) ; (b) complying with the relevant acceptable outcomes of the requirements; and (c) at least 2 kilometres away from all property boundaries.	Accepted development subject to requirements Note—Where development is subject to a different category of development in sections 5.5 or 5.9, the category of development is changed to accepted development subject to requirements pursuant to subsection 5.3.2 (8) of the planning scheme.	Agricultural land overlay code Relevant zone code Rural activities code Landscaping code Parking and access code Works, services and infrastructure code

PART 5

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Material change of use for Rural workers accommodation if: (a) not accepted development in the relevant zone; (b) complying with the relevant acceptable outcomes of the requirements; and (c) in the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) .	Accepted development subject to requirements Note—Where development is subject to a different category of development in sections 5.5 or 5.9, the category of development is changed to accepted development subject to requirements pursuant to subsection 5.3.2 (8) of the planning scheme.	Agricultural land overlay code Relevant zone code Accommodation activities code Parking and access code Works, services and infrastructure code
Material change of use for Rural workers accommodation if: (a) not accepted development in the relevant zone; (b) not complying with the relevant acceptable outcomes of the requirements; and (c) in the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) .	Code assessment Note—Where development is subject to a different category of development or assessment in sections 5.5 or 5.9, the category of development is changed to assessable development and the category of assessment is changed to code assessment pursuant to subsection 5.3.2 (8) of the planning scheme.	Agricultural land overlay code Relevant zone code Accommodation activities code Parking and access code Works, services and infrastructure code
Material change of use for Telecommunication facilities if: (a) in the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) ; (b) buildings, structures and structures on buildings do not exceed 40 metres in height; (c) ancillary buildings associated with the use do not exceed 9m ² gross floor area; (d) security fencing associated with the use does not exceed 2.5 metres in height; and (e) fenced area does not exceed 60m ² .	Code assessment Note—Where development is subject to a different category of development or assessment in sections 5.5 or 5.9, the category of development is changed to assessable development and the category of assessment is changed to code assessment pursuant to subsection 5.3.2 (8) of the planning scheme.	Agricultural land overlay code Relevant zone code Energy and infrastructure activities code Landscaping code Parking and access code Works, services and infrastructure code



TABLES OF ASSESSMENT

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Material change of use for Animal keeping or Intensive animal industries: (a) in the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) ; and (b) not accepted development subject to requirements in the Agricultural land overlay.	Impact assessment Note: Where development is subject to a different category of development or assessment in sections 5.5 or 5.9, the category of development is changed to assessable development and the category of assessment is changed to impact assessment pursuant to subsection 5.3.2 (8) of the planning scheme.	The planning scheme including the Agricultural land overlay code
Reconfiguring a lot if: (a) located in the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) ; and (b) resulting in the creation of an additional lot.	Impact assessment Note: Where development is subject to a different category of development or assessment in sections 5.6 or 5.9, the category of development is changed to assessable development and the category of assessment is changed to impact assessment pursuant to subsection 5.3.2 (8) of the planning scheme.	The planning scheme including the Agricultural land overlay code
Any other development on land in the 'Class A' area, 'Class B' area or 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) .	No change	Agricultural land overlay code
Airport environs overlay		
Material change of use, reconfiguring a lot, building work or operational work for advertising device occurring within any of the following airport environs areas identified on the Airport environs overlay maps (OM-002a-f) : (a) a buffer; or (b) a light intensity area; or (c) the Obstacle Limitation Surface; or (d) an ANEF contour; or (e) a public safety area; or (f) a bird and bat strike zone.	No change	Airport environs overlay code

PART 5

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Bushfire hazard overlay		
Material change of use located in a Bushfire hazard area or a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-c) for: (a) child care centre; or (b) community care centre; or (c) correctional facility; or (d) educational establishment; or (e) hospital; or (f) residential care facility; or (g) retirement facility; or (h) rooming accommodation; or (i) shopping centre; or (j) tourist park; or (k) tourist attraction; or (l) development involving the bulk manufacture or storage of hazardous material.	Code assessment Note—Where development is subject to impact assessment in sections 5.5 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Bushfire hazard overlay code
Any other development within a Bushfire hazard area or a 'Potential impact buffer (100 metres)' identified on the Bushfire hazard overlay maps (OM-003a-c) .	No change	Bushfire hazard overlay code
Environmental significance overlay		
Operational work not associated with a material change of use or reconfiguring a lot where involving clearing of native vegetation in an area of 'Wildlife habitat' or 'Regulated vegetation' identified on the Environmental significance overlay maps (OM-004a-o)	Code assessment Note—Where development is subject to impact assessment in sections 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Environmental significance overlay code
Material change of use, building work or operational work in an area of 'Wildlife habitat' identified on the Environmental significance overlay maps (OM-004a-o)	Code assessment Note—Where development is subject to impact assessment in sections 5.5, 5.7, 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Environmental significance overlay code



TABLES OF ASSESSMENT

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Material change of use or operational work involving clearing of native vegetation in an area of 'Regulated vegetation' identified on the Environmental significance overlay maps (OM-004a-o) and where: (a) identified as exempt clearing work in schedule 23 of the Regulation; or (b) involving a dwelling house and limited to clearing vegetation to the extent necessary for building a single dwelling house on a lot and any reasonably associated building or structure.	Accepted development	
Material change of use involving clearing of native vegetation in an area of 'Regulated vegetation' or 'Wildlife habitat' identified on the Environmental significance overlay maps (OM-004a-o) and not otherwise accepted development.	Code assessment Note—Where development is subject to impact assessment in sections 5.5 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Environmental significance overlay code
Reconfiguring a lot where on a site that includes areas of 'Regulated vegetation' or 'Wildlife habitat' identified on the Environmental significance overlay maps (OM-004a-o)	Code assessment Note—Where development is subject to impact assessment in sections 5.6 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Environmental significance overlay code
Development whether or not involving clearing of native vegetation in a 'Protected area' or 'Legally secured offset area' identified on the Environmental significance overlay maps (OM-004a-o) .	Impact assessment	The planning scheme including the Environmental significance overlay code

PART 5

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Development within: (a) a 'High ecological significance wetland' identified on the Environmental significance overlay maps (OM-004a-o) ; or (b) 200 metres of a 'High ecological significance wetland' identified on the Environmental significance overlay maps (OM-004a-o) ; or (c) a 'Waterway' or 'Waterway 100 metre buffer' identified on the Environmental significance overlay maps (OM-004p-z) .	No change	Environmental significance overlay code
Development within an 'Ecological corridor' or 'Habitat linkage' identified on Environmental significance overlay maps (OM-004a-o) .	No change	Environmental significance overlay code
Extractive resources overlay		
Development: (a) where located within a 'Key resource processing area' or 'Local resource area' identified on Extractive resources overlay map (OM-005a) ; and (b) not for operational work, Extractive industry or uses directly associated with Extractive industry.	Code assessment Note—Where development is subject to impact assessment in sections 5.5, 5.6, 5.7, 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Extractive resources overlay code.
Material change of use for Dwelling house or Home based business involving building work within any of the following locations identified on Extractive resources overlay map (OM-005e) : (a) a 'Key resource separation area'; or (b) a 'Local resource separation area'; or (c) 100 metres of the cadastral road boundary of a 'Key resource transport route'.	Code assessment Note—Where development is subject to impact assessment in sections 5.5 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Extractive resources overlay code.



TABLES OF ASSESSMENT

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Any other development within any of the following locations identified on Extractive resources overlay map (OM-005e) : (a) a 'Key resource processing area'; or (b) a 'Local resource area'; or (c) a 'Key resource separation area'; or (d) a 'Local resource separation area'; or (e) adjoining a 'Key resource transport route'.	No change	Extractive resources overlay code.
Flood hazard overlay		
Material change of use within a Significant, Low or Potential flood hazard area identified on the Flood hazard overlay maps (OM-006a-c) , except: (a) Animal husbandry; or (b) Cropping; or (c) Environmental facility; or (d) Landing; or (e) Outdoor sport and recreation; or (f) Park; or (g) Permanent plantation.	Code assessment Note—Where development is subject to impact assessment in sections 5.7 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Flood hazard overlay code
Material change of use within a High or Extreme flood hazard area identified on the Flood hazard overlay maps (OM-006a-o) , except: (a) Animal husbandry; or (b) Cropping; or (c) Environmental facility; or (d) Landing; or (e) Outdoor sport and recreation; or (f) Park; or (g) Permanent plantation.	Impact assessment	The planning scheme including the Flood hazard overlay code
Building work within a Flood hazard area identified on the Flood hazard overlay maps (OM-006a-o) , other than: (a) minor building work; or (b) minor building alterations or additions; or (c) for non-habitable buildings or structures located in the Rural zone and ancillary to a rural activity.	Code assessment Note—Where development is subject to impact assessment in sections 5.7 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Flood hazard overlay code

PART 5

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Reconfiguring a lot within a High or Extreme flood hazard area identified on the Flood hazard overlay maps (OM-006a-o) .	Impact assessment	The planning scheme including the Flood hazard overlay code
Any other development on land within a Flood hazard area identified on the Flood hazard overlay maps (OM-006a-o) .	No change	Flood hazard overlay code
Heritage overlay		
Material change of use if involving a change to the exterior appearance of a heritage place within a 'State heritage area' or 'Local heritage area' identified on the Heritage overlay maps (OM-007a-f) .	Code assessment Note—Where development is subject to impact assessment in sections 5.5 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Heritage overlay code
Reconfiguring a lot relating to land identified on the Heritage overlay maps (OM-007a-f) as: (a) 'State heritage area'; or (b) 'Local heritage area'.	No change	Heritage overlay code
Operational work relating to land identified on the Heritage overlay maps (OM-007a-f) as: (a) 'State heritage area'; or (b) 'Local heritage area'.	No change	Heritage overlay code
Building work relating to a heritage place within a 'State heritage area' or 'Local heritage area' identified on the Heritage overlay maps (OM-007a-f) which is minor building work if: (a) visible from the road frontage; or (b) building materials are not replaced with like for like.	Code assessment Note—Where development is subject to impact assessment in sections 5.7 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Heritage overlay code
Building work relating to a heritage place within a 'State heritage area' or 'Local heritage area' identified on the Heritage overlay maps (OM-007a-f) which is not minor building work	Code assessment Note—Where development is subject to impact assessment in sections 5.7 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Heritage overlay code



TABLES OF ASSESSMENT

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Hill and slope overlay		
Development within the 'Hill and slope area' identified on the Hill and slope overlay maps (OM-008a-c) that involves: (a) clearing of vegetation; or (b) building work; or (c) filling or excavation.	Code assessment Note—Where development is subject to impact assessment in sections 5.5, 5.6, 5.7, 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (8) of the planning scheme.	Hill and slope overlay code
Regional infrastructure corridors and substations overlay		
Development of land containing or adjoining any of the following infrastructure identified on the Regional infrastructure corridors and substations overlay maps (OM-009a-d) : (a) a 'Stock route'; or (b) 'Major electricity infrastructure'; or (c) a 'Substation'.	No change	Regional infrastructure corridors and substations overlay code
Residential dwelling house and outbuilding overlay		
Material change of use for Dwelling house within the 'Residential dwelling house and outbuilding area' identified on the Residential dwelling house and outbuilding overlay maps (OM-0010a-o) if complying with the relevant acceptable outcomes of the requirements.	Accepted development subject to requirements	Residential dwelling house and outbuilding overlay
Material change of use for Dwelling house within the 'Residential dwelling house and outbuilding area' identified on the Residential dwelling house and outbuilding overlay maps (OM-0010a-o) if not complying with one (1) or more of the relevant acceptable outcomes of the requirements.	Code assessment	Residential dwelling house and outbuilding overlay
Scenic amenity overlay		
Development of land adjoining a 'Local scenic route' identified on Scenic amenity overlay map (OM-011b) .	No change	Scenic amenity overlay code
Assessable development on land within the 'Shire scenic route 500 metre buffer' identified on Scenic amenity overlay map (OM-011b) .	No change	Scenic amenity overlay code

PART 5

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Assessable development on land identified on Scenic amenity overlay map (OM-011a) as: (a) 'Chillagoe Smelters iconic landscape feature'; or (b) 'Chillagoe Smelters 500 metre buffer'; or (c) 'Mount Mulligan iconic landscape feature'; or (d) 'Mount Mulligan 12 kilometre buffer'.	No change	Scenic amenity overlay code
Transport infrastructure overlay Note—The Transport infrastructure overlay includes mapped Transport Noise Corridors in accordance with section 246ZA of the Building Act. These corridors are identified on Transport infrastructure overlay maps (OM-012i-s) for information purposes only and the category of development or assessment of development within these corridors is not changed by the Transport infrastructure overlay.		
Development of land adjoining a 'rail corridor' identified on Transport Infrastructure overlay map (OM-012s-j) .	No change	Transport infrastructure overlay code
Nullingda dam overlay		
<u>Material change of use for Dwelling house within the 'Nullingda dam development area' identified on the Nullingda dam overlay map (OM-013) if complying with the relevant acceptable outcomes of the requirements.</u>	<u>Accepted development subject to requirements</u>	<u>Nullingda dam overlay code</u>
<u>Material change of use for Animal husbandry, Animal keeping, Aquaculture, Caretaker's accommodation, Cropping, Environmental facility, Home based business, Intensive horticulture, Park, Permanent plantations, Roadside stall, Rural industry, Rural workers' accommodation, Substation, Utility installation, Wholesale nursery or Winery within the 'Nullingda dam development area' identified on the Nullingda dam overlay map (OM-013).</u>	<u>Code assessment</u> <u>Note—Where development is subject to impact assessment in sections 5.5, 5.6, 5.7, 5.8 or 5.9, the category of assessment is not changed to code assessment, despite subsection 5.3.2 (b) of the planning scheme.</u>	<u>Nullingda dam overlay code</u>
<u>Any other development on land within the 'Nullingda dam development area' identified on the Nullingda dam overlay map (OM-013).</u>	<u>Impact assessment</u>	<u>The planning scheme including the Nullingda dam overlay code</u>



Appendix D

8.2.13 Nullinga dam overlay code

Note: For the purpose of ease of understanding by Council, the changes are indicated by "Strikeout" (denoting deletion) and "Underline" (denoting insertion).

OVERLAYS

8.2.13 Nullinga dam overlay code8.2.13.1 Application

(2) This code applies to assessing development where:

- (c) land the subject of development is located within the 'Nullinga Dam development area' identified on the Nullinga dam overlay map (OM-013); and
- (d) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

8.2.13.2 Purpose

- (3) The purpose of the Nullinga dam overlay code is to protect or manage the 'Nullinga Dam development area' to ensure the future sustainability of the shire's water resources.
- (4) The purpose of the code will be achieved through the following overall outcomes:
 - (e) The 'Nullinga Dam development area' is protected from development that is likely to compromise the future construction and associated structural integrity of the Nullinga Dam.
 - (f) Development does not increase the number of buildings, lots and infrastructure within the 'Nullinga Dam development area' by ensuring:
 - (i) Land within the 'Nullinga Dam development area' is maintained in its current configuration; and
 - (ii) Residential and non-residential infrastructure, including cropping infrastructure is limited in size and designed to be relocatable.
 - (g) Land within the 'Nullinga Dam development area' is not reconfigured to create additional lot/s situated within the 'Nullinga Dam development area'.
 - (h) Development does not compromise or impact on the structure, stability or geology of land within the 'Nullinga Dam development area'.

8.2.13.3 Criteria for assessment

Table 8.2.13.3 – Nullinga dam overlay code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes
<u>For accepted development subject to requirements and assessable development</u>	
<u>PO1</u> <u>Accommodation activities are of a small scale, designed to be removable and do not exceed a density of one dwelling unit per lot.</u>	<u>AO1.1</u> <u>The dwelling house and domestic outbuildings do not exceed:</u> <u>(a) The gross floor area of the dwelling house must not exceed 200m²; and</u> <u>(b) The cumulative gross floor area of all domestic outbuildings must not exceed 200m².</u>
	<u>AO1.2</u> <u>All structures must be designed and constructed to allow for their future removal from the Nullinga dam development area.</u>
<u>For assessable development</u>	

PART 8

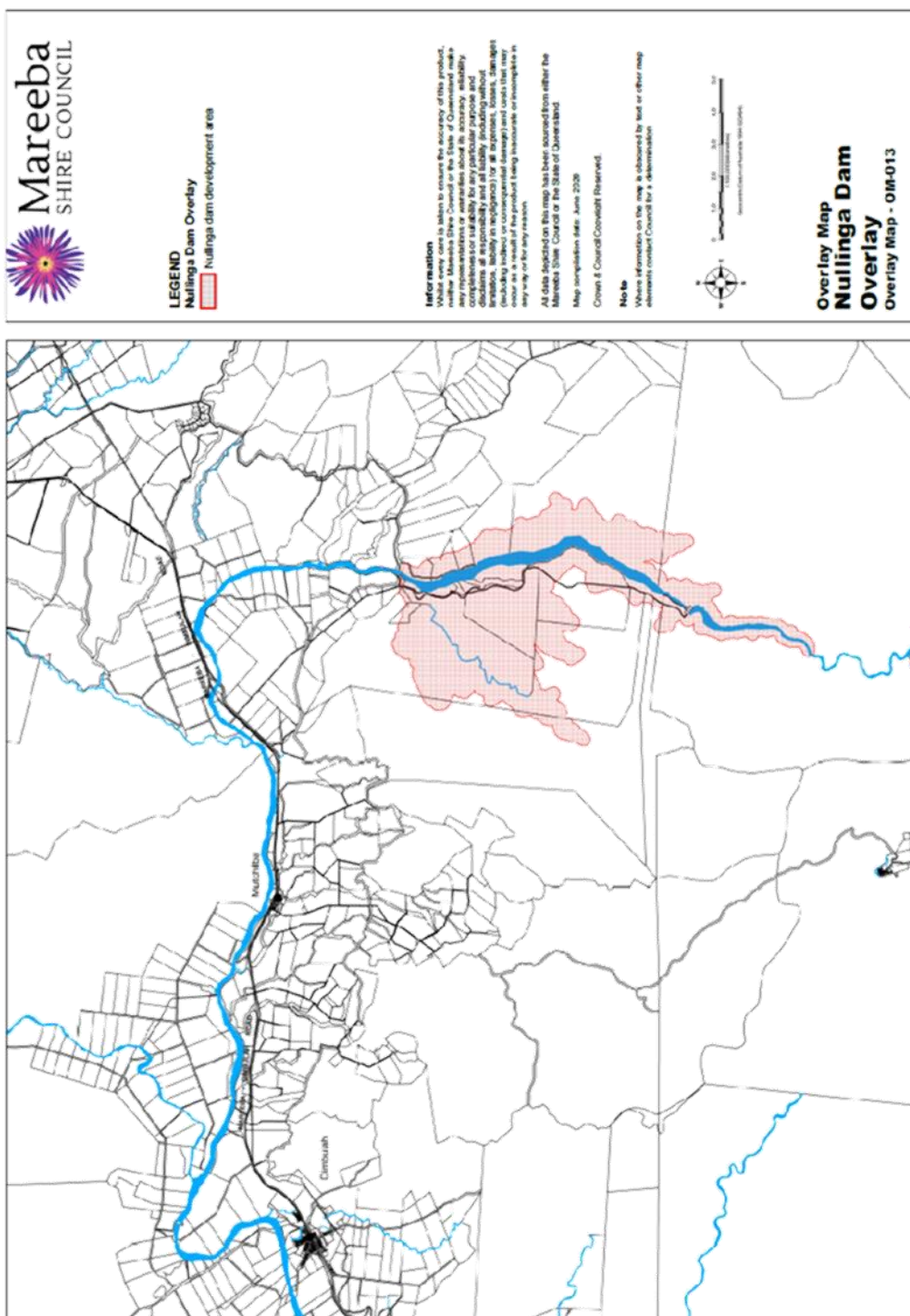
<u>Performance outcomes</u>	<u>Acceptable outcomes</u>
<p>PO2 Development in the 'Nullinga dam development area' identified on the <u>Nullinga dam overlay map (OM-013)</u> does not include:</p> <p>(a) activities that physically impact the structure/geology of the land in particular excavation activities in areas where the dam wall and any spillways are proposed to be sited;</p> <p>(b) activities that may increase infrastructure, and/or the number of buildings; and</p> <p>(c) activities that may detrimentally affect surface water and groundwater quality.</p>	<p>AO2 <u>No acceptable outcome is provided.</u></p>
<p>PO3 No new extractive industry is developed in the 'Nullinga dam development area' identified on the <u>Nullinga dam overlay map (OM-013)</u>.</p>	<p>AO3 <u>No acceptable outcome is provided.</u></p>
<u>If for Reconfiguring a lot</u>	
<p>PO4 Any Reconfiguring a lot in the 'Nullinga dam development area' identified on the <u>Nullinga dam overlay map (OM-013)</u> does not involve the creation of a new lot.</p>	<p>AO4 <u>No acceptable outcome is provided.</u></p>



Appendix E

Draft OM-013 - Nullinga dam overlay map

(Note: the extent of the Nullinga dam development area is as per the predicted lake water level and buffer.



8.7 BIG MITCHELL CREEK R26 RESERVE

Date Prepared: 21 October 2020

Author: Manager Development and Governance

Attachments: 1. Draft Application to DNRME for lease over Lot 10 DA214 [↓](#)

EXECUTIVE SUMMARY

This report seeks Council consent to lodgement of an application under the *Land Act 1994* to the Department of Natural Resources, Mines and Energy (DNRME) for grazing Term Lease tenure over reserve located on Lot 10 DA214 (the Reserve) and matters of public access to the Reserve.

RECOMMENDATION

That Council:

1. Consents to lodgement by adjoining landowner Southedge Pastoral Pty Ltd, of an application for grazing Term Lease tenure over reserve land on Lot 10 DA214; and
2. Restricts public access to the Reserve pending a decision by DNRME on the application.

BACKGROUND

The Reserve is located to the north of Mareeba. Council is the Trustee of the of the Reserve which holds a gazetted purpose of Camping and Water Purposes as aligned with reserve land for community purposes under Schedule 1 of the *Land Act 1994* (Qld). Council holds responsibility for the management of the Reserve in the best interests of the public.

Council's established position is to restrict access to the Reserve due to the lack of facilities such as vehicle parking areas, restrooms and refuse bins within the Reserve. In addition there are safety concerns relevant to vehicle entry and exit from the Mulligan Highway.

The land to the south of the Reserve is owned by Southedge Pastoral Co. Pty Ltd with land to the north (Lot 9 DA413) being owned by a related entity, Weymouth Pastoral Co. Pty Ltd. Council has received a request for Council's consent for the lodgement of an application to the State for a lease over the Reserve.

Access

Practical vehicular access to the Reserve is currently achieved from the Mulligan Highway through a gate and onto an unsealed road constructed by the owners of the adjoining Lot 8 DA362 to provide practical access to the island they own on the lake to the west of the Reserve. The road reserve to this Lot is impractical hence the road was constructed off alignment.

In the recent past, the adjoining property owner (Southedge Pastoral Co. Pty Ltd) have reported that persons entering the subject land have either intentionally or inadvertently moved beyond the boundary of the Reserve and into the adjoining private property.

The merging of land and water areas within the boundaries of the Reserve present unique land management challenges. Practical difficulties exist in demarcating the subject land and private property boundaries, in particular along the western and southern boundaries of the Reserve are located underwater.

Without the positioning of restrictive fencing and/or suitable elevated signage within the waterline area and where persons enter the waterline area (in a canoe for example), persons may commit an inadvertent act of trespass into the adjoining private property. Council holds responsibility for managing these land access matters.

Many of the abovementioned access related challenges will be lawfully addressed where a Term Lease for grazing purposes is approved by the State.

Town Planning

Lot 10 DA214 is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 (the planning scheme). The planning scheme defines grazing as Animal Husbandry. Animal husbandry is accepted development in the Rural zone and on Lot 10 on DA214. The proposed grazing use does not require planning approval.

Land management

Given its proximity to a water source for watering of cattle, use of the Reserve land for grazing purposes will serve as an effective land management and fire mitigation measure at negligible cost to Council.

RISK IMPLICATIONS

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

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

Town Planning consultant Gilvear Planning to be provided with formal response in alignment with Council resolution.



OUR REF: J001142:SOU:KLG
DATE: 23 October 2020

State Land Assessment Management
Department of Natural Resources, Mines and Energy
PO Box 5318
TOWNSVILLE QLD 4810

Via email: SLAMlodgement@dnrme.qld.gov.au

Dear Sir / Madam,

RE: APPLICATION TO LEASE CROWN LAND IDENTIFIED AS LOT 10 ON DA214
(TENURE NO RES 82-139) AT BIG MITCHELL CREEK, SOUTHDGE

Gilvear Planning Pty Ltd (Gilvear Planning) have been engaged by Southdge Pastoral Co. Pty Ltd (the applicant) to provide Town Planning advice and assistance in relation to an application for the lease of land from the state described as Lot 10 on DA214 (the subject site).

Please find enclosed for assessment:

1. Land Act Form – Part A;
2. Land Act Form – Part B;
3. Title Searches – Reserve lot and applicant land;
4. Sketch plan – subject lot;
5. Copy – Trustee consent to the proposed lease.

It is noted the fee payable for this application is \$291.90. We request a Departmental representative contact our office on 0448 897 991 to make arrangements for payment of this fee by credit card as soon as possible.

Gilvear Planning provides the following information to assist the Department in its assessment of the Application, in accordance with the *Land Act 1994*.

FAR NORTH QUEENSLAND
0448 897 991
PO Box 228 Babinda Q 4861

SOUTH EAST QUEENSLAND
0418 843 949
PO Box 438 Paddington Q 4064

Gilvear Planning Pty Ltd ABN 88 140 988 825
gilvearplanning.com.au

BACKGROUND AND CONTEXT

The applicant owns and leases a substantial holding known as Southedge, located to the north of the Mareeba township in Far North Queensland. Southedge consists of lots including:

Lot 2 on DA4	Lot 6 on DA99	Lot 8 on DA362	Lot 1 on C157372
Lot 3 on DA29	Lot 7 on DA298	Lot 61 on C15765.	

Another entity related to the applicant, Weymouth Pastoral Co Pty Ltd, owns another significant land parcel to the immediate north of the Southedge holding, described as Lot 9 on DA413.

The lot the subject of this Land Act Application, Lot 10 on DA214, is bound predominantly by Southedge holding lots described as Lot 8 on DA362 and Lot 3 on DA29. The eastern boundary of the subject lot is immediately bound by Lot 9 on DA413, being the Weymouth Pastoral holding.

The subject lot is burdened by an Easement understood to be for linear infrastructure (Lot A on CP817885).

The subject lot contains a water feature, vegetation and is bisected by the Mulligan Highway. It was gazetted as a Reserve for Camping and Water purposes on 18 August 1973.

TENURE SOUGHT

The applicant seeks a Term Lease over the land, to facilitate its integration into the applicants' adjacent landholdings and use for grazing and related purposes.

It is noted the site is currently managed by Council as Trustee. The site has been subject to historic and inappropriate land uses and activities including dumping, uncontrolled four-wheel drive and camping activities.

There are a number of detrimental environmental impacts arising from these activities, and it is considered a risk to grazing operations generally, with an increasing level of inappropriate access provided via the Reserve, and into the applicants' landholdings.

Therefore, the applicant submits there will be benefits in obtaining a Term Lease for the site, including:

- a. Improved management of the site;
- b. Improved options to control / prohibit access across the site into applicant landholdings;
- c. Improvement to grazing practices.



Gilvear Planning Pty Ltd ABN 88 140 988 825
gilvearplanning.com.au

CONCLUSION

I look forward to receiving your advice regarding assessment of this application at your earliest.

Should additional information be required, please contact myself on telephone 0448 897 991 or via email kristy@gilvearplanning.com.au

All the best,



Kristy Gilvear
DIRECTOR - FNQ

DRAFT



Gilvear Planning Pty Ltd ABN 88 140 968 825
gilvearplanning.com.au



Queensland
Government

Department of Natural Resources, Mines and Energy

Part A – Form LA00

Application form – Contact and Land Details

Application form requirements

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Natural Resources, Mines and Energy \(DNRME\) website](#) at <<https://www.dnrme.qld.gov.au>> or from a regional [DNRME business office](#) or call 13 QGOV 13 74 68).
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
7. Prior to lodging your application, the Department **strongly encourages** the applicant to have a **pre-lodgement meeting** with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the [Land Act 1994](#) and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses.
9. **Email:** SLAMlodgement@dnrme.qld.gov.au
10. **Post:**

Department of Natural Resources, Mines and Energy

PO Box 5318

Townsville QLD 4810
11. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
12. In terms of the [Right to Information Act 2009](#) interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

Contact Details

Lodger Details and Mailing Address		
A lodger is only required when a solicitor, bank, consultant lodges the application on behalf of the applicant.		
Full Name(s)		
Title	First name	Surname
Mrs	Kristy	Gilvear
Company name(s)		
Gilvear Planning Pty Ltd		
If a Corporation then record <input type="checkbox"/> ACN <input checked="" type="checkbox"/> ARBN <input type="checkbox"/> ABN <div style="float: right; border: 1px solid black; padding: 2px;">88 140 988 825</div>		
Postal Address	<div style="border: 1px solid black; padding: 2px;">PO Box 228</div> <div style="border: 1px solid black; padding: 2px;">BABINDA QLD 4861</div> <div style="border: 1px solid black; height: 20px; margin-top: 2px;"></div>	
Phone number	<div style="border: 1px solid black; padding: 2px;">0448 897 991</div>	Mobile phone <div style="border: 1px solid black; padding: 2px;">0448 897 991</div>
Email	<div style="border: 1px solid black; padding: 2px;">kristy@gilvearplanning.com.au</div>	

Applicant(s) Details and Mailing Address		
If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.		
Full Name(s)		
Title	First name	Surname
Company name(s)		
Southedge Pastoral Co. Pty Ltd		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input checked="" type="checkbox"/> ABN		
		86 009 853 418
Postal Address	PO Box 1644	
	CAIRNS QLD 4870	
Phone number	C/- 0448 897 991	Mobile phone C/- 0448 897 991
Email	C/- kristy@gilvearplanning.com.au	
Future correspondence should be sent to:		
<input checked="" type="checkbox"/> Lodger <input type="checkbox"/> Applicant		
1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?		
<input type="checkbox"/> Yes go to 2		
<input checked="" type="checkbox"/> No go to 4		
Note: For further information refer to the Queensland Government website to determine if the applicant/s are a <u>foreign person</u> (acquirer) for AFAD.		
Government website address to Types of foreign persons and additional foreign acquirer duty:		
https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons .		

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the Duties Act 2001?

☐ Yes

go to 2

☐ No

go to 4

Note: Under the Duties Act 2001 an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD.

Government website for Additional Foreign Acquirer Duty:

<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>.

3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment). **go to 4**

Full Name/s (If a company, also provide a contact name)	Share held

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?

☒ Yes

☐ No

go to 5

Note: Under the Tax Administrator Act (Cth) 1953 certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements.

For further information contact the ATO on 13 28 65 or refer to the ATO website address <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged:

☐ Permit
☐ Licence
☐ Lease
☐ Unallocated State Land (USL)
☐ Road
☒ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
☐ Dealing Number (refer to Item 6)
☐ Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
10	DA214	49006011

go to 7

The details of the land can be found on a current title or to obtain a copy of a [current title search](#) call the Titles Registry on 13 GOV 13 74 68. Lot on Plan details are located on your rates notice or the [Queensland Globe](#) from the Queensland Government website can be downloaded to help access current Lot on Plan details
 Queensland Globe website address:
<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps>.
 If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number

Tenure type Tenure number

Local Government

Other details of land location (optional) go to 8

8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)? ☐ Yes **go to 9** ☒ No

Please provide name of officer you spoke with and this department's associated reference.

DNRME Contact Officer	<input type="text"/>	Pre-lodgement ID (eLVAS CI Ref)	<input type="text"/>
-----------------------	----------------------	---------------------------------	----------------------

9. Provide details of pre-lodgement meeting.
(If there is insufficient space, please lodge as an attachment)

Note: Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM

Clears the Form



Department of Natural Resources, Mines and Energy

Part B – Form LA10**Application to purchase or lease state land****Application form requirements**

1. This application is for purchase or lease state land.
2. Please read the respective [Purchasing state land](#) or [Leasing state land](#) guides, which includes application restrictions.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Natural Resources, Mines and Energy \(DNRME\) website](#) at <<https://www.dnrme.qld.gov.au>> or from a regional [DNRME business office](#) or call 13 QGOV 13 74 68).
4. **Application Form LA00:** [Contact and land details](#) will need to be completed and submitted with your application.
5. Any additional information to support the application.
6. Your application will not be considered as having been properly made unless all parts of this application form have been completed accurately, otherwise your application may be returned to you to complete.
7. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

8. Before applying to Department of Natural Resources, Mines and Energy (DNRME) for a lease over a reserve an applicant should first apply to the trustee of the reserve for a trustee lease.
9. For a lease over a National Park or a State Forest you must apply to the [Queensland Parks and Wildlife Service](#) <<https://www.npsr.qld.gov.au/>>.
10. Refer to Department of Natural Resources, Mines and Energy (DNRME) Policies - Criteria and Method for Disposal of Unallocated State Land and Allocation of Land in Priority in terms of the Land Act 1994 at :- <<https://www.dnrme.qld.gov.au/our-department/corporate-information/policies-initiatives/our-policies>>.
11. Your application will be assessed against requirements under the *Land Act 1994* to determine the most appropriate use and tenure and whether the land may be offered with or without competition.
12. Your application cannot be considered if the area is already held by another person.
13. If you wish to purchase your existing Land Act lease you will need to apply using the Application for Conversion of a lease form.
14. **Note: if your lease is over a reserve, National Park or State Forest you will not be able to apply for conversion or purchase.**
15. If your application to purchase or lease State land is successful you may be required to provide a plan of survey at your expense, and if -
 - the most appropriate tenure is freehold, you will be required to pay a purchase price (market value) plus GST if applicable.
 - the most appropriate tenure is a lease you will be required to pay an annual rental, including GST where applicable.
16. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

Office Use Only	Purchasing state land	 9 311662 204950
	Leasing state land	 9 311662 185259

1. The application is for:		
<input type="checkbox"/>	Purchase of unallocated State land	go to 6
<input type="checkbox"/>	Lease of unallocated State land (including land below high water mark)	go to 2
<input checked="" type="checkbox"/>	Lease over a Reserve	go to 3
<input type="checkbox"/>	Purchase of Reserve land	go to 3
<input type="checkbox"/>	acquire an area of State Forest	go to 4
<input type="checkbox"/>	acquire an area of a Conservation tenure	go to 4
Note: A State Forest or a State plantation forest as defined under the Forestry Act 1959 and conservation tenures as defined under the Nature Conservation Act 1992 e.g. National Parks; Conservation Parks or Resources Reserves.		
2. Is all or part of the area applied for below high water mark?		
<input type="checkbox"/>	Yes	go to 6
<input checked="" type="checkbox"/>	No	go to 6
3. Have you made an application to the trustee of the reserve for a trustee lease or do you have the agreement of the trustee to purchase the land?		
<input checked="" type="checkbox"/>	Yes	go to 6
<input type="checkbox"/>	No	go to 6
Note: If Yes, attach a copy of the trustee's response to your application If No, you should first apply to the trustee of the reserve for a trustee lease or its views to your proposal to purchase the reserve land.		
4. Has the statement of reasons been prepared as to why an area of State forest, plantation forest or conservation tenure is required?		
<input type="checkbox"/>	Yes	go to 5
<input type="checkbox"/>	No	Application cannot proceed
5. Indicate which of the government's following native title works procedures has native title been addressed:		
<input type="checkbox"/>	Module BA	
<input type="checkbox"/>	Module CA	
<input type="checkbox"/>	Module CB	
<input type="checkbox"/>	Module J	
<input type="checkbox"/>	Compulsory acquisition pursuant to the provisions of the Acquisition of Land Act 1967	
<input type="checkbox"/>	Indigenous Land Use Agreement providing for the surrender of native title	go to 6
Note: This application must be accompanied by the native title assessment and all supporting documentation.		

6. Have you made a previous application for purchase or lease of this land?	
<input type="checkbox"/> Yes	go to 7
<input checked="" type="checkbox"/> No	go to 10

7. Was this application refused?	
<input type="checkbox"/> Yes	go to 8
<input type="checkbox"/> No	go to 8

8. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?	
<input type="checkbox"/> Yes	go to 9
<input type="checkbox"/> No	go to 10
Note: Your application may be refused if circumstances have not changed.	

9. Provide details of the change in circumstances from the previous application.	go to 10
(If there is insufficient space, please lodge as an attachment)	

10. Provide details of the current use of land e.g. grazing.	go to 11
(If there is insufficient space, please lodge as an attachment)	
Vacant rural land	

11. Do you hold land adjoining the area applied for?	
<input checked="" type="checkbox"/> Yes	go to 12
<input type="checkbox"/> No	go to 13

12. Enter details of your adjoining land

Schedule 2 Schedule of adjoining land	
Lot/Plan	Title Reference
Lot 8 on DA362	21248135
Lot 3 on DA29	20836186

go to 13

Note: The details of the land can be found on a current copy of the Title or on your rates notice.

If insufficient space, please add additional description as an attachment.

13. List below ALL existing improvements on the current leased land e.g. fencing, dams, buildings etc.

go to 14

(If there is insufficient space, please lodge as an attachment)

Note: A property sketch and/or aerial photo overlay of the improvements should also be attached to the application.

14. Which of the following do you believe supports your application:

- ☒ You are the adjoining registered owner or lessee, and you are of the opinion that selling or leasing the land to anyone else would be considered inequitable or unfair. **go to 15**
- ☐ You held a significant interest in the land before it became unallocated State land. **go to 15**
- ☐ There is no dedicated access and the only practical access is through our adjoining land. **go to 15**
- ☐ Land is required for public infrastructure. **go to 15**
- ☐ Exposure to public competition is not appropriate (applies to application to lease only) **go to 15**
- ☐ None of the above **go to 15**

Note: A purchase of unallocated state land may be granted without competition if the Minister decides the land.

1. is no needed for a public purpose.
2. the intended use is the most appropriate use of the land.
3. one or more of the priority criteria under Section 123 of the Land Act 1994 apply.
4. is needed by a constructing authority for a public purpose.

15. Provide details of the proposed use.

go to 16

(If there is insufficient space, please lodge as an attachment)

Grazing and rural purposes to be operated undertaken in association with activities on adjacent land.

16. Provide details to support your application.	go to 17
(If there is insufficient space, please lodge as an attachment)	
Refer Gilvear Planning cover letter attached.	

17. Provide details of any additional information to support the application.	go to 18
(If there is insufficient space, please lodge as an attachment)	
Refer Gilvear Planning cover letter attached.	

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted, your application will be returned.

<p>5. Tick the box to confirm the attachments for part of the application:</p> <p><input checked="" type="checkbox"/> Application Fee</p> <p><input checked="" type="checkbox"/> Application Form LA00 – Contact and land details</p> <p><input checked="" type="checkbox"/> Property sketch and/or aerial photo overlay</p> <p><input checked="" type="checkbox"/> Copy of response from trustee (if relevant)</p> <p><input type="checkbox"/> Statement of reasons of acquiring an area of State Forest or Conservation tenure (if relevant)</p> <p><input type="checkbox"/> A native title assessment supporting a finding that native title has been extinguished (if relevant)</p> <p>Note: It is recommended that any attached plans, sketches or maps be of A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.</p>
--

Declaration

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Director - Southedge Pastoral Co. Pty Ltd A.C.N. 009 853 418

Date: / /

Note: If applicant, section 142 of the Land Act 1994 states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over. If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.

CURRENT RESERVE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 35303265

Search Date: 23/10/2020 13:39

Title Reference: 49006011

Date GAZETTED: 17/02/1917

PAGE: 643

Opening Ref: RES 82-139
 Purpose: CAMPING AND WATER
 Sub-Purpose:
 Local Name:
 Address: BIG MITCHELL CREEK
 County (R) No: R26
 File Ref: RES 82-139

TRUSTEES

MAREEBA SHIRE COUNCIL GAZETTED ON 17/02/1917 PAGE 643

LAND DESCRIPTION

LOT 10 CROWN PLAN DA214 GAZETTED ON 18/08/1973 PAGE 2806
 Local Government: MAREEBA

Area: 382.500000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

ADMINISTRATIVE ADVICES - NIL
 UNREGISTERED DEALINGS - NIL

** End of Current Reserve Search **

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 Requested By: D-ENQ CITEC CONFIRM

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 35303504

Search Date: 23/10/2020 13:55

Title Reference: 21248135

Date Created: 10/08/1984

REGISTERED OWNER

Dealing No: 717495250 06/09/2016

SOUTHEDGE PASTORAL CO. PTY LTD A.C.N. 009 853 418

ESTATE AND LAND

Estate in Fee Simple

LOT 8 CROWN PLAN DA362

Local Government: MAREEBA

For exclusions / reservations for public purposes refer to
Plan CP DA362

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21248135 (POR 8)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

** End of Current Title Search **

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Requested By: D-ENQ CITEC CONFIRM

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 35303507

Search Date: 23/10/2020 13:55

Title Reference: 20836186

Date Created: 29/06/1971

Previous Title: 20804181

20804182

20804183

REGISTERED OWNER

Dealing No: 717495250 06/09/2016

SOUTHEDGE PASTORAL CO. PTY LTD A.C.N. 009 853 418

ESTATE AND LAND

Estate in Fee Simple

LOT 3 CROWN PLAN DA29

Local Government: MAREEBA

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20183106 (POR 3)
2. SURVEY PLAN No 701336158 30/05/1996 at 08:49
surveys part of the land into
PROPOSED EASEMENT A ON RP 893505
3. EASEMENT IN GROSS No 701336169 30/05/1996 at 08:52
burdening the land to
FAR NORTH QUEENSLAND ELECTRICITY CORPORATION
over
EASEMENT A ON RP 893505

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ CITEC CONFIRM



8.8 ASSIGNMENT OF INTEREST - LEASE AW AT MAREEBA AIRPORT AVIATION INDUSTRIAL PARK**Date Prepared:** 2 November 2020**Author:** Manager Development and Governance**Attachments:** 1. Letter from Apels Solicitors seeking assignment of Lease AW [↓](#)

EXECUTIVE SUMMARY

This report seeks Council consent for the assignment of all interests in Lease AW at Mareeba Airport Aviation Industrial Park held by Taikaka Pty Ltd (WR & R Blundell) described as Lease AW in Lot 20 RP748320 on SP320481 to Bram Pollock Investments Pty Ltd.

RECOMMENDATION

That Council consent to the assignment of all interests in Lease AW located at Mareeba Airport Aviation Industrial Park held by Taikaka Pty Ltd, as assignors, Dealing Number 720148231 being Lease AW in Lot 20 RP748320 on SP320481, to Bram Pollock Investments Pty Ltd, as assignee, conditional upon:

- a) Full payment of all amounts of lease rental and rates, fees and charges due as at the date of the assignment being effected, including any outstanding amounts;
- b) Cost of all legal fees associated with lease interest assignment and lodgement of necessary legal instruments with the Titles Office to effect the assignment being borne by the assignor. This includes any legal fees, reasonably incurred by Council, to achieve this outcome; and
- c) Full adherence by the assignor and assignee to conditions contained in Clause 12 'Transfer, Sub-letting and Mortgaging' and all sub-clauses relevant thereto, as contained in the Lease.

BACKGROUND

Council has received a letter from Apels Solicitors and Notary (Apels), representing Taikaka Pty Ltd (Taikaka), the current holder of Lease AW at Mareeba Airport Aviation Industrial Park. Taikaka seeks Council consent to assign all its interests in Lease AW to Bram Pollock Investments Pty Ltd. Clause 12 of the Lease provides for a lessee to be able to assign its interest in the Lease to another entity upon provision of certain information relevant to the proposed assignee and subject to Council consent, which shall not be unreasonably withheld.

The Lease has a term of 20 years from 1 June 2020 with a further two (2) options of 10 years. The Lessee has completed construction of a hangar upon the lease site and actions are underway by the Lessee (as assignor) to prepare a contract for sale of the hangar and lease interest to the proposed assignee.

The Lease provides for all costs reasonably incurred by Council, as Lessor, to be reimbursed by the assignor as part of the assignment process. In addition, the Lease contains an annexure 'Guarantee and Indemnity' that provides for the guarantor (or guarantors) to unconditionally and irrevocably guarantee the performance and observance of the Lessee of its obligations, including financial obligations, under the Lease. This Guarantee and Indemnity will also be transferred from the current guarantors (WR & R Blundell) to a guarantor to be nominated by the assignee.

Assessment

Apels, in conjunction with the request for assignment, have submitted a 'Credit Score' and Australian Securities and Investment Commission 'Current Organisation Extract' from InfoTrack. From this information, it has been determined that the assignee should be capable of adequately satisfying the financial obligations as determined in the Lease.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Compliance with the terms of the lease relevant to clause 12 as relates to assignment of lease interest.

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

Resolution outcome to be communicated to the assignor.

Apels

TOWN & COUNTRY LEGAL

Solicitors and Notary

Principal: Peter Apel
Associate: Daniela Parlapiano
ABN: 78 141 273 797

Your Reference:
Our Reference: P. Apel:42668:42668
Direct E-mail: peter@apels.com.au

28 October 2020

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

By Email: CraigBs@msc.qld.gov.au

Attention: Craig Batchelor

Dear Mr Batchelor

Re: Taikaka Pty Ltd – Lease of Site AW at Mareeba Aerodrome – Part of Lot 20 on RP748320

We act on behalf of Taikaka Pty Ltd.

Our client is entering into a Contract for the sale of the above Lease and built improvements (Hangar) to Bram Pollock Investments Pty Ltd (as Trustee)

The consent of Council to the proposed assignment of Lease 720148231 in Lot 20 (Site AW) is hereby requested.

Background information on the Buyer:-

Contact person: Mr Bram Pollock
C/- PO Box 14, Tolga QLD 4882
Mobile: 0428 467 030
Email: prophurst@gmail.com

Bram Pollock Investments Pty Ltd - copy Company Search *attached* identify registered office and principal place of business and names of Directors.

We confirm that Mr Bram Pollock will be the designated contact, telephone number and email as above.

Could you please advise should there be any further information you require.

Yours faithfully,
APELS SOLICITORS & NOTARY

Per:

Encl.

328256

Liability limited by a scheme approved under Professional Standards Legislation

Telephone: (07) 4092 2522
Facsimile: (07) 4092 2138

Email: reception@apels.com.au
Website: www.apels.com.au

138 Byrnes Street
PO Box 160, Mareeba 4880

Document Set ID: 3886242
Version: 1 Version Date: 28/10/2020

8.9 COUNCIL POLICY REVIEW

Date Prepared: 16 October 2020

Author: Manager Development and Governance

Attachments:

1. **Standing Orders (Meeting Procedures) for Council Meetings** [↓](#)
2. **Business Continuity Plan** [↓](#)
3. **Sewer Overflow Policy** [↓](#)
4. **Media Management Policy** [↓](#)
5. **Community Loans Policy** [↓](#)

EXECUTIVE SUMMARY

As part of the ongoing organisation-wide compliance policy review work, amended and newly created instruments along with instruments marked for repeal are presented to Council for consideration.

RECOMMENDATION

That Council:

1. Repeals the following policies and procedures:
 - (i) Standing Orders (Meeting Procedures) for Council Meetings adopted 18 March 2020;
 - (ii) Business Continuity Management Plan adopted on 18 April 2018;
 - (iii) Historical Town Policy adopted 19 June 2019;
 - (iv) Sewer Overflow Policy adopted 1 July 2015; and
 - (v) Community Loans Policy adopted 1 July 2016.
2. Adopts the following policies and procedures:
 - (i) Standing Orders (Meeting Procedures) for Council Meetings (reviewed);
 - (ii) Business Continuity Management Plan;
 - (iii) Media Management Policy;
 - (iv) Sewer Overflow Policy; and
 - (v) Community Loans Policy.

BACKGROUND**Standing Orders (Meeting Procedures) for Council Meetings**

The extant instrument has been updated in line with the legislation changes which came into effect on the 12 October 2020.

Business Continuity Management Plan

Council officers have collated and reviewed all documentation created during the initial phases of the current Pandemic. It's important with any business continuity event to review at the end,

however, it was decided to conduct a review now while the information is fresh. Other internal documents that have been created or reviewed relating to this plan are:

- ICT Business Continuity Sub-Plan
- Water and Wastewater Business Continuity Sub-Plan (including Pandemic related actions)
- Pandemic Business Continuity Sub-Plan
 - Facilities Pandemic Guideline
 - Workforce Pandemic Guideline

Historical Town Policy

The intent of the policy was to correct the cadastral planning errors of unestablished historical towns within the Shire. However, after discussions with the Department of Natural Resources and Energy, who have previously conducted a similar project, suggest that there is not much Council can further do to correct. Therefore, it is good governance to repeal historical town policy.

Additionally, Council will rarely sell the small freehold land lots it owns in these remote areas due to the possibility of further Council services required that are not currently being provided to these areas. Council will consider leasing arrangements or other arrangements such as defined in the Use of Council Land for Agistment Purposes Policy.

Media Management Policy

This update seeks to place some governance mechanisms and guidance for staff around the release of information to the external media. This is achieved primarily by declaring authorised spokespersons to act on behalf of Council and thus assigning some limitation on the avenues of formal information release to the public as well as ensuring that media related enquiries are appropriately directed to officers holding the necessary expertise to assess those requests. No less importantly, the policy holds the intent of addressing risk associated with inadvertent release of information which may hold the potential to impact adversely upon public perceptions of Council.

Sewer Overflow Policy

The extant policy expired in mid-2018. This update incorporates some necessary updates to deal with Council's obligations arising under its existing Environmental Authority issued under the *Environmental Protection Act 1994* (Qld) as applies to the operation of sewer pump stations and the potential incidence of sewer overflow events. The policy additionally declares the relevant environmental compliance codes, standard conditions and minimum operating requirements under Council's Environmental Authority.

Community Loans Policy

This policy has been reviewed with no substantial changes other than to migrate the information into Council's current policy template.

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 above reviewed policies and any accompanying procedure and guideline instruments are to be published on Council's website for community reference with repealed instruments to be removed from publication.



Standing Orders (Meeting Procedures) for Council Meetings

Policy Type	Governance Policy	Version	7.0
Responsible Officer	Manager Development and Governance	Date Approved	18 November 2020
Review Officer	Manager Development and Governance	Review Due	18 November 2024
Author	Director Corporate and Community Services	Commencement	18 November 2020

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 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 statutory 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.
4. In specified circumstances the Mayor is delegated to give leave to a Councillor in relation to paragraph 162 (1)(d)(ii) Local Government Act 2009;
5. The Mayor may give approval for attendance via teleconferencing for Councillors in certain circumstances.

3.2.2 Order of Business

1. Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council
2. 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.
3. Unless otherwise altered, the order of business shall be as follows:
 - Attendances
 - Apologies and granting of leaves of absence
 - Confirmation of Minutes
 - Officers Reports
4. 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 not fairly arising from the agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting.

Standing Orders for Council Meetings

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.

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 10 signatures;
 - 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 seven (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 Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
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 Chairperson 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 an appropriate time period allowed.
3. For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. For

Standing Orders for Council Meetings

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 Chairperson may finalise the deputation.
5. The Chairperson may terminate an address by a person in a deputation at any time where:
 - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
6. The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

3.3 MOTIONS

3.3.1 *Motions*

1. A Councillor is required to 'move' 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. If a motion is not moved and/or seconded it is deemed lost unless a procedural motion is proposed
4. Other Councillors can propose amendments to the original motion after it has been moved and seconded. The original motion must be voted on before voting on the final motion.
5. A motion brought before a meeting of Council in accordance with the *Local Government Act 2009* or these Standing Orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
6. The Chairperson 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 Chairperson may put the motion to the vote without discussion.
7. Where a Councillor 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.

Standing Orders for Council Meetings**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 item 1, where there is no seconder, a Councillor who moves a motion or an amendment to a motion may request permission of the Chairperson 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 maintain or further clarify the intent of the original motion and do not contradict the motion.
2. Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
3. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
4. Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

3.3.5 Speaking to motions and amendments

1. The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
2. The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for or against the motion as available, until all Councillors who wish to speak have had the opportunity.
3. A Councillor may make a request to the Chairperson 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 or amendment shall have the right to 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 Chairperson rules otherwise.
7. Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
8. In accordance with Section 273 of the *Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the

Standing Orders for Council Meetings

Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

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 Chairperson may direct the motion or amendment to be read again. The Chairperson 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.
4. The Chairperson 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 Chairperson to have a 'casting vote' to break the deadlock and bring resolution on the matter before Council.
5. Unless otherwise directed by the Chairperson, voting shall be by a show of hands.
6. Any Councillor may call for a division on a question before the Chairperson 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 Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson 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 Chairperson 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 Chairperson shall declare the result of a vote or a division as soon as it has been determined.
8. 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 at the time the vote is taken.
9. Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.

Page 6 of 20

Standing Orders for Council Meetings

10. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

3.3.7 Repealing or amending resolutions

1. A resolution of Council may not be amended or repealed 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 (3) 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 repeal or amend 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 Chairpersons decision
 - that this report/document be tabled
 - to suspend the rule required that (insert requirements)
 - 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 Chairperson 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 Chairperson 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,

Page 7 of 20

Standing Orders for Council Meetings

may be moved at the meeting at which the procedural motion was carried or at any later meeting.

6. Any Councillor may ask the Chairperson 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 Item 2 as outlined above. The Chairperson 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 Chairperson 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 Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
8. The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. 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 *Local Government Act 2009* 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.

Standing Orders for Council Meetings

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 Chairperson.
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 Chairperson or by a Councillor.
5. When the Chairperson 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 Chairperson may be heard without interruption.
6. Councillors shall ensure there is no audible noise from mobile devices during a formally constituted meeting except with permission of the Chairperson.
7. Councillors may sit or stand and address the Chairperson 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.

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 Chairperson 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 Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

3.5 MAINTENANCE OF GOOD ORDER

3.5.1 *Disorder*

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

Standing Orders for Council Meetings**3.5.2 Business of Objectionable nature**

1. If, at a meeting of Council, the Chairperson or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chairperson 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 and the 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 representatives of the 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 Chairperson 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.

3.6.2 Public Participation at meetings

1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
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 Chairperson 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 Chairperson 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.

Standing Orders for Council Meetings

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 Chairperson 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 Chairperson.

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. The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the code of conduct for councillors. 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 may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to section 3.7, item 7 for the steps to be taken.
3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.
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 continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under section 3.7, item 3, 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.

Standing Orders for Council Meetings

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 made within a 12-month period made against a Councillor or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct;
 - (c) the Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register..
10. Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1, 7 and 8 above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the Chairperson's decision or ruling during the meeting

3.8 MEETING PROCESS FOR DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT WHICH HAS BEEN REFERRED TO A LOCAL GOVERNMENT BY THE INDEPENDENT ASSESSOR (IA)

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under section 3.7, item 9, paragraph (b) of this document.

In either case, the Council must complete an investigation into the alleged conduct:

- consistent with any recommendations from the IA; and
- consistent with the Council's investigation policy; or
- in another way decided by resolution of the Council.

After the completion of the investigation, the Council must decide in a council meeting, whether the Councillor has engaged in inappropriate conduct, 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 Council by the IA::

1. The Council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the *Local Government Regulation 2012* (the LGR) to discuss the allegation.
2. The subject councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the Chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have committed inappropriate conduct.

Page 12 of 20

Standing Orders for Council Meetings

3. Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in Section 3.8, Item 2.
If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 3.8, Item 2. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
4. The Council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present..
5. If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed in 2.6, if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.
6. The Council may order that no action be taken against the Councillor or make one or more of the following:
 - a) an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - b) an order reprimanding the Councillor for the conduct
 - c) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - d) an order that the Councillor be excluded from a stated Council meeting
 - e) 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 that the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee
 - f) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - g) an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
7. A local government may not make an order under 3.8, Item 6(c); 3.8, Item 6(d); 3.8, Item 6(e); 3.8, Item 6(f) in relation to a person who is no longer a councillor.
8. 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, and the Chairperson must advise them of the details of the decision.
9. The Chairperson must ensure the meeting minutes reflect the resolution made.

3.9 PRESCRIBED CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business

Standing Orders for Council Meetings

matters). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

1. A councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.
2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
3. When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
 - if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - if it arises because of an application or submission, the subject of the application or submission
 - the name of any entity, other than the Councillor, that has an interest in the matter
 - the nature of the Councillor's relationship with the entity that has an interest in a matter
 - details of the Councillor's and any other entity's interest in the matter.
4. The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice from the Minister to participate in the matter.
5. Once the Councillor has left the area where the meeting is being conducted, the Council can continue discussing and deciding on the matter at hand.

3.10 DECLARABLE CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA applies.

When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

1. A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
3. When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
 - the nature of the declarable conflict of interest
 - if it arises because of the Councillor's relationship with a related party:
 - the name of the related party to the Councillor
 - the nature of the relationship of the related party to the Councillor

Page 14 of 20

Standing Orders for Council Meetings

- the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the Councillor or a related party:
 - the name of the other person
 - the nature of the relationship of the other person to the Councillor or related party
 - the nature of the other person's interest in the matter
 - the value of the gift or loan and the date the gift or loan was made.
- 4. After a councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- 5. If the Councillor chooses not to leave the meeting, the Councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.
- 6. The other councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors. The non-conflicted councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g. may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted councillors.
- 7. In deciding on whether a councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
- 8. The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- 9. When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the circumstances of the matter including, but not limited to:
 - how does the inclusion of the Councillor in the deliberation affect the public trust
 - how close or remote is the Councillor's relationship to the related party
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
 - how does the benefit or detriment the subject councillor stands to receive compare to others in the community
 - how does this compare with similar matters that Council has decided and have other councillors with the same or similar interests decided to leave the meeting
 - whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.

<p>Standing Orders for Council Meetings</p>
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10. If the non-conflicted councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted councillors discuss and vote on the matter.
11. A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g. briefing sessions or workshops.
12. In making the decision under 3.8, Item 6 and 3.8 Item 9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
13. A councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

3.11 REPORTING A SUSPECTED CONFLICT OF INTEREST

1. If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
2. The Chairperson should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.
3. If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
4. The non-conflicted councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above.
5. If the councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.

3.12 LOSS OF QUORUM

1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the Council must resolve to:
 - delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - defer the matter to a later meeting; or
 - not to decide the matter and take no further action in relation to the matter.

All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.

Standing Orders for Council Meetings

2. The Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.
3. If the matter cannot be delegated under an Act, the Council should seek ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.

3.13 RECORDING PRESCRIBED AND DECLARABLE CONFLICTS OF INTEREST

When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:

- the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest
- the particulars of the prescribed or declarable conflict of interest provided by the Councillor
- the actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest
- any decision then made by the eligible councillors
- whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
- the Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision
- the name of each Councillor who voted on the matter and how each voted
- If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the Councillor, the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the councillors voted
- where a decision has been made under section 3.8, Item 6 above – the minutes must include the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted

3.14 CLOSED MEETINGS

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of the CEO
- Industrial matters affecting employees
- The Council's budget
- Rating concessions
- Legal advice obtained by the Council, including legal proceedings that may be taken by or against the Council
- Matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council
- negotiations relating to the taking of land by the Council under the Acquisition of Land Act 1967

Page 17 of 20

Standing Orders for Council Meetings

- a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.

A council meeting, standing and advisory committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the Council must;

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.

To take a matter into a closed session the Council must abide by the following:

1. Pass a resolution to close the meeting.
2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
3. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
4. Not make a resolution while in a closed meeting (other than a procedural resolution).

3.15 TELECONFERENCING MEETINGS

1. If a councillor wishes to be absent from a council meeting place during a meeting, the Councillor must apply to the Chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Chairperson may allow a councillor to participate in a council meeting, standing or advisory committee meeting by teleconference.
2. A councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.

Note: Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

3. In order for councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the LGR that will expire in June 2021.

Standing Orders for Council Meetings

These provisions allow the Council:

- the option to conduct the entire council meeting via phone, teleconference or video conference
- where possible, that they must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the Council's public offices or on the Council's website
- Chairperson the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.

3.16 AMENDMENT OF STANDING ORDERS

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

4. REPORTING

No additional reporting is required

5. DEFINITIONS

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

conduct includes—

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

inappropriate conduct see section 150K of the LGA

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

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

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.

Page 19 of 20

Standing Orders for Council Meetings



MAREEBA SHIRE BUSINESS CONTINUITY PLAN



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Table of Contents

1. INTRODUCTION	4
2. DEVELOPMENT OF THE BUSINESS CONTINUITY PLAN	4
3. DISTRIBUTION LIST	5
4. RELATED DOCUMENTS.....	5
5. OBJECTIVES.....	5
6. DEVELOPMENT PROCESS OF THE BUSINESS CONTINUITY PLAN (BCP).....	5
7. BUSINESS IMPACT ANALYSIS (BIA)	6
8. BUSINESS CONTINUITY RISKS	7
8.1 INFRASTRUCTURE RISK - BUILDING AND FACILITIES	8
8.2 TALENT MANAGEMENT RISK - STAFF AND SKILLS	8
8.3 TECHNOLOGY INFRASTRUCTURE RISK - LOSS OF KEY INFRASTRUCTURE	9
8.4 INFRASTRUCTURE RISK - WATER AND SEWERAGE SERVICES	10
9. RESPONSIBILITY FOR ACTIVATION OF THE BCP	10
10. BCP ACTIVATION CRITERIA	10
11. BUSSINESS IMPACT ASSESSMENT	11
12. LEVELS OF ACTIVATION	11
12.1 PREPARDNESS.....	11
12.2 SUSTAINED OPERATIONS.....	11
12.3 TRANSITION TO NORMAL OPERATIONS	11
AT THIS LEVE RESUMPTION OF NORMAL CORE BUSINESS AND/OR THE COMMENCEMENT OF RECOVERY OPERATIONS SHOULD OCCUR. ALL BIA'S, PROCESS IMPROVEMENTS, AND OTHER RELVENT DOCUMENTATION DEVELOPED DURING THE EVENT SHOULD BE REVIEWED AND IMPLEMENTED ACCORDINGLY.	
	11
13. LOCAL DISASTER MANAGEMENT PLAN (LDMP)	11
14. DECISION MAKING AND REPORTING.....	11
15. RECORDS MANAGEMENT	12
16. COMMUNICATIONS AND MEDIA	12
17. INSURANCE POLICY DETAILS.....	12
17.1 PUBLIC LIABILITY.....	12
17.2 PROPERTY, PLANT AND EQUIPMENT MAINTENANCE	12
17.3 WORKCOVER	12
18. RECOVERY	12
19. REHEARSE AND MAINTAIN	13
20. RELATED DOCUMENTS	13
21. REVIEW OF PLAN.....	13

Business Continuity Management Plan

1. INTRODUCTION

The objective of business continuity management (BCM) is to minimise the impact of a disruptive event on operations and the delivery of services to the community. BCM is good business practice and an integral component of effective risk management. Important components that informed the Business Continuity Plan are the Enterprise Risk Management Framework, Business Impact Analyses, and Local Disaster Management Plan. Business Continuity Sub-Plans are in addition to Council's Disaster Management Plan.

2. DEVELOPMENT OF THE BUSINESS CONTINUITY PLAN

The Business Continuity Plan (BCP) incorporates the four key elements of the Prevention, Preparedness, Response and Recovery (PPRR) Framework. Each of the four key elements are represented in the Business Continuity Planning process.



Prevention - Risk Management planning

Identifies and manages the likelihood and/or effects of any risks associated with an incident.

Preparedness - Business Impact Analyses

Identifies and prioritises the key activities of the business that may be adversely affected by any unplanned disruption or adverse event.

Response – Incident Response and sustained operations

Implement actions taken to respond to an incident in terms of containment, control and impact minimisation in order to sustain operations.

Recovery - Recovery planning transition to normal operations

Outlines actions taken to recover from an incident in order to minimise disruption and recovery times in order to return ordinary operations.

Business Continuity Management Plan

3. DISTRIBUTION LIST

All staff will have access to the plan via Council's SharePoint or Document Management System. A paper copy of the plan will be available at each of the following council worksites.

Copy Number	Name	Location
001	Chief Executive Officer	65 Rankin Street
002	Director of Infrastructure Services	Kowa Street Depot
003	Workplace Health and Safety Advisor	Kowa Street Depot
004	Manager Systems and Customer Service	65 Rankin Street
005	Manager Water and Waste Services	Kowa Street Depot

4. RELATED DOCUMENTS

All staff will have access to the related documents via Council's SharePoint or Document Management System:

- Enterprise Risk Register
- Local Disaster Management Plan (LDMP)
- Sewer Overflow Policy

Business Continuity Sub-Plans are amended to meet certain situations as they arise, essentially following the Business Continuity Sub-Plan Template.

5. OBJECTIVES

The objectives of this plan are to:

- undertake risk management assessment;
- define and prioritise Council's critical business functions;
- detail Council's immediate response to a critical incident;
- detail strategies and actions to be taken to enable Council to operate during an adverse event;
- maintain or recover in a timely manner Council's critical service activities;
- ensure availability of resources to continue to deliver critical activities;
- limit the impact to services, staff, the community and other stakeholders;
- return to normal operations in a controlled manner; and
- protect Mareeba Shire Council's reputation.

6. DEVELOPMENT PROCESS OF THE BUSINESS CONTINUITY PLAN (BCP)

The development of the BCP involved a review of enterprise and operational risks as well as a departmental Business Impact Analysis. The ultimate objective of risk management is the minimisation of harm, from identified risks, to our employees, the public and our environment. The expertise of key council staff was

Business Continuity Management Plan

used to identify risks and mitigating treatments. The outcomes were the basis for developing enterprise risk registers.

The likelihood and consequences of identified risks were classified in accordance with the risk calculator below.

		Consequence				
		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likelihood						
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

Below is a brief summary of the risk issues that could adversely affect council:

- natural disasters, such as floods, storms, bushfires and drought;
- legal matters e.g. insurance related matters, contractual breaches, non-compliance with regulations;
- technology, such as computer network failures;
- regulatory and policy changes;
- environmental e.g. chemical spills and pollution;
- work place health and safety: accidents caused by materials, equipment, or working conditions;
- property and equipment, such as damage from natural disasters, infrastructure failure and vandalism;
- security, such as theft, fraud, loss of intellectual property and online security and fraud;
- economic and financial, such as global financial events, interest rate increases, cash flow shortages, customers defaulting and rising costs;
- staffing, such as industrial relations and difficulty filling vacancies;
- suppliers, failure or interruptions to the supply chain of products or raw materials; and
- utilities and services-failure or interruptions to the delivery of power and telecommunications.

7. BUSINESS IMPACT ANALYSIS (BIA)

This is essentially an information gathering exercise to identify processes, resources and the impacts of not delivering critical activities along with recovery time objectives (RTO's). It identifies services that cannot fail, how quickly they need to recover and those services that could be reduced or suspended if required following any potential disruption.

As part of our Business Impact Analysis, a RTO has been assigned to each function. The RTO is the time lapsed between an adverse event or disruption occurring to the time the critical business activity must be operational.

Business Continuity Management Plan
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A one-day failure would generally have minimal impact on community service delivery and operations. However, a one-day failure could be significant in certain circumstances. For example; the failure of vital infrastructure such as telecommunications equipment, could in the event of a disaster, pose a significant risk where warnings or other critical information must be widely and rapidly disseminated.

A one-week failure would have a moderate impact across all council operations. In some situations, such as loss of water supply, the situation would quickly worsen, and immediate action would be required to avoid a catastrophic consequence. It was determined a number of alternative strategies are required to maintain critical infrastructure such as water supply and wastewater program.

A one-month failure will in most cases result in moderate to severe operational, financial and community impact; with the potential to seriously damage council's reputation. A number of impacts could be managed by the use of alternative delivery providers e.g. contractors and off-site service centres, or strategies such as regular communication with key stakeholders.

A summary of identified Critical Activities, their estimated Recovery Timeframes and the responsible department is included in the table below:

Activity	Recovery Timescale	Responsibility
First point of contact for all front line and telephone requests	Within 24 hours	Systems and Customer Service
Manage customer service requests and complaints	Within 24 hours	Systems and Customer Service
Water Supply	Within 24 hours	Water and Waste Services
Sewerage Services	Within 24 hours	Water and Waste Services
Waste Services	Within 48 hours	Water and Waste Services
Distribute facility keys as necessary	Within 48 hours	Technical Services
Provide critical administrative support for the organisation	Within 48 hours	Systems and Customer Service
Regulatory services including animal management	Within 48 hours	Development and Governance
Receipting, Payroll, and Creditor Payment Transactions	Less than 1 week	Finance/Organisational Dev
Undertake food premises inspections-event dependent	Less than 1 week	Development and Governance
Land and Development Applications	Less than 1 week	Development and Governance
Land Use Applications	Less than 2 weeks	Development and Governance
First Point of Contact for Incoming email & mail	Within 48 hours	Systems and Customer Service
Undertake external banking for key Council facilities	Less than 1 week	Systems and Customer Service

8. BUSINESS CONTINUITY RISKS

The identification of Business Continuity type risks should be incorporated into risk registers and coordinated by the Manager Development and Governance. These will identify any measures in place to help mitigate the risk of disruption. The BCM program will concentrate on four (4) risk issues:

Reference	Risk Type	Risk	Risk Issue
8.1	Operational Risk	Infrastructure Risk - Building and Facilities	Building and Facility e.g. loss of access to a key site or building
8.2	Human Resources	Talent Management Risk	Staff and Skills e.g. loss of key staff or skills

Business Continuity Management Plan

8.3	Information Technology	Technology Infrastructure Risk	Information Communications Technology (ICT) e.g. network, data, communications loss
8.4	Operational Risk	Infrastructure Risk - Water and Sewerage	Service specific e.g. water network, sewerage and waste services

8.1 INFRASTRUCTURE RISK - BUILDING AND FACILITIES

Mareeba Shire Council delivers services from a number of facilities:

Administration Buildings identified as essential operations are delivered as required.

Essential Locations	Evacuation Assembly Point
Administration Building, Rankin Street	Rear of the PCYC building (Next door to Council)
Administration Building, Kowa Street	Opposite Main Gate of Depot Yard
Works Depot	Opposite Main Gate of Depot Yard

Workplace Health and Safety have developed a procedure on emergency preparedness to assist staff when dealing with a range of emergencies. Evacuation procedures are on display at all Council worksites sites, together with floor plans and directions. All employees are familiarised with these on commencement and evacuation drills are conducted. Council has a number of Fire Wardens and staff trained in First Aid to assist in any emergency.

In the event of an evacuation or significant disaster, if the workplace or resources may not be utilised in a timely manner, the Chief Executive Officer should enact the business continuity plan. In extreme circumstances, personnel may be able to work remotely from another location or their home.

As Council moves towards cloud based services, there is less need for staff to be in attendance at facility, e.g. customer service, however, the Rankin Street site is recognised as the Disaster Management Centre when Disaster Management is activated.

If an incident occurs outside of working hours, procedures are in place to contact senior officers 24 hours a day. Once managers have been notified of the incident, they are responsible for cascading instructions to their staff. Refer to MSC Emergency Contact Lists available from Disaster Coordinator.

8.2 TALENT MANAGEMENT RISK - STAFF AND SKILLS

There are many scenarios that may lead to a reduction in staff e.g. disaster operations, strike action, illness. This is a key operational risk, therefore to build resilience Council has capable team members available to cover absences of key personnel.

Key Position	First Relief
Chief Executive Officer	Director Corporate and Community Services
Director Infrastructure Services	Manager Technical Services Manager Works

Business Continuity Management Plan

	Manager Water and Waste
Director Corporate and Community Services	Manager Development and Governance Manager Finance
Manager Development and Governance	Director Corporate and Community Services
Manager Systems and Customer Service	Director Corporate and Community Services
Manager Finance	Director Corporate and Community Services
Manager Community Wellbeing	Director Corporate and Community Services
Manager Organisational Development	Director Corporate and Community Services
Manager Water and Waste Services	Director Infrastructure
Manager Works	Director Infrastructure
Manager Technical Services	Director Infrastructure
Workplace Health and Safety Advisor	Manager Organisational Development
Coordinator Stores	Senior Stores Officer
Senior Planner	Planning Officer
Environmental Health and Local Laws Supervisor	Senior Local Laws Officer

A number of Council services could continue to be provided; by appropriately skilled staff being redeployed, the use of external contractors or via a shared service arrangement utilising staff from other councils. Local knowledge and particular expertise is often necessary for critical services therefore up-skilling of current staff or use of local contractors are the preferred options. However, in some cases such as a wide spread natural disaster, this could result in a significant reduction in the quality of service and might mean only critical functions would be maintained.

8.3 TECHNOLOGY INFRASTRUCTURE RISK - LOSS OF KEY INFRASTRUCTURE

Council is heavily reliant on internet communications to support the day to day operations of the various business units. This reliance will become increasingly significant as Council transitions on premises information systems to a cloud delivery model as part of the 'Cloud First' ICT strategy.

This strategy clearly outlines the necessity to establish high speed, redundant and reliable Internet communications. A central focus of the communications component of the strategy is the implementation of multiple links provided by separate vendors, utilising disparate technologies where practicable.

Council's communications infrastructure will provide for active/active internet gateways and support policy based routing that is capable of detecting the loss of a given path and re-routing internet traffic accordingly; the aim being to engineer out any 'single point of failure'.

Council has developed a specific ICT Business Continuity Sup-Plan to provide a documented action plan.

Please refer to the Technology Infrastructure BCP- Subplan.

Business Continuity Management Plan

8.4 INFRASTRUCTURE RISK - WATER AND SEWERAGE SERVICES

Council's priority is to deliver reliable drinking water to our retailer customers, safely operate our dams and provide flood mitigation services while maintaining a safe and healthy work environment for our employees. Council has a Water & Wastewater Services Business Continuity Sub-Plan and are confident we will maintain water supply, flood operations and the safety of our dams throughout an event.

9. RESPONSIBILITY FOR ACTIVATION OF THE BCP

The Business Continuity Plan (BCP) shall be activated when a significant service level disruption or adverse event is either threatened or experienced. The BCP may only be activated by the Chief Executive Officer (or nominated Deputy) or in their absence, a Director, based upon advice by appropriate State or Commonwealth department(s).

A significant service level disruption is defined as a widespread or serious disruption to services; or an adverse event that puts at risk, the delivery of critical activities or the achievement of corporate goals.

A business continuity event may be sudden or 'creeping'. The notification of an event can either be from the top of the organisation down in the case of 'threatened' events or can be from anywhere in the organisation upwards for other events. However, once the criteria to activate the BCP has been met and the decision made to activate the plan, then a notification is to be cascaded through key internal and external stakeholders via available communication methods.

10. BCP ACTIVATION CRITERIA

Incidents that threaten the continuity of service delivery come in many guises and can be disruptive or catastrophic in nature.

Disruptive incidents/events have the potential to interrupt the delivery of services on a short-term basis and often only require short-term responses before being adequately resolved.

Catastrophic events are high impact, high intensity events which without adequate planning may lead to the complete failure of one or more council services. Catastrophic incidents may require a long-term recovery process and may result in significant consequences for the community and stakeholders.

If there is any doubt about whether an event will result in an activation of the business continuity plan, the potential or actual impacts of the event should be discussed with the Executive Management Team.

Examples of events likely to lead to the activation of this plan could include but is not restricted to:

- impacts of severe weather e.g. cyclones, storms, floods, etc;
- medium to large-scale loss of staff through industrial action or pandemic flu;
- significant or prolonged loss of ICT - voice and / or data;
- significant or prolonged loss of electricity supply;
- access to a key building(s) is lost due to factors such as fires, structural failure, police cordons, utility works, bomb threats etc;
- an incident that may affect multiple sites and staff welfare including those resulting in evacuation; or
- any other significant incident or event including loss of critical infrastructure e.g. major failure of the water supply network.

Business Continuity Management Plan

11. BUSINESS IMPACT ASSESSMENT

Business impact assessment (BIA) is a systematic process to determine and evaluate the potential effects of an interruption to Council's critical business operations as a result of an event. A BIA is an essential component of an organization's business continuance plan; it includes an exploratory component to reveal any vulnerabilities and a planning component to develop strategies for minimizing risk. The result is a business impact analysis report, which describes the potential risks specific to the organization studied with suggested mitigations if possible.

One of the basic assumptions behind BIA is that many component of Council are reliant upon the continued functioning of other components, but that some are more crucial than others and require a greater attention in the wake of a BCP event.

Council's BIA template is available and is to be used as foundation to assists Council Officers ask questions regarding the current event.

12. LEVELS OF ACTIVATION

12.1 PREPAREDNESS

In order to determine how the BCP risk will affect operations its import element to conduct a business impact assesment intially. Completing the analysis can help identify and prioritise the processes that have the most impact on the business' financial and operational functions. Next the development of alternative procedures should be documented and tested. Finally it may be prudent ot implement some procedural changes at this point to reduce the risk occurring.

12.2 SUSTAINED OPERATIONS (RESPONSE)

All alternate BCP process should be immediately implemented at this level. Process should be continuously reviewd to ensure they are implanted correctly, meeting their required objectives, and have not created further risk.

12.3 TRANSITION TO NORMAL OPERATIONS (RECOVERY)

At this leve resumption of normal core business and/or the commencement of recovery operations should occur. All BIA's, process improvements, and other relvent documentation developed during the event should be reviewed and implemented accordingly.

13. LOCAL DISASTER MANAGEMENT PLAN (LDMP)

If an incident or event that causes serious disruption to services is declared as a disaster, then the Mareeba Shire Local Disaster Management Plan (LDMP) may be invoked. The LDMP supersedes the BCP. The Mareeba Shire Local Disaster Management Plan enables the Local Disaster Management Group (LDMG) to mobilise a response utilising all available resources dependant on the incident and in line with statutory responsibilities.

14. DECISION MAKING AND REPORTING

It is vital that a record of decisions and actions are compiled throughout the event. Accurate reporting will be required on a regular basis so that decisions are based on the best available information at the time. Reporting will need to contain information on the situation and on any actual and potential impact(s).

Business Continuity Management Plan

15. RECORDS MANAGEMENT

Vital records are any records that are essential to the functions of an organisation during and after an event. The loss of vital records during an incident could result in the disruption of essential services, loss of revenue, increased vulnerability to litigation, and decreased productivity due to gaps in information. Identification and protection of vital records will save valuable time and resources after an incident and will allow recovery staff to concentrate on restoring operations.

The following strategies should be considered in order to ensure the business keeps operating after a disruption:

- staff training and knowledge of information management systems;
- having vital records and forms stored off-site;
- off-site computer back-ups;
- copies of insurance policies, contracts and other important documents kept off-site; and
- physical files - move to a centralised, flood and fire proof location.

16. COMMUNICATIONS AND MEDIA

Strategies for communicating with customers, employees, the media and the wider community, in the event of a disruptive event, will need to be developed. Council's customer service centre is a critical business function and will be resourced to maintain a point of contact for public enquiries. Information to staff will be managed through the existing chain of command structures.

Council's Corporate Communications Officer will manage the media to ensure a consistent, accurate and up to date message is delivered. The Mayor, Chief Executive Officer and Corporate Communications Officer are the only officers authorised to brief the media and communicate on behalf of Council. Council's web page and Facebook site will be updated regularly.

If the Local Disaster Management Plan has been activated, all media releases will be coordinated via the LDMG Chairperson.

17. INSURANCE POLICY DETAILS

17.1 PUBLIC LIABILITY

Local Government Mutual Pool – Jardine Lloyd Thompson Pty Ltd PO Box 2321 Fortitude Valley Qld 4006
Phone 07 3000 5519

17.2 PROPERTY, PLANT AND EQUIPMENT MAINTENANCE

Jardine Lloyd Thompson Pty Ltd 27 Evelyn Street Brisbane Qld 4006 Phone 07 3000 55004 or 0409 284 423

17.3 WORKCOVER

Queensland Local Government Workcare Scheme – PO Box 2321 Fortitude Valley Qld 4006 Phone 07 3000 5530

18. RECOVERY

Recovery signifies the return to Council's pre-event condition. Performing critical activities as after an adverse event or incident are prioritised by the recovery time objectives and will be Council's primary focus.

Business Continuity Management Plan

Depending on the severity of the incident or event, the disaster recovery plan may need to be implemented.

19. REHEARSE AND MAINTAIN

It is critical that the BCP is rehearsed to ensure that it remains relevant and useful. This will be done as part of a training exercise and is a key factor in the successful implementation of the plan during an emergency. After an event, it is important to review the performance of the plan, highlighting what was handled well and what could be improved upon next time.

20. RELATED DOCUMENTS

Business Continuity Management Plan
Business Continuity Management Subplan (Pandemic)
Water & Wastewater Services Business Continuity Subplan
ICT Business Continuity Subplan

21. REVIEW OF PLAN

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.



Sewer Overflow Policy

Policy Type	Council Policy	Version:	2.0
Responsible Officer	Manager Water and Waste	Date Approved:	XX/11/2020
Review Officer:	Manager Water and Waste	Review Due:	XX/11/2021
Author:	Senior Environmental Advisor	Commencement:	XX/11/2020

1. PURPOSE

To provide the framework for discharge of Council's compliance obligations under the *Environmental Protection Act 1994* (Qld) (EP Act) as applies to the management of sewer releases to the environment.

2. SCOPE

This policy applies to releases that may occur from Council's sewage pump stations, overflow structures and other ancillary assets in sewage networks as a result of:

- Excessive rainfall;
- System blockages;
- Power failure;
- Accidental damage to, or failure of, pump stations or ancillary equipment;
- Planned shutdown of equipment; or
- Other emergencies

These are typically known as sewer overflows.

3. BACKGROUND/SUPPORTING INFORMATION

The EP Act requires that Council take all reasonable and practicable steps to prevent or minimise the environmental harm caused by its activities.

Council holds an Environmental Authority under the EP Act¹ for the operation of the environmentally relevant activities for sewer pump stations that have a capacity to pump out more than 40 kL in an hour, and sewage treatment, inclusive of sewer pump sub-stations.²

Council has two sewage treatment networks comprised of reticulation, sewer pump stations, manholes and the treatment plants. The authorised sewer pump stations with greater than 40kL per hour capacity are as follows:

¹ *Environmental Authority EPPR01792213.*

² See *Environmental Protection Regulation 2019* (Qld) sch 2 s 63.

Sewer Overflow Policy

PUMP STATION DESCRIPTION	OVERFLOW LOCATION
Barang Street, Kuranda	Jum Rum Creek
Myola Road, Kuranda	Open gully
Atherton Street, Mareeba	Barron River
Robins Street, Mareeba	Granite Creek
Eccles Street, Mareeba	Granite Creek
Keneally Road, Mareeba	Unnamed tributary flowing to Barron River
Palm Close, Mareeba	Open gully flowing to Barron River
Ceola Drive, Sunset Park, Mareeba	Open gully flowing to Barron River

There are a number of sewer pump sub-stations that also have dedicated overflow points. Sewage infrastructure is normally designed to overflow as a safety feature and overflows can occur in both dry and wet weather conditions due to a variety of causes. This reduces backups and overflows at random uncontrolled locations and serves to minimise potential health risks.

4. POLICY STATEMENT

4.1 CONTINGENCY PLAN

Sewer overflows will be managed in accordance with Council's *Sewerage Incident Emergency Response Manual* (Emergency Response Manual) which sets out detailed procedures for handling of overflow events. Council implements a 24 hour/7 day per week *Emergency Response Plan* (ERP)³ for overflow events. The ERP includes:

- Flow charts of Emergency Response Plans; and
- Detailed Incident Response Plans; and
- Remediation and clean-up plans; and
- Incident Debrief Plan; and
- Improvement Plans

The ERP deals with sewer overflows caused by:

- Excessive rainfall;
- System blockages;
- Power failure;
- Accidental damage to, or failure of, pump station or ancillary equipment;
- Planned shutdown of equipment; or
- Other emergencies

Council will ensure that adequate resources are available to carry out the necessary works.

4.2 PREVENTATIVE MANAGEMENT

Mareeba Shire Council will practice preventative management of the sewer system. This will involve ensuring that:

- The Council's wastewater infrastructure is maintained in a sustainable manner to minimise environmental impact.

³ See *Sewerage Incident Emergency Response Manual* (MSC) s 3.

Sewer Overflow Policy

- The relevant Council plan is maintained for wastewater assets.
- Council infrastructure is maintained to sustain industry and development and supports future growth of the region.
- Infrastructure is further developed to mitigate against future severe weather events.
- The natural environment is considered in Council decision making about the sewer system.

4.3 GOVERNANCE

- Council will maintain a clear strategic direction to achieve regulatory compliance in respect of sewer overflows via adherence with any relevant environmental compliance codes, standard conditions and minimum operating requirements under Council's *Environmental Authority EPPR01792213*.
- Council will maintain an *Integrated Environmental Management System* and operating procedures for all treatment plants and will ensure that such procedures are reviewed annually.

4.4 DUTY TO NOTIFY ENVIRONMENTAL HARM

Sewer overflows will be notified to the regulatory authority within the statutory timeframe (3 hours).⁴ Notification procedures, including identification of 'trigger' events, have been established in the Emergency Response Manual.

5. PERFORMANCE MEASURES

Table 1 identifies the performance criteria and acceptable solutions for sewer overflows.

Performance Criteria		Acceptable Solutions	
P1	Ensure a Sewer Overflow Contingency Plan is implemented and reviewed.	A2	Implement the Emergency Response Manual. Incident Response Plans in place. Remediation and clean-up plans in place for areas affected by sewer overflows. Methodology is in place to investigate the cause of overflows, initiate preventative measures, and measure and report on the effectiveness of the preventative measures.
P2	To practice preventative management.	A2	Clearly defined accountabilities. Structured system planning and record keeping for sewer system and overflows. Asset management program in place. Risk assessment and mitigation evaluation carried out. Training program for relevant staff implemented.
P3	Governance	A3	Compliance is promoted within the Council. Sewer overflow enterprise risk is commonly understood across the organisation to manage risk. Ensure that systems and practices cover sewer

⁴ See Department of Environment and Science (Qld), *Code of Environmental Compliance for certain aspects of sewage treatment activities (ERA 63)*, V 1.00, s 9, standard environmental condition 11.

Sewer Overflow Policy

Performance Criteria		Acceptable Solutions	
			overflows and are compliant with statutory requirements.
P4	The regulatory authority is notified of all reportable instances of sewer overflows.	A4	Complete adherence to statutory requirement to notify. Notification to be within 24 hours.

6. REPORTING

A General Release Report⁵ must be submitted to the administering authority by 30 September each year in accordance with the CEC.⁶

7. DEFINITIONS

Term	Meaning
Environmental Authority	A statutory authority issued under the EP Act ⁷ to undertake Environmentally Relevant Activities.
Environmentally Relevant Activity (ERA)	Prescribed activities where a contaminant will or may be released from an activity and the release may cause environmental harm. These activities are listed in a schedule of the <i>Environmental Protection Regulation 2019</i> (Qld).
Sewage	Wastewater that is produced by a community. Domestic sewage consists mostly of greywater (from sinks, tubs, showers, dishwashers etc) and blackwater (toilet waste). Industrial sewage consists of domestic sewage and tradewaste (wastewater from industrial processes).
Sewerage	Sewerage is the infrastructure that conveys sewage using sewers. It encompasses reticulation components such as pipes, manholes, pumping stations, overflow outlets, and screening chambers of the combined sewer. Sewerage ends at the entry to a sewage treatment plant or at the point of discharge into the environment. It is the system of pipes, chambers, manholes, etc. that conveys the sewage or storm water.
Sewer overflow	Wastewater that is discharged to a holding chamber, basin or to the environment from the sewerage system.
Sewage pump station	A pumping station designed to pump sewage through the reticulation network.
Sewage treatment network	The network consists of the sewerage and sewage treatment plant.
Overflow structures	Parts of the reticulation system such as manholes, sewage pump stations and includes broken pipes.
Wastewater	Water that has been affected by human use. Wastewater is a by-product of domestic, industrial, commercial or agricultural activities. The characteristics of wastewater vary depending on the source and can contain physical, chemical and biological pollutants.

⁵ See *Sewerage Incident Emergency Response Manual* (MSC) s 5.

⁶ See Department of Environment and Science (Qld), *Code of Environmental Compliance for certain aspects of sewage treatment activities* (ERA 63), V 1.00, s 9, standard environmental conditions 14-15.

⁷ See *Environmental Protection Act 1994* (Qld) ch 5 pt5 div 4.

Sewer Overflow Policy

8. RELATED DOCUMENTS AND REFERENCES

- *Code of Environmental Compliance for certain aspects of sewage treatment activities (ERA 63), V 1.00*, Department of Environment and Science (Qld)
- *Environmental Authority EPPR01792213*
- *Environmental Protection Act 1994* (Qld)
- *Environmental Protection Regulation 2019* (Qld)
- *Integrated Environmental Management System* (MSC)
- *Sewerage Incident Emergency Response Manual* (MSC)

9. REVIEW

It is the responsibility of the Manager Water and Waste to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed in the year 2021 or as earlier required by Council.



Media Management Policy

Policy Type	Council Policy	Version:	1.0
Responsible Officer:	Corporate Communications Officer	Date Approved:	18/11/2020
Review Officer:	Chief Executive Officer	Review Due:	18/11/2024
Author:	Corporate Communications Officer	Commencement:	18/11/2020

1. PURPOSE

The Mareeba Shire Council is committed to providing timely, accurate and consistent information about relevant issues to the community.

The media, which encompasses both traditional and emerging channels, is an avenue through which this can occur, however, it is important that any communication with the media is appropriately managed to ensure Council's corporate integrity and a positive public image is maintained.

The intent of this policy is to provide a principled approach to ensure all media releases, statements and enquiries relating to Mareeba Shire Council are managed professionally and appropriately.

The Media Management Policy aims:

- To promote good governance consistent with local government principles.¹
- To ensure consistency is applied by Councillors and staff in all dealings with the media.
- To mitigate risk associated with release of inaccurate or inconsistent information to the media.
- To clearly declare Council's authorised spokespersons.
- To assign appropriate authorisation and responsibility for the information provided.
- To ensure that all media releases, statements and enquiries concerning Mareeba Shire Council issues are appropriately and professionally managed.

Failure to comply with this policy may result in disciplinary action being taken, up to and including termination of employment, engagement or contract.²

2. SCOPE

This policy applies across Council.

3. POLICY STATEMENT

AUTHORISED SPOKESPERSONS

¹ See *Local Government Act 2009* (Qld) s 4.

² See *Misconduct and Discipline Policy* (MSC); *Misconduct and Discipline Procedure* (MSC).

Human Rights Compatibility Statement

The *Human Rights Act 2019* (HR Act) (Qld) came into effect on 1 January 2020 and will mean fairer laws, policies and practices by public entities when dealing with the community on a day-to-day basis. This policy has been drafted in alignment with obligations under s 58 of the HR Act.

Media Management Policy

The Mayor and Chief Executive Officer are the official spokespersons for Council. The Mayor and/or Chief Executive Officer may delegate Councillors, Directors, Managers or staff to act as a spokesperson for the Council when appropriate.

The Mayor is the official spokesperson for all matters relating to Council policy and decision-making and is the only Councillor authorised to make official public comment in relation to Council's overall operations. The Mayor is also responsible for communicating Council's political responses and advocacy initiatives to the community.

The Chief Executive Officer is the official Council spokesperson on all matters relating to Council's operations including staff, administration, industrial matters and during any caretaker period.

CORPORATE COMMUNICATIONS OFFICER

The Corporate Communications Officer is an authorised spokesperson of Council and will co-ordinate all media responses and liaise with the media on behalf of Council. The Corporate Communications Officer will issue media releases and statements that have been authorised by the Mayor and Chief Executive Officer. The Corporate Communications Officer will not engage in any media activity that is deemed by the Chief Executive Officer to be specifically for the personal advantage of any elected member or staff member.

COUNCIL EMPLOYEES

Council employees may speak to the media, write Letters to the Editor or engage with social media platforms as private individuals with the following restrictions:

- They do not comment, either directly or indirectly on Council matters, i.e. Council operations, business activities, Council decisions or policies;
- They do not comment, either directly or indirectly on matters concerning elected members or members of staff;
- They do not identify themselves as Council employees;
- Their comments are not representative of official Council position or policy;
- Their comments do not bring Council into disrepute.³

Where staff members receive an enquiry from the media, they are not to respond directly to the request unless authorised to do so. The request must be directed to the Corporate Communications Officer. The Corporate Communications Officer will determine the nature of the enquiry and the most appropriate method of response and will liaise with relevant staff and undertake any research necessary to prepare a response. Directors, managers and staff should make themselves available to answer enquiries from media where such enquiries affect an immediate area of operations and such answers should be confined to operational issues in alignment with current Council Policy.

Where the Corporate Communications Officer is absent, media requests should be forwarded to the Chief Executive Officer.

³ See *Social Media Policy* (MSC) s 4.1.

Media Management Policy

All new employees are to be made aware of Council's *Media Management Policy* as a component of the staff induction process.

CONSULTANTS AND CONTRACTORS

Consultants or contractors appointed by the Council to a Council project must comply with the *Media Management Policy*. If approached by the media on a Council project, the consultant or contractor is to direct the enquiry to the Corporate Communications Officer.

Where a media release or statement is being prepared by a consultant, contractor or another organisation which relates to a Council project or a project in which Council is involved, the relevant preparing Council officer is to ensure that a copy of the draft release is provided to the Corporate Communications Officer to ensure appropriate Council input and endorsement.

4. REPORTING

As a matter of courtesy, copies of news articles, TV reports, talkback radio and social media posts that mention or relate to Mareeba Shire Council are forwarded to the Mayor, Councillors, Executive Management Team and other relevant staff.

5. DEFINITIONS

Council – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

Media – is the primary means of mass communication (broadcasting, publishing, and the Internet) regarded collectively.

Social media – means tools such as websites and applications that allow users to create and share content and to participate in social networking. Social media may include but is not limited to:

- social networks, such as Facebook and LinkedIn
- media sharing networks, such as Snapchat, Instagram, and YouTube
- bookmarking and content curation networks, such as Pinterest
- corporate networks, such as Microsoft Teams, Skype for Business
- micro-blogging networks, such as Twitter and Tumblr

Post – means any shared or created content put on social media.

6. RELATED DOCUMENTS AND REFERENCES

Councillor Code of Conduct (MSC)

Employee Code of Conduct (MSC)

Local Government Act 2009 (Qld)

Misconduct and Discipline Policy (MSC)

Misconduct and Discipline Procedure (MSC)

Social Media Policy (MSC)

Media Management Policy

7. REVIEW

It is the responsibility of the Corporate Communications 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.



Community Loans Policy

Policy Type	Council Policy	Version:	1.0
Responsible Officer	Manager Finance	Date Approved:	XX/XX/2020
Review Officer:	Manager Finance	Review Due:	XX/XX/2020
Author:	Manager Finance	Commencement:	XX/XX/2020

1. PURPOSE

To provide for a principled and consistent approach to the assessment, approval and provision of loans as a form of assistance offered to community organisations.

2. SCOPE

This policy covers one-off applications for loans for community organisations as defined in this policy. Applicants requesting other types of financial assistance from Council should refer to Council's *Community Partnerships Program Policy*.

3. POLICY STATEMENT

Mareeba Shire Council values and recognises the role of community groups within the Council area and endeavours to support them in a variety of ways.

Council holds conditional General Approval from the Queensland Treasury (QT) issued under the *Statutory Bodies Financial Arrangements Act 1982* (Qld), to offer low-interest or interest-free loans¹ where Council is satisfied that the purpose for a given loan aligns with an identified community benefit within the local government area.

Council will apply the following principled approach to assessment of loan requests:

- The recipient of a Community Loan must be a community-based and not-for-profit organisation located within the jurisdictional boundaries of the Mareeba Shire Council.
- Applications for a Community Loan will be assessed by Council on a case-by-case basis taking into consideration the purpose of the loan and if Council deems it appropriate to provide a benefit to the residents of the community.
- Where appropriate, requests may additionally be assessed against the eligibility criteria, conditions and priorities outlined within Council's *Community Partnerships Program Policy*.
- Council will apply a consistent approach with the setting of interest rates and repayment terms.² Interest rates will be determined using the QT interest rate as at the time of loan drawdown.
- All approved Community Loan applicants will be required to enter into a written agreement with Council.

¹ See General Approval instrument as issued by the Queensland Treasurer under s 76 delegation on date of 4 October 2012 pursuant to the *Statutory Bodies Financial Arrangements Act 1982* (Qld) pt 7 ss 60A-61A.

² Ibid condition point 3, 10 years maximum or lesser as determined by Council.

Human Rights Compatibility Statement

The *Human Rights Act 2019* (HR Act) (Qld) came into effect on 1 January 2020 and will mean fairer laws, policies and practices by public entities when dealing with the community on a day-to-day basis. This policy has been drafted in alignment with obligations under s 58 of the HR Act.

Community Loans Policy

- Loans will not exceed the amount specified in the QT General Approval issued by the QT.³
- Council will observe total value limits under the QT General Approval for outstanding loans.⁴

The remove doubt, eligible organisations must:

- Be community-based and not-for-profit;
- Be based in the Mareeba Shire jurisdictional area;
- Identify the purpose of the loan;
- Clearly demonstrate that all other avenues of financial support have been exhausted;
- Demonstrate an ability to repay the debt within the timeframe specified;
- Have fully paid off any previous loans with Mareeba Shire Council;

Approvals will be conditional upon the following:

- loan funds must be utilised for the agreed purpose
- Community organisations must contact Council's Financial Accountant within Three (3) months of approval to accept the offer of loan finance and to progress the loan documentation and funding arrangements
- An approval or offer of finance will remain valid for a period of twelve (12) months beyond which the approval will lapse and the organisation will need to reapply if the funds are still required
- Where loan funds are not fully expended, any remaining loan funds are to be returned to Council

4. REPORTING

Council will maintain a register to record each loan that is provided to a community organisation under this policy.⁵

5. DEFINITIONS

Community organisation means—

- (a) an entity that carries on activities for a public purpose;
- or
- (b) another entity whose primary object is not directed at making a profit.⁶

6. RELATED DOCUMENTS AND REFERENCES

Community Partnerships Program Policy (MSC)
Statutory Bodies Financial Arrangements Act 1982 (Qld)

7. REVIEW

It is the responsibility of the Manager Finance 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.

³ Ibid condition point 2 \$120,000 maximum or lesser amount as determined by Council.

⁴ Ibid condition point 4, \$2 million.

⁵ See *Statutory Bodies Financial Arrangements Act 1982* (Qld) s 74.

⁶ See General Approval condition point 1 as defined as still in effect under the General Approval conditions.

8.10 DELEGATIONS UPDATE NOVEMBER 2020

Date Prepared: 3 November 2020

Author: Manager Development and Governance

Attachments: 1. Table of Delegable Powers [↓](#)

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.

RECOMMENDATION

That:

1. Council delegates the exercise of the powers contained in the attached Table of Delegable powers, with such powers to be exercised subject to any limitations and conditions; and
2. Any prior delegations of power relating to the same matters are revoked.

BACKGROUND

Council has delegated to the Chief Executive Officer (CEO) the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of the 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.

The attached Table of Delegable Powers displays the list of amendments to powers that have been identified as requiring delegation to the CEO.

Local Government Regulation 2012 (Qld) (LOGR)

The LOGR was amended by the *Local Government Legislation Amendment Regulation (No. 1) 2020* (Qld). The changes are in relation to, among other things, overdue rates or charges and the measures a local government may take to recover those rates or charges. Specifically, the changes relate to how a local government is able to sell land for overdue rates or charges. The changes also resulted in changes surrounding the publication of a register of interests of councillors in order to promote transparency, accountability and consistency in relation to the interests to be disclosed.

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 CEO 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

Delegable Powers under the Local Government Regulation 2012 ("LOGR")

CHAPTER 4 – RATES AND CHARGES

Part 12 – Overdue rates and charges

Division 3 – Selling or acquiring land for overdue rates or charges

Subdivision 2 – Selling land for overdue rates or charges

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	143(1)	Power to set a reserve price for the land at auction.		
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the highest-any bidder atwho attended the auction to sell the land by agreement.		
Local Government	144(1)	Power to prepare the sales notice.		
Local Government	144(4)	Power to decide to offer the land for sale by negotiation.		
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.		
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.		
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.		
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.		

Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.		
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CHAPTER 6 – CONTRACTING

Part 3 – Default contracting procedures

Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	228(89)	Power to decide not to accept any tenders received.		
Local Government	228(910)	Power to decide to accept a tender.		
Local Government	228(109)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.		

Division 3 – Exceptions for medium-sized and large-sized contractual arrangements

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	232(4)	In certain circumstances, power to invite establish suppliers to tender to be on a register of pre-qualified suppliers.		

8.11 OPERATIONAL PLAN 2020/21 PROGRESS REPORT JULY 2020 TO SEPTEMBER 2020

Date Prepared: 5 November 2020

Author: Manager Development and Governance

Attachments: 1. [Operational Plan 2020/21 Progress Report July 2020 to September 2020](#)

EXECUTIVE SUMMARY

The attached report provides information regarding the progress of the 2020/21 Operational Plan projects.

RECOMMENDATION

That Council receives and notes the progress report on implementation of the 2020/21 Operational Plan for the period July 2020 to September 2020.

BACKGROUND

The *Local Government Regulation 2012* provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the goals and objectives set out in a Council's Corporate Plan over a period of one (1) year.

Council adopted the Operational Plan for 2020/21 on 17 June 2020.

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

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

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

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

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."					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Long-term Financial Plan	FIN 1 FIN 2	Long-Term Financial Plan that supports effective and sustainable financial management Effective and sustainable financial management	Finance Development & Governance	<ul style="list-style-type: none"> Ensure Long Term Asset Management Plan and Financial Plan aligns with revised Sub-Asset Management Plans and Local Government Infrastructure Plan 	<ul style="list-style-type: none"> All plans were aligned, and Long-term financial plan was adopted with the 2020/21 Budget.
Maintain the financial sustainability	FIN 1 FIN 2	Long-Term Financial Plan that supports effective and sustainable financial management Effective and sustainable	Finance	<ul style="list-style-type: none"> Develop and implement revised progress reports for capital works Develop and implement revised project finalisation reports for capital works 	<ul style="list-style-type: none"> In progress

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.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
		financial management			
Comprehensive Asset Revaluations • Footpaths • Storm water	FIN 1	Long-Term Financial Plan that supports effective and sustainable financial management	Finance	<ul style="list-style-type: none"> • Footpaths comprehensive revaluation • Storm water drainage comprehensive valuation 	<ul style="list-style-type: none"> • In progress, however storm water has been swapped with gravel roads this year.
Technology One enhancements	FIN 3	Effective and sustainable financial management	Systems & Customer Service Organisational Development	<ul style="list-style-type: none"> • Human Resources & Payroll • Mobility & Companion App 	<ul style="list-style-type: none"> • The Technology One Organisational Management module has been prototyped in preparation for migration to Production. • HR and Payroll are quality checking data in the organisational structure of Ci to have data uploaded to Ci Anywhere. • Work on Companion App awaiting software update scheduled for November.

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."					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Mareeba Industrial Estate Development	FIN 3	Effective business management	Technical Services Development & Governance	<ul style="list-style-type: none"> Promote sale of industrial land 	<ul style="list-style-type: none"> To commence in 2021
Customer Service Standards	FIN 3	Effective business management	Systems & Customer Service	<ul style="list-style-type: none"> Monitoring and reporting to be implemented Review Customer Request categories to determine appropriate resolution timeframes and apply these to Council's Customer Request Management System to allow effective reporting. 	<ul style="list-style-type: none"> No progress to date
ICT Strategy implementation <ul style="list-style-type: none"> Technology One 'Software as a Service' PABX replacement 	FIN 3	Effective business management	Systems & Customer Service	<ul style="list-style-type: none"> Implement 'software as a service' (SaaS) solution for Technology One products: Determine appropriate solution for replacement of on-premises PABX with Cloud hosted system. 	<ul style="list-style-type: none"> Technology One IntraMaps (mapping) software has been migrated to the Cloud. This finalises the Technology One Cloud transition project. Trial of Cisco Webex Calling has been performed. Further investigation into

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.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
<ul style="list-style-type: none"> • Cloud Data Protection • SharePoint Online 				<ul style="list-style-type: none"> • Review options for Cloud hosting Council's Data Protection system. 	Microsoft Skype for Business ongoing.
Sustainable Workforce	FIN 4	A skilled and sustainable workforce	Organisational Development	<ul style="list-style-type: none"> • Training of workforce where required to improve efficiencies and safety 	<ul style="list-style-type: none"> • Compliance training has re-commenced with the lowering of Covid-19 restrictions across Queensland. For period ending Q1 2020/2021 Councils has a total of 372.5 training hours for outdoor, 63.5 training hours for indoor workers and 179 training hours organisational wide for a cumulative total of 615 training hours over three months.

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”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Arts Connection to Tourism	COM 1	An engaged community	Community Wellbeing	<ul style="list-style-type: none"> Updated Arts & Culture Plan 	<ul style="list-style-type: none"> Draft plan in progress
Open Space, Parks, Footpaths and Trails Strategy	COM 2 TCI4	An active, safe and healthy community Public spaces and facilities	Community Wellbeing Technical Services Maintenance Services Finance Development and Governance	<ul style="list-style-type: none"> Review of open spaces, parks, footpaths and trails 	<ul style="list-style-type: none"> Draft strategy in progress
Accommodation and support services for Seniors	COM 2	An active, safe and healthy community	Community Wellbeing	<ul style="list-style-type: none"> Investigate possible viable models that are likely to deliver increased accommodation stock, including the community management of Council's Community Housing. 	<ul style="list-style-type: none"> Study findings are under consideration

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.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Asset Management Sub-Plans <ul style="list-style-type: none"> • Aerodromes • Footpaths • Waste • Wastewater 	TCI 1	Sustainable Infrastructure for the future	Technical Services Finance	<ul style="list-style-type: none"> • Undertake data verification. • Undertake condition assessment and defect identification. • Prepare and implement 	<ul style="list-style-type: none"> • Condition and defect assessments at Aerodromes continue. • Asset Condition Inspections for Footpath Asset Class with verification against FAR completed. • Wastewater sub plan done • Currently working on Waste
Asset Management Sub-Plans <ul style="list-style-type: none"> • Facilities • Swimming Pools • Drainage • Parks & Open Spaces 	TCI 1 TCI 4 COM2	Sustainable Infrastructure for the future. Public spaces and facilities An active, safe and healthy community	Technical Services Finance	<ul style="list-style-type: none"> • Undertake data verification • Undertake condition assessment and defect identification across individual asset classes. 	<ul style="list-style-type: none"> • Annual defect inspection completed for Aquatic Facilities backlog of works rectified prior to re-opening. • Ongoing Facility inspections to verify condition, defect backlog and Asset veracity continues.
Kuranda Cemetery	TCI 1	Sustainable Infrastructure for the future	Systems & Customer Service	<ul style="list-style-type: none"> • Investigate proposed site suitability and provide 	<ul style="list-style-type: none"> • Refer to November Council report

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.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
			Technical Services Development & Governance	estimates for community consultation • Prepare implementation plan for adoption by Council	
Mareeba Cemetery	TCI 1	Sustainable Infrastructure for the future	Systems & Customer Service Technical Services	• Identify possible sites to secure a growth strategy	• No progress to date
Kuranda Infrastructure Program	TCI 1	Sustainable Infrastructure for the future	Technical Services Works	• Complete projects in accordance with Kuranda Township Masterplan	• Construction of Barron Falls Walk Trail continues. • Jum Rum & Jungle Walk refurbishment projects commenced. • Kuranda Wayfinding Signage Project commenced fabrication. • Therwine Street Refurbishment defects liability period nearing completion.

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.”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Developer Built assets review	TCI 1	Sustainable Infrastructure for the future	Technical Services Works Development & Governance	<ul style="list-style-type: none"> Review of inspection process and evidence gathering by Council. Develop a process of detecting and reporting recent developer asset failures 	<ul style="list-style-type: none"> Work to commence in 2021

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”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Waste Management Services Strategy	EAE 1 TCI 1	Environmentally responsible and efficient waste and wastewater management	Water & Waste Finance	<ul style="list-style-type: none"> Implement actions identified in Waste Strategy Operational planning for landfill closure 2020/21 	<ul style="list-style-type: none"> Setting of waste fees at their agreed level, asset management plan and LTFP along with communicating and achieving best practice

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"					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
		Sustainable Infrastructure for the future			waste asset management <ul style="list-style-type: none"> Currently developing a strategy to move from a landfill and transfer station operational activities to a solely waste transfer station model of operation
Economic Tourism development	EAE 3	Support and encourage industrial and commercial growth and development.	Community Wellbeing	<ul style="list-style-type: none"> Advocate and support economic tourism development Seek advocacy and grant opportunities supporting economic growth Where appropriate partner with industry groups to grow opportunities Review Visitor Information Centre Model 	<ul style="list-style-type: none"> Grants were submitted for the following projects, but were not successful: <ul style="list-style-type: none"> Kuranda Rainforest to the Outback Public Arts Trail Mareeba Rail Trail Stage One New 12-month digital destination marketing

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"					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
					plan for Kuranda commenced. <ul style="list-style-type: none"> • New destination marketing plan for Mareeba Shire is under development with further industry engagement to commence early 2021. • Kuranda Visitor Information Centre pivoted operations to continue services with COVID restrictions and changes to visitor demand. • Facilitated investor interest in Kuranda tourism accommodation.

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"					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
					<ul style="list-style-type: none"> Partnered with Mareeba Chamber of Commerce to host COVID-19 Recovery Taskforce meeting. Grants advice provided to Indigenous and community groups for development of tourism infrastructure and experiences.
Land, Pest and Fire Management Review	EAE 4	Our region's environmental assets are best managed while promoting economic wellbeing	Works Finance	<ul style="list-style-type: none"> Develop and implement MSC Biosecurity Plan 	<ul style="list-style-type: none"> Biosecurity Plan adopted in October
Illegal Dumping Management	EAE 1	Promote the minimisation of waste the community creates	Development & Governance	<ul style="list-style-type: none"> Complete Illegal Dumping investigation across the entire shire as required and provide statistical reports. 	<ul style="list-style-type: none"> Local Laws staff have been trained and signs have been commissioned ready for

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"					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
					installation across the shire
Temporary Local Planning Instrument (TLPI)	EAE 2	Maintain a scheme that sustains good agricultural land as well as encouraging industry and population growth while protecting the natural environment	Development & Governance	<ul style="list-style-type: none"> Review the Planning Scheme and negotiate with State to meet condition of TLPI 	<ul style="list-style-type: none"> Draft created ready for Councilor consultation.

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”					
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Progress Comment
Compliance Review	GOV 2	Strong focus on compliance and enterprise risk	Development & Governance All	<ul style="list-style-type: none"> Ensure all legislative requirements are being met Implement Compliance Portal 	<ul style="list-style-type: none"> First of eleven QLD Local Government sections compliance review complete using the new compliance portal.
Advocacy Policy	GOV 3	Effective advocacy and strategic partnerships	Development & Governance	<ul style="list-style-type: none"> Prepare an advocacy policy and document to ensure a whole of council approach Prepare briefs for Councillors and State Departments which address key issues of MSC 	<ul style="list-style-type: none"> Draft in-progress with plan completion of February.

8.12 PLUMBING CERTIFICATION SERVICES NEW PROCESS AND FEES

Date Prepared: 6 November 2020

Author: Manager Development and Governance

Attachments: 1. Building and Plumbing 2020/21 additional fees [↓](#)

EXECUTIVE SUMMARY

The *Plumbing and Drainage Act 2018* and the *Plumbing and Drainage Regulation 2019* have taken effect since 1 July 2019. The new legislation has significantly changed the period in which a Plumbing Permit expires to two (2) years. This report will identify how Council will be applying these changes and adopt the appropriate fees.

Council has undertaken a review of the process for charging and inspecting temporary ablution blocks on job sites or developments in Mareeba Shire. This report proposes Council now under inspections similar to plumbing approvals for temporary ablution blocks

RECOMMENDATION

That Council:

1. Adopts the plumbing permit extensions and lapsing process in this report, as well the associated 2020/21 fees attached; and
2. Notes Council will be formally accepting temporary plumbing approvals and adopts the associated 2020/21 fees attached.

BACKGROUND**Lapsing Plumbing Approvals Process and Fees**

The *Plumbing and Drainage Act 2018* and the *Plumbing and Drainage Regulation 2019* have taken effect since 1st July 2019. The new legislation has significantly changed the period in which a Plumbing Permit expires to two (2) years.

Council has undertaken a review of the process for charging and inspecting existing plumbing permits to ensure process is in line with the Act and Council's current lapsing building process.

Extension Process

- The duration of an approved permit will generally be no more than two years from the date of issue.
- Permits can be extended for a maximum of two (2) years at the discretion of the local government, and once only.
- The local government is required to issue a final inspection certificate at least three (3) months before the expiration of a permit. The local government must provide notice to the permit holder and the owner of the premises to which the permit relates if it has not issued the final inspection certificate within the three (3) months also.

- An application to extend a permit must be made at least 10 days before the permit is to expire.

Lapsing (Cancelling) Permits

- The local government is required to issue a final inspection certificate at least three (3) months before the expiration of a permit. The local government must provide notice to the permit holder and the owner of the premises to which the permit relates if it has not issued the final inspection certificate within the three (3) months also.
- 10 days prior to lapse date
 - Notice of cancellation sent
 - Show Cause - 21 business days (4 weeks minimum).
- If no action after Show Cause - Compliance enforcement will commence.

Proposed Fees

The applicant requires a Form 2 - Application to amend a permit including an extension of time, which the applicant will be charged:

- application fee \$94; and
- inspection \$200.

The value of the fees above matches our current application and inspection fees for plumbing. It's assumed with this fee most property owners will instead get the plumbing finalised rather than extending the permit.

Should there be any non-compliant issues identified during the inspections, a notice will be sent to the responsible person (plumber) and owner to get the items rectified within a timeframe.

Temporary Plumbing Approvals

In most circumstances, these structures are connected to plumbing and drainage systems requiring assessment and approval, including permit assessment by local authorities under the *Plumbing and Drainage Act 2018*. The compliance and assessment process require an application to the local government for permit work.

Temporary structures can be found on almost every construction site in Queensland and these include site sheds containing food and beverage preparation areas with sinks, as well as structures with toilets, showers and other fixtures. If the ablutions block has its own holding tank and will be pumped out as required, a permit will not be required.

Should there be any non-compliance issues identified during the inspections, a notice will be sent to the responsible person (plumber) and owner to have the items rectified with a short timeframe.

Proposed Fees

- application fee \$94; and
- inspection \$200.

The value of the fees above matches our current application and inspection fees for plumbing.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

All current applicants will be sent a letter informing them of the lapsing process.

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
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2020/21 Fees and Charges						
Building & Plumbing						
Plumbing Fees						
Plumbing Extension Fee						
Application	Y	(a)	PDA2018ss164-167	application	\$94.00	N
Inspection	Y	(e)	PDA2018ss164-167	inspection	\$200.00	N
Temporary Plumbing Approval						
Application	Y	(a)	PDA2018ss164-167	application	\$94.00	N
Inspection	Y	(e)	PDA2018ss164-167	inspection	\$200.00	N

8.13 LICENCE AGREEMENT FOR USE OF KURANDA DESTINATION TOURISM MEDIA MARKETING TOOLS

Date Prepared: 5 November 2020

Author: Senior Compliance Officer

Attachments:

1. Draft Licence Agreement [↓](#)
2. Kuranda Traders Association Inc Constitution [↓](#)

EXECUTIVE SUMMARY

This report seeks approval for disposal, via grant of a Licence Agreement, of social media account assets held by Council and previously used for the purpose of Kuranda destination marketing activities.

RECOMMENDATION

That Council approve the disposal of Council's Facebook and Instagram social media account assets under section 236(1)(b)(ii) by operation of section 236(2) via grant of a Licence Agreement to community organisation Kuranda Traders Association Incorporated.

BACKGROUND

Council holds Facebook and Instagram social media account assets previously utilised as a Kuranda destination marketing tool but which are no longer used for that purpose. There is an identified potential continued benefit in use of the assets for the purpose of Kuranda destination marketing by an appropriately resourced organisation. Ongoing use of the assets may be accommodated via use of a Licence Agreement in substantially the same terms as the attached Licence Agreement to ensure that previous resource value of the assets can continue to be leveraged on behalf of Kuranda tourism sector stakeholders by a recognised Kuranda tourism sector entity.

The social media accounts as a destination marketing tool hold an undefined value as a non-current asset. When entering into contractual arrangements for disposal of non-current assets, Council is obliged to consider Part 3 of the *Local Government Regulation 2012* (Qld) (LGR) which sets out the requirements for disposal other than by tender or auction - by exception. Section 236(1)(b)(ii) provides an exception to the requirement for disposal by tender or auction where the asset is disposed of to a community organisation. Exercise of the section 236 exception is contingent upon section 236(2) which relevantly provides that Council must, prior to any disposal action, decide by resolution that the exception applies.

RISK IMPLICATIONS**Political and Reputational**

An unquantified measure of public perception risk exists where page content of the social media account is updated to include comments from the public which hold an adverse impact on the public perception of Council or where KTA fail to sufficiently vet edit page content.

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.

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

KTA to be advised of resolution and where Council approval is provided, Licence Agreement to be forwarded for execution.

LICENCE AGREEMENT

DATED this **day of** **2020**

BETWEEN: **MAREEBA SHIRE COUNCIL**
of 65 Rankin Street, Mareeba
('the Licensor')

AND: **KURANDA TRADERS ASSOCIATION INCORPORATED**
of Kuranda
('the Licensee')

BACKGROUND

- A. The Licensor holds Facebook and Instagram social media accounts (SM accounts) previously utilised as a Kuranda destination marketing tool and the Licensor has ceased use of the SM accounts.
- B. The Licensor seeks to enable the continued operation of the SM accounts by transferring custodianship and operation of the SM accounts to an inclusive tourism industry association to facilitate continued use as Kuranda destination tourism marketing tools.
- C. Council and the Licensee have reached agreement whereby the Licensor will hand over the SM accounts to the Licensee for continuing right of use and administration of the SM accounts solely for the purposes of Kuranda destination tourism marketing activities.
- D. This document records the terms of the licence as agreed between the Licensor and the Licensee.

AGREEMENT**1 Definitions**

In this Licence Agreement unless inconsistent with the context or subject matter:

'Address for Service' means in relation to each party:

Licensor:
postal – 65 Rankin Street, MAREEBA QLD 4880;
email – info@mac.qld.gov.au

Licensee:
Postal – <Insert>.
email – <Insert>.

Licence Agreement between Mareeba Shire Council and Kuranda Traders Association Inc.

'Commencement Date' means the date of execution of this Licence Agreement or such other date as the Licensor and the Licensee agree.

'Content' means still images, moving images, text, graphics, illustrations, sound including any associated metadata.

'Kuranda destination marketing' means collective marketing activities undertaken by a coordinated group of Kuranda tourism stakeholders to promote and sell the Kuranda destination as a product to tourism customers.

'Licence Agreement/Agreement' means this Licence Agreement.

'Party/parties' A reference to a party includes, in the case of the Licensor, its executors, administrators, successors and permitted assigns and substitutes and in the case of the Licensee, the elected or appointed representatives (office bearers), the Licensee's heirs, executors, successors and permitted assigns.

'Permitted Use' means for the purposes of Kuranda destination marketing and for no other purpose whatsoever.

'Platform Provider' means social media company Facebook, inc and social networking service Instagram.

'SM accounts' means Social Media accounts constituting each and only of:

Facebook.com/kurandavillage
Instagram.com/Kurandavillage

'Term' means the period from the Commencement Date or as otherwise extended by the parties by agreement in writing

2 Grant of Licence

- 2.1 The Licensor grants to the Licensee a licence to use the SM accounts for conduct of activities directly associated with the Permitted Use upon the terms and conditions of this Agreement.

3 Term

- 3.1 This Agreement commences on the Commencement Date and continues in perpetuity or such time as:
- a) Either party to this Agreement serves on the other party a Notice to Terminate the Agreement. Such notice will be in writing and be served not less than three (3) months prior to the intended date of termination; or
 - b) The Licensee, for whatever reason, ceases to operate.

4 Rent

-Nil rental consideration-

5 Licensee use

- 5.1 The Licensee agrees to use the SM accounts only for the Permitted Use.
- 5.2 The Licensee agrees to use the SM accounts in accordance with all terms of use set forth by each SM account Platform Provider.
- 5.3 The Licensee is responsible for all administration and monitoring of the Content of the SM accounts.
- 5.4 The Licensee assumes full responsibility for the Content of the SM accounts during the Term.
- 5.5 The Licensee warrants that it will not post Content to the SM accounts that:
 - i. includes material that is unlawful, libellous, defamatory, obscene, threatening, abusive, inflammatory, fraudulent or otherwise objectionable;
 - ii. makes or includes false or misleading statements, claims or depictions about a person, company, product or service;
 - iii. displays, describes or encourages the use of a product or service that could be offensive or inappropriate;
 - iv. holds a potential to adversely impact upon the public perception of the Licensor.
- 5.6 The Licensee warrants that it will, upon first detection, take immediate action remove from the SM accounts any Content of the type mentioned under clause 5.5.
- 5.7 The Licensee warrants that it will not transfer administration of the SM accounts to any other party during the Term without the express consent of the Licensor.

6 Licensee assurances

- 6.1 The Licensee here provides assurance that it holds necessary capability and resources to administer the SM accounts in accordance with the Permitted Use; and that
- 6.2 The Licensee will notify the Licensor immediately where the Licensor determines that it no longer holds the capacity to continue to administer the SM accounts in accordance with the Permitted Use.
- 6.3 The Licensee agrees to maintain its ordinary membership to include property owners in Kuranda on accordance with its Constitution.
- 6.4 The Licensee provides assurance of held form of a standard public liability insurance policy to cover the risks of any insurable nature in respect of which the Licensee is held to indemnify the Licensor as provided in this Agreement.
- 6.5 The Licensee accepts all risk associated with any subsequent future action by a Platform Provider such as account suspension or deactivation during the Term.

7 Licensor use

The Licensor may undertake monitoring only of the Content of the SM accounts for alignment with the Permitted Use.

8 Entire Understanding

- 8.1 This Agreement embodies the entire understanding and agreement between the Parties as to the subject matter of this Agreement.
- 8.2 No oral explanation or information provided by any party to another will affect the meaning or interpretation of this Agreement or constitute any collateral agreement, warranty or understanding between the parties.

9 Indemnity

- 9.1 The Licensee will release and indemnify the Licensor and the Chief Executive Officer and other officers, servants and agents of the Licensor from and against all actions, proceedings, suits, claims and demands whatsoever which may be made, brought, commenced or prosecuted against the Licensor or the Chief Executive Officer or any other officers, servants and agents of the Licensor in respect of any damage done to or sustained by the Licensee or any other company or person whatsoever, whether in respect of person or property that may arise out of the use by the Licensee of the SM accounts or the conduct or administration or activities under the Permitted Use or by reason of the observance or non-observance (as the case may be) by the Licensee of any of the terms and conditions of this Agreement and without prejudice to the foregoing arising out of:-

- (a) The exercise of any privilege or right conferred on or granted to the Licensee under this Licence; or

- (b) Any damage caused to the Licensee's officers, servants, agents, hirers or property by any person or company using the Site and from and against all costs, charges and expenses which they or any of them may pay, sustain or incur in defending or settling any such actions, proceedings, suits or demands aforesaid;
- (c) **PROVIDED HOWEVER** that that this release and indemnity will not apply where the damage(s) is caused by the negligent acts or omissions of the Licensor, its officers, servants or agents.

10 Dispute Resolution

In the event of any issue of disagreement or dispute arising between the Licensor and the Licensee, both the Licensor and the Licensee hereby agree to adopt the following dispute resolution process:

- 10.1 In the first instance, the party with an issue of dispute is to put that issue, their proposal for the resolution of the issue and any relevant facts in support of their position in writing, and to submit that to the other party (the 'Dispute Notice'). The parties will then convene a meeting not less than two (2) working days after delivery of the Dispute Notice, at which time a bona fide endeavour will be made by both parties to resolve the matter of dispute.

Should the process of resolving the dispute be unsuccessful, then:

- 10.2 The parties shall refer the dispute to mediation through Alternative Dispute Resolution ('the ADR reference') by a Queensland Law Society approved mediator agreed by the parties and failing agreement, mediation through a mediator appointed by the President of the Queensland Law Society on the terms of the Standard Mediation Agreement approved by the Queensland Law Society;
- 10.3 The ADR reference shall commence when any party gives written notice to the other(s) specifying the Dispute and requiring its resolution under this clause;
- 10.4 Any information or documents obtained through or as part of the reference under this sub-clause shall not be used for any purpose other than the settlement of the dispute under this sub-clause.

Should this process fail to resolve the matter of dispute, then:

- 10.5 The parties may have recourse to the Courts of the State of Queensland to resolve the matter of dispute. Provided however that the parties agree that they will not resort to Court proceedings in respect of any issue of dispute until the preceding processes have been pursued, and have failed to resolve the dispute, save and except that either party may pursue interlocutory relief pending compliance with these procedures.

11 Termination

- 11.1 This Agreement may be terminated by either party upon the giving of a minimum of three (3) calendar months' notice provided however that if for any reason:

-
- (d) The Licensee breaches any Agreement conditions and fails to remedy that breach within 30 days of the breach being identified; or
 - (e) The Licensee otherwise fails to comply with their obligations under this Agreement;

then this Agreement may be terminated by the Licensor upon the giving of 30 days' notice in writing to the Licensee.

11.2 The Licensee will assign all rights of use and administration of the SM accounts to the Licensor upon termination of this Agreement.

Executed as an Agreement

Transferor

Executed by

Mareeba Shire Council

ABN 39 114 383 874

in accordance with Section 236 of
the *Local Government Act 2009* by

*sign
here* ►

Signature of Chief Executive
Officer

*print
name*

Peter Hamilton Franks

Transferee

Executed by

**Kuranda Traders Association
Incorporated <enter ACN or
other>**

in accordance with section 127 of
the

Corporations Act 2001 (Cth) by

*sign
here* ►

President

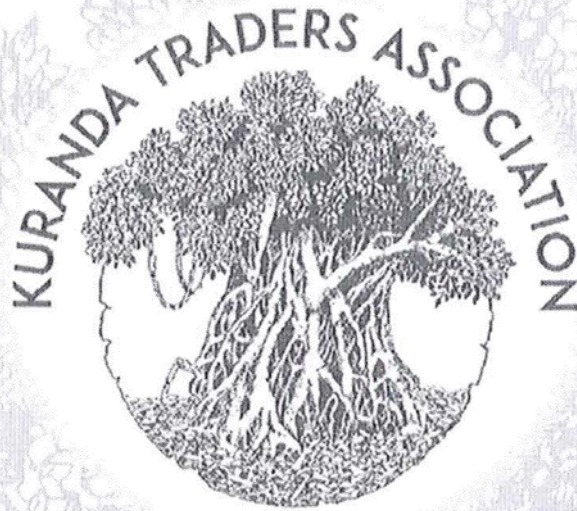
sign here ►

<enter position of second
authorised person in accordance
with KTA constitution>

*print
name*

Deidre Gould

print name



KURANDA TRADERS ASSOCIATION INC.

This document contains the overarching model rules for the operation of the Kuranda Traders Association Inc. (KTA) and is known as the KTA Constitution.

It lays out the rules, policies, and guidelines for the KTA Management Committee to refer to and follow.

Mission Statement

Our mission is to engage, connect and support Kuranda traders and the community, to create a thriving commercial and creative hub—one that successfully represents and promotes our unique village as a desirable destination to local, domestic and international tourists alike.

ABN 47 854 344 507

Model rules – Kuranda Traders Association Inc.

1 Interpretation

(1) In these rules—

Act means the *Associations Incorporation Act 1981*.

present—

(a) at a management committee meeting, see rule 23(6); or

(b) at a general meeting, see rule 37(2).

(2) A word or expression that is not defined in these model rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

2 Name

The name of the incorporated association is Kuranda Traders Association Inc.
(**the association**).

3 Objects

The objects of the association are—

To actively support and promote business owners operating within Kuranda in addition to providing a marketing plan to effectively promote Kuranda as a tourism destination.

4 Powers

(1) The association has the powers of an individual.

(2) The association may, for example—

(a) enter into contracts; and

(b) acquire, hold, deal with and dispose of property; and

(c) make charges for services and facilities it supplies; and

(d) do other things necessary or convenient to be done in carrying out its affairs.

(3) The association may take over the funds and other assets and liabilities of the present unincorporated association known as the Kuranda Traders Association (**the unincorporated association**).

(4) The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

5 Classes of members

The membership of the association consists of two types of members – ordinary members and supporter members.

1) **Ordinary members:** The number of ordinary members is unlimited. Each member is entitled to one vote at any general meeting. An ordinary member must have a business with a current ABN, or own a commercial property in the Kuranda district. Each member will be required to pay membership fees as determined by the association.

2) **Supporter members:** The number of supporter members is unlimited. Supporter members have no right to vote at a general meeting. Supporter members must not have a business in the Kuranda district, otherwise they are considered an ordinary member and will be required to pay membership fees.

6 Automatic membership



A person who, on the day the association is incorporated, was a member of the unincorporated association and who, on or before a day fixed by the management committee, agrees in writing to become a member of the incorporated association, must be admitted by the management committee—

- (a) to the equivalent class of membership of the association as the member held in the unincorporated association; or
- (b) if there is no equivalent class of membership—as an ordinary member.

7 New membership

- (1) An applicant for membership of the association must be proposed by 1 member of the association (the **proposer**) and seconded by another member (the **seconder**).
- (2) An application for membership must be—
 - (a) in writing; and
 - (b) signed by the applicant and the applicant's proposer and seconder; and
 - (c) in the form decided by the management committee.

8 Membership fees

- (1) The membership fee for each ordinary membership and for each other class of membership (if any)—
 - (a) is the amount decided by the members from time to time at a general meeting; and
 - (b) is payable when, and in the way, the management committee decides.
- (2) A member of the incorporated association who, before becoming a member, has paid the members annual subscription for membership of the unincorporated association on or before a day fixed by the management committee, is not liable to pay a further amount of annual subscription for the period before the day fixed by the management committee as the day on which the next annual subscription is payable.

9 Admission and rejection of new members

- (1) The management committee must consider an application for membership at the next committee meeting held after it receives—
 - (a) the application for membership; and
 - (b) the appropriate membership fee for the application.
- (2) The management committee must ensure that, as soon as possible after the person applies to become a member of the association, and before the management committee considers the persons application, the person is advised—
 - (a) whether or not the association has public liability insurance; and
 - (b) if the association has public liability insurance—the amount of the insurance.
- (3) The management committee must decide at the meeting whether to accept or reject the application.
- (4) If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.
- (5) The secretary of the association must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

10 When membership ends

- (1) A member may resign from the association by giving a written notice of resignation to the secretary.

- (2) The resignation takes effect at—
 - (a) the time the notice is received by the secretary; or
 - (b) if a later time is stated in the notice—the later time.
- (3) The management committee may terminate a members membership if the member—
 - (a) is convicted of an indictable offence; or
 - (b) does not comply with any of the provisions of these rules; or
 - (c) has membership fees in arrears for at least 2 months; or
 - (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.
- (4) Before the management committee terminates a members membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- (5) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

11 Appeal against rejection or termination of membership

- (1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the persons intention to appeal against the decision.
- (2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- (3) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.

12 General meeting to decide appeal

- (1) The general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.
- (2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- (3) Also, the management committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.
- (4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.
- (5) If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.

13 Register of members

- (1) The management committee must keep a register of members of the association.
- (2) The register must include the following particulars for each member—
 - (a) the full name of the member;
 - (b) the postal or residential address of the member;
 - (c) the date of admission as a member;
 - (d) the date of death or time of resignation of the member;

- (e) details about the termination or reinstatement of membership;
- (f) any other particulars the management committee or the members at a general meeting decide.
- (3) The register must be open for inspection by members of the association at all reasonable times.
- (4) A member must contact the secretary to arrange an inspection of the register.
- (5) However, the management committee may, on the application of a member of the association, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

14 Prohibition on use of information on register of members

- (1) A member of the association must not—
 - (a) use information obtained from the register of members of the association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or
 - (b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.
- (2) Subrule (1) does not apply if the use or disclosure of the information is approved by the association.

15 Appointment or election of secretary

- (1) The secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is—
 - (a) a member of the association elected by the association as secretary; or
 - (b) any of the following persons appointed by the management committee as secretary—
 - (i) a member of the associations management committee;
 - (ii) another member of the association;
 - (iii) another person.
- (2) If the association has not elected an interim officer as secretary for the association before its incorporation, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after incorporation.
- (3) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.
- (4) If the management committee appoints a person mentioned in subrule (1)(b)(ii) as secretary, other than to fill a casual vacancy on the management committee, the person does not become a member of the management committee.
- (5) However, if the management committee appoints a person mentioned in subrule (1)(b)(ii) as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee.
- (6) If the management committee appoints a person mentioned in subrule (1)(b)(iii) as secretary, the person does not become a member of the management committee.

(7) In this rule— **casual vacancy**, on a management committee, means a vacancy that happens when an elected member of the management committee resigns, dies or otherwise stops holding office.

16 Removal of secretary

(1) The management committee of the association may at any time remove a person appointed by the committee as the secretary.

(2) If the management committee removes a secretary who is a person mentioned in rule 15(1)(b)(i), the person remains a member of the management committee.

(3) If the management committee removes a secretary who is a person mentioned in rule 15(1)(b)(ii) and who has been appointed to a casual vacancy on the management committee under rule 15(5), the person remains a member of the management committee.

17 Functions of secretary

The secretary's functions include, but are not limited to—

(a) calling meetings of the association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the association; and

(b) keeping minutes of each meeting; and

(c) keeping copies of all correspondence and other documents relating to the association; and

(d) maintaining the register of members of the association.

18 Membership of management committee

(1) The management committee of the association consists of a president, treasurer, and any other members the association members elect at a general meeting.

(2) A member of the management committee, other than a secretary appointed by the management committee under rule 15(1)(b)(iii), must be a member of the association.

(3) At each annual general meeting of the association, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.

(4) A member of the association may be appointed to a casual vacancy on the management committee under rule 21.

19 Electing the management committee

(1) A member of the management committee may only be elected as follows—

(a) any 2 members of the association may nominate another member (the **candidate**) to serve as a member of the management committee;

(b) the nomination must be—

(i) in writing; and

(ii) signed by the candidate and the members who nominated him or her; and

(iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;

(c) each member of the association present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the management committee;

(d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.

- (2) A person may be a candidate only if the person—
 - (a) is an adult; and
 - (b) is not ineligible to be elected as a member under section 61A of the Act.
- (3) A list of the candidates names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting.
- (4) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (5) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised—
 - (a) whether or not the association has public liability insurance; and
 - (b) if the association has public liability insurance—the amount of the insurance.

20 Resignation, removal or vacation of office of management committee member

- (1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect at—
 - (a) the time the notice is received by the secretary; or
 - (b) if a later time is stated in the notice—the later time.
- (3) A member may be removed from office at a general meeting of the association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the members removal from office under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

21 Vacancies on management committee

- (1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the association to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the management committee may act despite a casual vacancy on the management committee.
- (3) However, if the number of committee members is less than the number fixed under rule 24(1) as a quorum of the management committee, the continuing members may act only to—
 - (a) increase the number of management committee members to the number required for a quorum; or
 - (b) call a general meeting of the association.

22 Functions of management committee

- (1) Subject to these rules or a resolution of the members of the association carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the association.

(2) The management committee has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

Note—

The Act prevails if the associations rules are inconsistent with the Act—see section 1B of the Act.

(3) The management committee may exercise the powers of the association—

(a) to borrow, raise or secure the payment of amounts in a way the members of the association decide; and

(b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the associations property, both present and future; and

(c) to purchase, redeem or pay off any securities issued; and

(d) to borrow amounts from members and pay interest on the amounts borrowed; and

(e) to mortgage or charge the whole or part of its property; and

(f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association; and

(g) to provide and pay off any securities issued; and

(h) to invest in a way the members of the association may from time to time decide.

(4) For subrule (3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by—

(a) the financial institution for the association; or

(b) if there is more than 1 financial institution for the association—the financial institution nominated by the management committee.

23 Meetings of management committee

(1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.

(2) The management committee must meet at least once every 4 months to exercise its functions.

(3) The management committee must decide how a meeting is to be called.

(4) Notice of a meeting is to be given in the way decided by the management committee.

(5) The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

(6) A committee member who participates in the meeting as mentioned in subrule (5) is taken to be present at the meeting.

(7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.

(8) A member of the management committee must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.

- (9) The president is to preside as chairperson at a management committee meeting.
- (10) If there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

24 Quorum for, and adjournment of, management committee meeting

- (1) At a management committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.
- (2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- (3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee—
- (a) the meeting is to be adjourned for at least 1 day; and
 - (b) the members of the management committee who are present are to decide the day, time and place of the adjourned meeting.
- (4) If, at an adjourned meeting mentioned in subrule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

25 Special meeting of management committee

- (1) If the secretary receives a written request signed by at least 33% of the members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- (2) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- (3) A request for a special meeting must state—
- (a) why the special meeting is called; and
 - (b) the business to be conducted at the meeting.
- (4) A notice of a special meeting must state—
- (a) the day, time and place of the meeting; and
 - (b) the business to be conducted at the meeting.
- (5) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

26 Minutes of management committee meetings

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

27 Appointment of subcommittees

- (1) The management committee may appoint a subcommittee consisting of members of the association considered appropriate by the committee to help with the conduct of the associations operations.

- (2) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- (3) A subcommittee may elect a chairperson of its meetings.
- (4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.
- (5) A subcommittee may meet and adjourn as it considers appropriate.
- (6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

28 Acts not affected by defects or disqualifications

- (1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- (2) Subrule (1) applies even if the act was performed when—
 - (a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
 - (b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

29 Resolutions of management committee without meeting

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subrule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

30 First annual general meeting

The first annual general meeting must be held within 6 months after the end date of the association's first reportable financial year.

31 Subsequent annual general meetings

- Each subsequent annual general meeting must be held—
- (a) at least once each year; and
 - (b) within 6 months after the end date of the association's reportable financial year.

32 Business to be conducted at annual general meeting of level 1 incorporated associations and particular level 2 and 3 incorporated associations

- (1) This rule applies only if the association is—
 - (a) a level 1 incorporated association; or
 - (b) a level 2 incorporated association to which section 59 of the Act applies; or
 - (c) a level 3 incorporated association to which section 59 of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
 - (a) receiving the association's financial statement, and audit report, for the last reportable financial year;

- (b) presenting the financial statement and audit report to the meeting for adoption;
- (c) electing members of the management committee;
- (d) for a level 1 incorporated association—appointing an auditor or an accountant for the present financial year;
- (e) for a level 2 incorporated association, or a level 3 incorporated association, to which section 59 of the Act applies—appointing an auditor, an accountant or an approved person for the present financial year.

33 Business to be conducted at annual general meeting of other level 2 incorporated associations

(1) This rule applies only if the association is a level 2 incorporated association to which section 59A of the Act applies.

(2) The following business must be conducted at each annual general meeting of the association—

- (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
- (b) presenting the financial statement and signed statement to the meeting for adoption;
- (c) electing members of the management committee;
- (d) appointing an auditor, an accountant or an approved person for the present financial year.

34 Business to be conducted at annual general meeting of other level 3 incorporated associations

(1) This rule applies only if the association is a level 3 incorporated association to which section 59B of the Act applies.

(2) The following business must be conducted at each annual general meeting of the association—

- (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
- (b) presenting the financial statement and signed statement to the meeting for adoption;
- (c) electing members of the management committee.

35 Notice of general meeting

(1) The secretary may call a general meeting of the association.

(2) The secretary must give at least 14 days notice of the meeting to each member of the association.

(3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting.

(4) The management committee may decide the way in which the notice must be given.

(5) However, notice of the following meetings must be given in writing—

- (a) a meeting called to hear and decide the appeal of a person against the management committee's decision—
 - (i) to reject the person's application for membership of the association; or
 - (ii) to terminate the person's membership of the association;
- (b) a meeting called to hear and decide a proposed special resolution of the association.

(6) A notice of a general meeting must state the business to be conducted at the meeting.

36 Quorum for, and adjournment of, general meeting

(1) The quorum for a general meeting is at least the number of members elected or appointed to the management committee at the close of the association's last general meeting plus 1.

(2) However, if all members of the association are members of the management committee, the quorum is the total number of members less 1.

(3) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.

(4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the association, the meeting lapses.

(5) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the association—

(a) the meeting is to be adjourned for at least 7 days; and

(b) the management committee is to decide the day, time and place of the adjourned meeting.

(6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.

(7) If a meeting is adjourned under subrule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.

(8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.

(9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

37 Procedure at general meeting

(1) A member may take part and vote in a general meeting in person, by proxy, by attorney or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

(2) A member who participates in a meeting as mentioned in subrule (1) is taken to be present at the meeting.

(3) At each general meeting—

(a) the president is to preside as chairperson; and

(b) if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect 1 of their number to be chairperson of the meeting; and

(c) the chairperson must conduct the meeting in a proper and orderly way.

38 Voting at general meeting

(1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present.

- (2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- (3) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- (4) The method of voting is to be decided by the management committee.
- (5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- (6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.
- (7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

39 Special general meeting

- (1) The secretary must call a special general meeting by giving each member of the association notice of the meeting within 14 days after—
 - (a) being directed to call the meeting by the management committee; or
 - (b) being given a written request signed by—
 - (i) at least 33% of the number of members of the management committee when the request is signed; or
 - (ii) at least the number of ordinary members of the association equal to double the number of members of the association on the management committee when the request is signed plus 1; or
 - (c) being given a written notice of an intention to appeal against the decision of the management committee—
 - (i) to reject an application for membership; or
 - (ii) to terminate a person's membership.
- (2) A request mentioned in subrule (1)(b) must state—
 - (a) why the special general meeting is being called; and
 - (b) the business to be conducted at the meeting.
- (3) A special general meeting must be held within 3 months after the secretary—
 - (a) is directed to call the meeting by the management committee; or
 - (b) is given the written request mentioned in subrule (1)(b); or
 - (c) is given the written notice of an intention to appeal mentioned in subrule (1)(c).
- (4) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

40 Proxies

- (1) An instrument appointing a proxy must be in writing and be in the following or similar form—

[Name of association]:
 I, _____ of _____, being
 a member of the association, appoint _____ of _____
 as my proxy to vote for me on my behalf at the (annual) general meeting of the
 association, to be held on the _____ day of _____
 20____ and at any adjournment of the meeting.

Signed this day of 20 . Signature

(2) The instrument appointing a proxy must—
 (a) if the appointor is an individual—be signed by the appointor or the appointor's attorney properly authorised in writing; or
 (b) if the appointor is a corporation—
 (i) be under seal; or
 (ii) be signed by a properly authorised officer or attorney of the corporation.

(3) A proxy may be a member of the association or another person.

(4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.

(5) Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.

(6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.

(7) If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form—

[Name of association]:
 I, of , being
 a member of the association, appoint of
 as my proxy to vote for me on my behalf at the (annual) general meeting of the
 association, to be held on the day of 20
 and at any adjournment of the meeting.
 Signed this day of 20 . Signature

This form is to be used *in favour of*/against [strike out whichever is not wanted] the
 following resolutions—
 [List relevant resolutions]

41 Minutes of general meetings

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes—
 (a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
 (b) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.
- (3) If asked by a member of the association, the secretary must, within 28 days after the request is made—
 (a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
 (b) give the member copies of the minutes of the meeting.
- (4) The association may require the member to pay the reasonable costs of providing copies of the minutes.

42 By-laws

- (1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association.
- (2) A by-law may be set aside by a vote of members at a general meeting of the association.

43 Alteration of rules

- (1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (2) However an amendment, repeal or addition is valid only if it is registered by the chief executive.

44 Common seal

- (1) The management committee must ensure the association has a common seal.
- (2) The common seal must be—
 - (a) kept securely by the management committee; and
 - (b) used only under the authority of the management committee.
- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by—
 - (a) the secretary; or
 - (b) another member of the management committee; or
 - (c) someone authorised by the management committee.

45 Funds and accounts

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.
- (5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following—
 - (a) the president;
 - (b) the secretary;
 - (c) the treasurer;
 - (d) any 1 of 3 other members of the association who have been authorised by the management committee to sign cheques issued by the association.
- (6) However, 1 of the persons who signs the cheque must be the president, the secretary or the treasurer.
- (7) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- (8) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (9) All expenditure must be approved or ratified at a management committee meeting.

46 General financial matters

(1) On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.

(2) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

47 Documents

The management committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

48 Financial year

The end date of the association's financial year is 30 June in each year.

49 Distribution of surplus assets to another entity

(1) This rule applies if the association—

- (a) is wound-up under part 10 of the Act; and
- (b) has surplus assets.

(2) The surplus assets must not be distributed among the members of the association.

(3) The surplus assets must be given to another entity—

- (a) having objects similar to the association's objects; and
- (b) the rules of which prohibit the distribution of the entity's income and assets to its members.

(4) In this rule— **surplus assets** see section 92(3) of the Act.

8.14 FINANCIAL STATEMENTS PERIOD ENDING 31 OCTOBER 2020**Date Prepared:** 3 November 2020**Author:** Manager Finance**Attachments:** 1. Budgeted Income Statement by Fund 2020/21 Budget [↓](#)**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2020 to 31 October 2020.

RECOMMENDATION

That Council receives the Financial Report for the period ending 31 October 2020.

BACKGROUND

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

For the period ending 31 October 2020, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2020/21 Budget as adopted by Council at the 17 June 2020 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 2020, which represents 50% of annual rate levies.

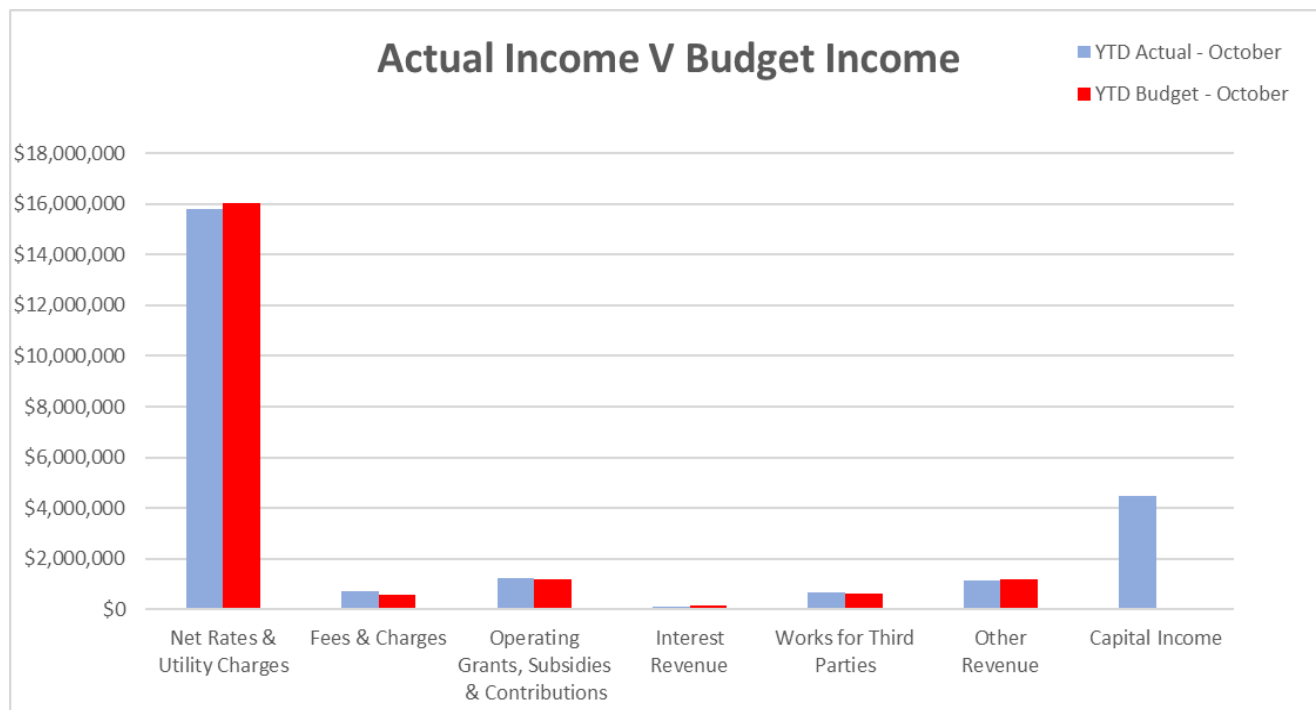
October 2020 - Snapshot

Total Operating Income	\$	19,715,926
Total Operating Expenditure	\$	16,061,396
Operating Surplus/(Deficit)	\$	3,654,530
Total Capital Income (grants, developer contributions)	\$	4,494,920
Net Result - Surplus/(Deficit)	\$	8,149,450

Income Analysis

Total income (including capital income of \$4,494,920) for the period ending 31 October 2020 is \$24,210,846 compared to the YTD budget of \$19,773,002.

The graph below shows actual income against budget for the period ending 31 October 2020



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	15,803,529	16,040,708	1
Fees & Charges	702,330	589,683	2
Operating Grants, Subsidies & Contributions	1,219,692	1,180,868	
Interest Received	136,030	166,833	3
Works for Third Parties	688,272	611,167	4
Other Revenue	1,166,073	1,183,742	
Capital Income	4,494,920	0	5

Notes:

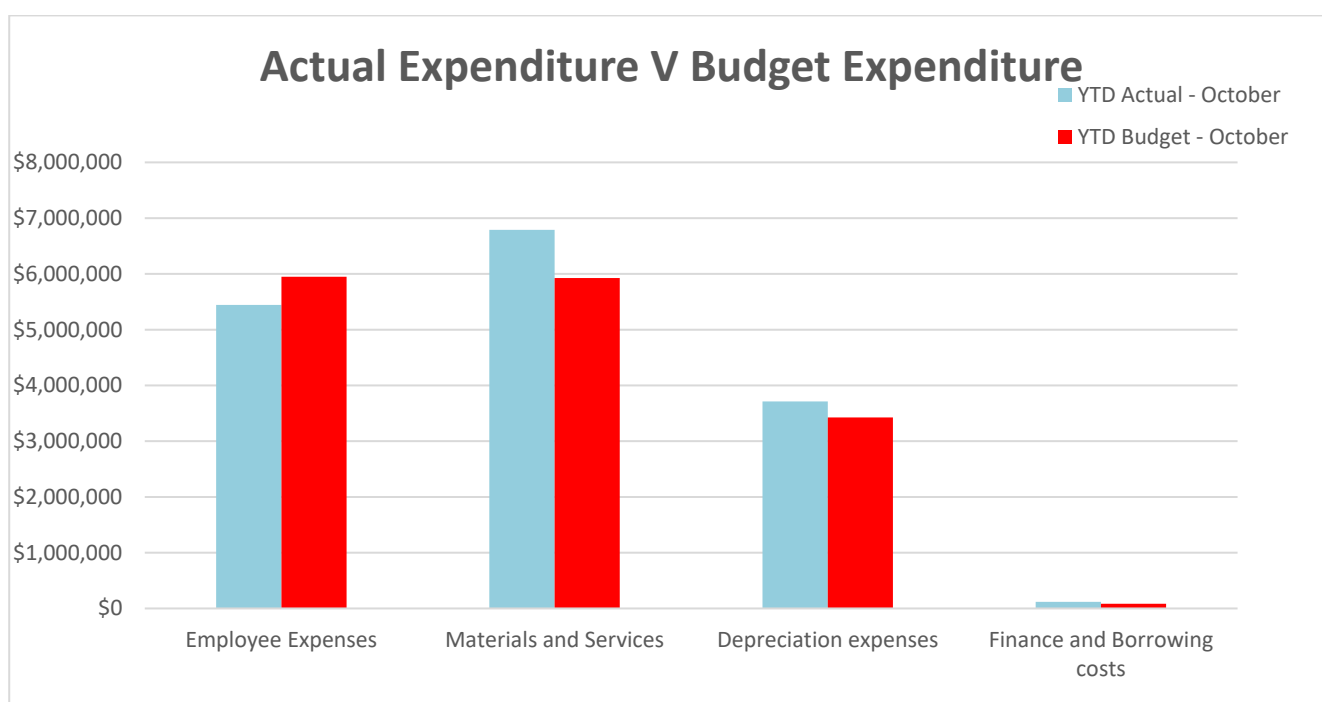
1. Rates for the half year ending 31 December 2020 were levied in August. The variance relates to the COVID19 rate rebate remission.
2. Revenue from cemeteries, building and plumbing domestic applications and town planning applications are tracking higher than YTD budget.
3. Interest income is tracking below budget due to term deposits that have not matured yet.

4. Favourable result due to 3rd party works which were not budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to result in a small surplus.
5. Council has already received \$3.5M in capital grants towards W4Q4, TIDS, R2R, Chillagoe water project and NDRRA betterment plus \$900k in developer contributions.

Expenditure Analysis

Total expenses for the period ending 31 October 2020 is \$16,061,396 compared to the YTD budget of \$15,385,255.

The graph below shows actual expenditure against budget for the period ending 31 October 2020.



	Actual YTD	Budget YTD	Note
Employee expenses	5,442,384	5,949,097	1
Materials & Services	6,789,149	5,925,070	2
Depreciation expenses	3,711,532	3,425,865	
Finance & Borrowing costs	118,331	85,223	3

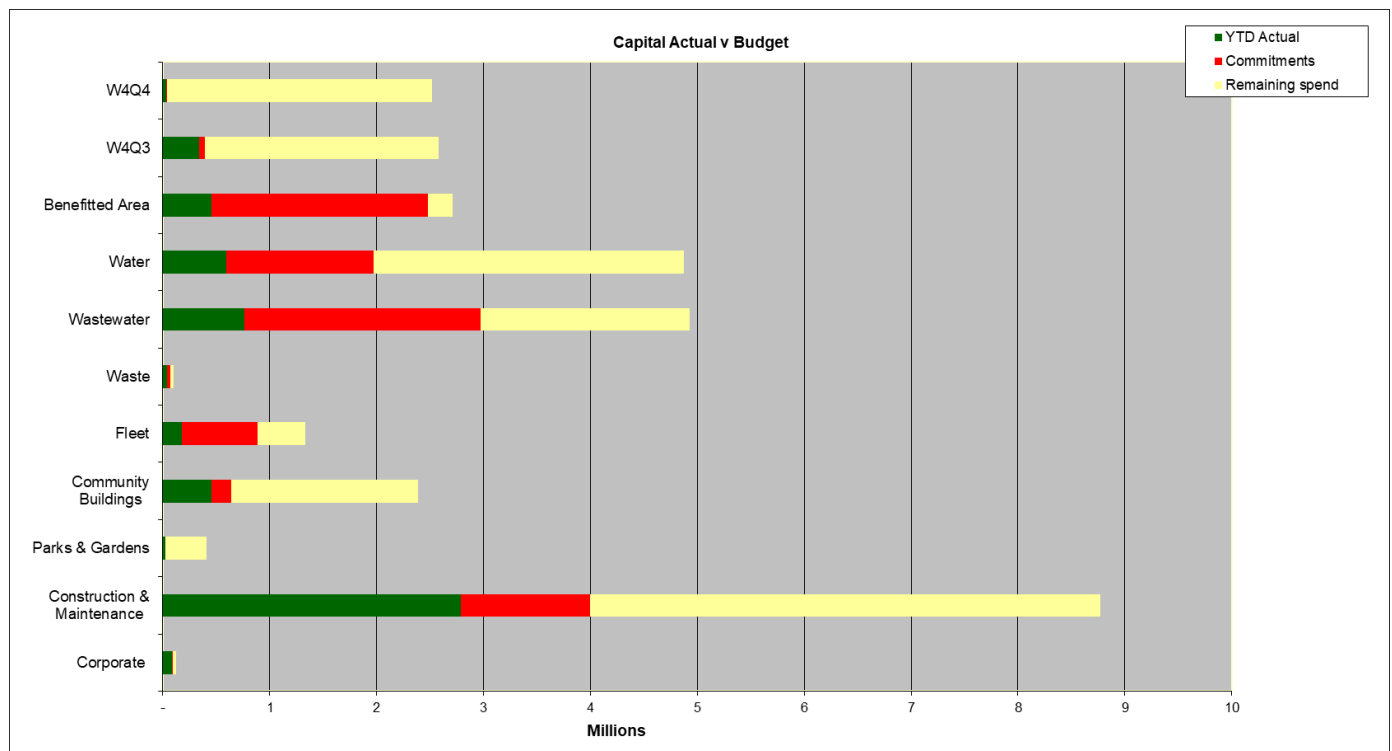
Notes:

1. There are no significant issues to report. The reason for the variance is a timing issue for the annual increment, staff absences, vacancies and staff working on capital.
2. The vast majority of this variance relates to NDRRA expenditure. This will be offset once claims are submitted and Council is reimbursed.

3. Stores write-off of old or obsolete stock and stolen goods is contributing to the overspend. Stores write offs are an annual audit process which is not budgeted for and are offset by savings and sale of surplus stock (auction proceeds).

Capital Expenditure

Total capital expenditure of \$13,564,800 (including commitments) has been spent for the period ending 31 October 2020 against the 2020/21 adjusted annual capital budget of \$30,740,307. This budget figure includes carry overs from 2019/20 of \$14,928,673 and new and additional funds required for 2020/21 capital projects of \$91,634.



Loan Borrowings

Council's loan balance is as follows:

QTC Loans

\$7,911,081

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 October 2020 are \$2,644,125 which is broken down as follows:

Status	31 October 2020		31 October 2019	
	No. of properties	Amount	No. of properties	Amount
Valueless land	18	748,649	18	871,973
Payment Arrangement	177	226,554	270	236,242
Collection House	485	1,147,593	507	1,052,508
Exhausted – awaiting sale of land	7	151,778	9	112,905
Sale of Land	11	153,526	8	104,303
Other (includes supplementary rates)	247*	216,025	215	98,165
TOTAL	945	2,644,125	1,027	2,476,096

* Of this total, there are 65 properties with a rates balance of less than \$10.

The Rate Notices for the period ending 31 December 2020 were issued on 10 August 2020 with the discount due date being 18 September 2020. Total Gross Rates and Charges levied for this six (6) month period totalled \$17,189,439.

In the month of October, 207 supplementary rates notices were generated with a value of \$121,711. Supplementary rate notices are issued by Council when there has been a change to the rating record since the last half-yearly rate notice. Common adjustments are made to general rates and the waste utility collection (wheelie bin) charge. Some examples of general rates adjustments are; change of land use or change in the rateable valuation of the property as issued by the Department of Natural Resources, Mines and Energy. Some examples of waste utility collection charges adjustments are; a variation in the number of bins; or commencement of a new service; or the cancellation of an existing service.

A total of 447 second reminder notices were issued on the 13 October, with a value of \$462,154, due 27 October 2020.

Collection House collected \$53,128 for the month of October 2020.

On 29 October, 333 new files were sent to Collection House, in respect of overdue rates, with a total value of \$385,406. 107 existing files were also updated on 27 October, adding an additional \$139,814 onto current balances.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 October 2020 is \$826,249 which is made up of the following:

Current	30 days	60 days	90 + days
\$353,811	\$431,146	\$16,950	\$24,342
43%	52%	2%	3%

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 2020/21 Budget

Consolidated

	Actual YTD	Budget YTD	2020/21 Budget
Revenue			
Rates and utility charges	17,081,003	17,061,526	34,123,050
Less Discounts and Pensioner Remissions	(1,277,474)	(1,020,817)	(2,041,634)
Net Rates and Utility Charges	15,803,529	16,040,709	32,081,416
Fees and Charges	702,330	589,683	1,367,076
Operating Grants and Subsidies	947,490	1,165,535	7,500,988
Operating Contributions	272,202	15,333	196,000
Interest Revenue	136,030	166,833	500,500
Works for Third Parties	688,272	611,167	1,833,500
Other Revenue	1,166,073	1,183,742	3,464,797
Total Operating Revenue	19,715,926	19,773,001	46,944,277
Expenditure			
Employee Expenses	5,442,384	5,949,097	18,272,559
Materials and Services	6,789,149	5,925,070	14,348,806
Depreciation expense	3,711,532	3,425,865	10,277,597
Finance and Borrowing costs	118,331	85,223	306,139
Total Operating Expenses	16,061,396	15,385,255	43,205,101
Operating Surplus/(Deficit)	3,654,530	4,387,748	3,739,176
Capital Income			
Capital Contributions	899,823	-	-
Capital Grants and Subsidies	3,584,483	-	3,163,665
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	10,614	-	(263,100)
Total Capital Income	4,494,920	-	2,900,565
Net Result	8,149,450	4,387,748	6,639,741

Budgeted Income Statement by Fund 2020/21 Budget

General

	Actual YTD	Budget YTD	2020/21 Budget
Revenue			
Rates and utility charges	9,324,996	9,250,041	18,500,081
Less Discounts and Pensioner Remissions	(1,277,474)	(1,020,817)	(2,041,634)
Net Rates and Utility Charges	8,047,522	8,229,224	16,458,447
Fees and Charges	639,185	488,017	1,062,076
Operating Grants and Subsidies	947,490	1,165,535	7,500,988
Operating Contributions	2,772	15,333	46,000
Interest Revenue	85,364	96,667	290,000
Works for Third Parties	657,341	611,167	1,833,500
Other Revenue	731,848	617,909	1,867,297
Total Operating Revenue	11,111,522	11,223,850	29,058,308
Expenditure			
Employee Expenses	5,002,103	5,431,932	16,701,034
Materials and Services	4,108,999	2,777,858	5,140,769
Depreciation expense	2,618,867	2,326,595	6,979,788
Finance and Borrowing costs	86,261	53,146	180,188
Total Operating Expenses	11,816,229	10,589,530	29,001,779
Operating Surplus/(Deficit)	(704,707)	634,320	56,529
Capital Income			
Capital Contributions	495,113	-	-
Capital Grants and Subsidies	2,850,977	-	3,163,665
Donated Assets		-	-
Profit/(Loss) on Sale of Asset	10,614	-	(229,000)
Total Capital Income	3,356,704	-	2,934,665
Net Result	2,651,997	634,320	2,991,193

Budgeted Income Statement by Fund 2020/21 Budget

Waste

	Actual YTD	Budget YTD	2020/21 Budget
Revenue			
Rates and utility charges	1,988,333	1,972,711	3,945,422
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	1,988,333	1,972,711	3,945,422
Fees and Charges	61,413	80,000	240,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	7,246	16,667	50,000
Works for Third Parties	-	-	-
Other Revenue	391,447	551,833	1,555,500
Total Operating Revenue	2,448,438	2,621,211	5,790,922
Expenditure			
Employee Expenses	123,432	119,310	366,637
Materials and Services	1,302,999	1,546,660	4,626,185
Depreciation expense	118,425	123,871	371,614
Finance and Borrowing costs	-	-	-
Total Operating Expenses	1,544,856	1,789,842	5,364,436
Operating Surplus/(Deficit)	903,582	831,369	426,486
Capital Income			
Capital Contributions	7,733	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	7,733	-	-
Net Result	911,315	831,369	426,486

Budgeted Income Statement by Fund 2020/21 Budget

Wastewater

	Actual YTD	Budget YTD	2020/21 Budget
Revenue			
Rates and utility charges	2,622,352	2,565,528	5,131,057
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,622,352	2,565,528	5,131,057
Fees and Charges	1,732	21,667	65,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	20,496	28,333	85,000
Works for Third Parties	554	-	-
Other Revenue	12,486	-	-
Total Operating Revenue	2,657,619	2,615,528	5,281,057
Expenditure			
Employee Expenses	112,874	167,824	508,172
Materials and Services	474,082	592,441	1,638,130
Depreciation expense	505,607	516,297	1,548,892
Finance and Borrowing costs	32,071	32,077	125,951
Total Operating Expenses	1,124,633	1,308,639	3,821,145
Operating Surplus/(Deficit)	1,532,986	1,306,889	1,459,912
Capital Income			
Capital Contributions	179,433	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	(9,100)
Total Capital Income	179,433	-	(9,100)
Net Result	1,712,419	1,306,889	1,450,813

Budgeted Income Statement by Fund 2020/21 Budget

Water

	Actual YTD	Budget YTD	2020/21 Budget
Revenue			
Rates and utility charges	3,089,660	3,215,008	6,430,015
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	3,089,660	3,215,008	6,430,015
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	13,652	8,333	25,000
Works for Third Parties	30,377	-	-
Other Revenue	30,293	14,000	42,000
Total Operating Revenue	3,163,982	3,237,341	6,497,015
Expenditure			
Employee Expenses	203,976	230,031	696,716
Materials and Services	808,422	932,558	2,797,223
Depreciation expense	445,566	433,827	1,301,483
Finance and Borrowing costs	-	-	-
Total Operating Expenses	1,457,963	1,596,416	4,795,422
Operating Surplus/(Deficit)	1,706,019	1,640,925	1,701,593
Capital Income			
Capital Contributions	217,544	-	-
Capital Grants and Subsidies	733,506	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	(25,000)
Total Capital Income	951,050	-	(25,000)
Net Result	2,657,069	1,640,925	1,676,593

Budgeted Income Statement by Fund 2020/21 Budget

Benefited Area

	Actual YTD	Budget YTD	2020/21 Budget
Revenue			
Rates and utility charges	55,662	58,238	116,475
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	56,662	58,238	116,475
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	269,430	-	150,000
Interest Revenue	9,272	16,833	50,500
Works for Third Parties	-	-	-
Other Revenue	-	-	-
Total Operating Revenue	334,364	75,071	316,975
Expenditure			
Employee Expenses	-	-	-
Materials and Services	94,648	75,556	146,498
Depreciation expense	23,067	25,273	75,820
Finance and Borrowing costs	-	-	-
Total Operating Expenses	117,715	100,827	222,318
Operating Surplus/(Deficit)	216,649	(25,756)	94,657
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	216,649	(25,756)	94,657

8.15 VALUELESS LAND TO ACQUIRE

Date Prepared: 13 October 2020

Author: Financial Accountant

Attachments: 1. Schedule of properties to acquire [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that there are eight (8) properties currently on Council's rating system that are now considered valueless land due to the total amount of the overdue rates or charges being more than the value of the land.

RECOMMENDATION

That Council:

1. Acquires the lands in the Schedule below in accordance with Section 149(1) of the *Local Government Regulation 2012* as it considers that the value of the lands if they were sold would in each case be less than the total amount of the overdue rates [and charges];
2. Delegates authority to the Chief Executive Officer to sign a notice of intention to acquire the lands to be given to all interested parties and to take all further steps necessary to complete the acquisition process in accordance with Sections 150 and 151 of the *Local Government Regulation 2012*.

BACKGROUND

There are currently eight (8) properties where the rates in arrears are currently higher than the valuation, hence the land is considered to be valueless or of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates and charges.

All of these properties have been recognised under GenCatN - Unused Land and have continued to be rated every six (6) months. The current registered owners of these properties abandoned them over a century ago and are presumed deceased.

The process involved in this acquisition is directed by legislation and will be subject to professional legal advice as required.

Once these properties have been acquired by Council, further discussions will be held to determine future plans for these parcels of land.

RISK IMPLICATIONS**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The properties mentioned in the schedule need to be considered under Section 149(1) of the *Local Government Regulation 2012* as the value of the lands if they were sold would in each case be less than the total amount of the overdue rates [and charges].

In accordance with Sections 150 and 151 of the *Local Government Regulation 2012*, the Council can hereby direct the Chief Executive Officer to sign a notice of intention to acquire the lands to be given to all interested parties and to take all further steps necessary to complete the acquisition process.

POLICY IMPLICATIONS

Debt Recovery Policy 2020/21

Revenue Policy 2020/21

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Update Council Asset register should Council proceed to acquire the land and consider expenditure in future capital budgets for legal costs and fees incurred with the acquisitions.

Operating

Council will need to consider expenditure in future operational budgets for the payment of both the Waste Management levies and Emergency Management levies on all these properties should Council proceed with the acquisitions.

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

The overall budget impact of Council acquiring this land is minimal with the majority of the expenditure being absorbed internally within Council than outsourcing the process. The current predicted costs will be the submissions of forms to the Queensland Land Registry, Department of Natural Resources, Mines and Energy and also any advertising costs with newspapers. It is assumed that the budget impact will be over two (2) financial years 2020/2021 and 2021/2022 with any material financial impact assessments forwarded to the Manager Finance.

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.

IMPLEMENTATION/COMMUNICATION

Nil

Schedule of properties to acquire

Property ID	Registered Owners	Location	Description of Land	Land Area	Valuation	Period which rates unpaid	Rate at which interest is accruing	Rate Levy Outstanding as at 30 September 2020	Interest Owing due to overdue rates as at 30 September 2020	Total Overdue Rates and Interest as at 30 September 2020	Address
10582	Theodore Rantl	Watsonville	Lot 421 W 2631	1,012 sq m	\$ 15,000.00	18/08/2014 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 28,745.25	\$ 3,302.55	\$ 32,047.80	Agnes Street WATSONVILLE QLD 4887
15976	Paul McColl, Mary McClean, Agnes Hannan	Mount Albion	Lot 206 M 3521 Lot 208 M 3521 Lot 209 M 3521	1,012 sq m 1,012 sq m 1,012 sq m	\$ 17,400.00	31/08/2011 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 43,637.85	\$ 12,594.15	\$ 56,232.00	Aspinna Street MONT ALBION QLD 4887
15977	John Munday	Mount Albion	Lot 207 M 3521 Lot 213 M 3521 Lot 214 M 3521 Lot 615 M 3521	1,012 sq m 1,012 sq m 1,012 sq m 1,012 sq m	\$ 29,000.00	31/08/2011 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 67,246.95	\$ 18,296.65	\$ 85,543.60	Aspinna Street MONT ALBION QLD 4887
16005	William J Munro	Mount Albion	Lot 501 M 3521 Lot 502 M 3521 Lot 605 M 3521 Lot 609 M 3521 Lot 612 M 3521	1,012 sq m 1,012 sq m 1,012 sq m 1,012 sq m 1,012 sq m	\$ 35,000.00	31/08/2011 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 85,336.05	\$ 23,603.55	\$ 108,939.60	Aspinna Street MONT ALBION QLD 4887
16090	Dereks Tin Mines Ltd	Stannary Hills	Lot 101 S 5371 Lot 102 S 5371 Lot 206 S 5371	1,012 sq m 1,012 sq m 1,012 sq m	\$ 25,000.00	31/08/2011 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 58,812.75	\$ 16,296.70	\$ 75,109.45	Dixon Street STANNARY HILLS QLD 4872
38265	Albert Bramhall	Chillagoe	Lot 112 M 4872	1,012 sq m	\$ 5,000.00	17/02/2014 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 13,215.65	\$ 1,274.85	\$ 14,490.50	Mungana Road CHILLAGOE QLD 4871
60271	Estate Of John Quill	Thornborough	Lot 419 T 2131 Lot 420 T 2131	680 sq m 483 sq m	\$ 10,200.00	18/05/2015 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 26,844.15	\$ 6,838.25	\$ 33,682.40	McLeod Street THORNBOROUGH QLD 4872
60378	Patrick C O'Donohue	Thornborough	Lot 418 T 2131	220 sq m	\$ 3,600.00	17/02/2016 - 30/09/2020	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/09/2020	\$ 10,010.25	\$ 954.10	\$ 10,964.35	McLeod Street THORNBOROUGH QLD 4872
								\$ 333,848.90	\$ 83,160.80	\$ 417,009.70	

8.16 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2020/21 COMMUNITY GRANT OUT OF ROUND APPLICATION

Date Prepared: 4 November 2020

Author: Senior Community Wellbeing Officer

Attachments: Nil

EXECUTIVE SUMMARY

This report presents a community grant recommended for funding under the Regional Arts Development Fund 2020/21 for Council approval.

RECOMMENDATION

That Council approves a community grant to the value of \$1,800 for Julatten Theatre Group under the Regional Arts Development Fund for 2020/21.

BACKGROUND

The annual RADF community grant round is scheduled to be held in January/February 2021 however Council has received a quality application for a project to be conducted in November 2020. This application can be considered as an 'out of round' RADF community grant, in line with Council's RADF Strategy. The application meets the eligibility requirements and objectives of the RADF program and the RADF Advisory Committee members have considered the application and recommend it is funded.

1. Julatten Theatre Group - Virtual Variety Show for Young Talent \$1,800

JTG will engage professional sound/lighting and digital production technicians to assist in the production of the annual youth variety show. Due to COVID-19 restrictions, instead of presenting to a live audience the show will be filmed and made available on social media and other digital platforms. The technicians will provide training to local theatre members. The project will increase the capacity of the theatre group to revitalise and extend the reach of their activities.

RISK IMPLICATIONS**Legal and Compliance**

RADF program procedures meet legal and compliance requirements.

Health and Safety

RADF program procedures cover health and safety issues for funded projects.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Operating

Community grant funds are included in the 2020/21 RADF budget.

Is the expenditure noted above included in the current budget?

Yes

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.

IMPLEMENTATION/COMMUNICATION

Applicant will be notified of the outcome after 18 November 2020

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - OCTOBER 2020

Date Prepared: 4 November 2020

Author: Director Infrastructure Services

Attachments:

1. Capital Works Highlights - October 2020 [↓](#)
2. Capital Works Summary - October 2020 [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on capital works projects undertaken by the Infrastructure Services Department during the month of October 2020.

RECOMMENDATION

That Council:

1. Receives the Infrastructure Services Capital Works Monthly Report for the month of October 2020; and
2. Confirms that in relation to the Chillagoe Reservoir Upgrade project, Council:
 - a. has budgeted its financial contribution for the project;
 - b. is committed to delivering the Chillagoe Critical Water Infrastructure Project, and
 - c. acknowledges responsibility for any funding shortfall if costs or other contributors change

BACKGROUND

Council's Capital Works program is focussed on renewal and upgrade of Council infrastructure to achieve Council's corporate vision of "A growing, confident and sustainable Shire". The program is funded through a combination of Council's own funding and external grants and subsidies.

Council has received approval of Local Roads and Community Infrastructure Program (LRCIP) projects from the Australian Government in October 2020 and these projects are being progressed.

While the Australian and Queensland governments have provided funding for the Chillagoe Reservoir, which is presently under construction, the Queensland Government has requested Council confirm, by resolution, that it is committed to delivering the project and acknowledges responsibility for any funding shortfall if costs or other contributors change.

Partial Funding has been secured for a new bore and pipeline to supply raw water for Chillagoe Water Treatment Plant through the Local Economic Recovery (LER) program for Queensland, which is jointly funded by the Commonwealth and Queensland Governments under the Disaster Recovery Funding Arrangements, with Council to co contribute remaining costs toward the project. Once the funding agreement for this project is received, allocation and timing of Council's financial contribution can be determined.

RISK IMPLICATIONS**Financial**

The capital works program is tracking within budget.

Infrastructure and Assets

Projects included in the current capital works program were identified through Council's Project Prioritisation Tool (PPT) which uses a risk-based, multi-criteria approach to rank projects in order of priority. The PPT is aligned with Council's Long-Term Financial Plan and Asset Management sub-plans, which focus of renewal of existing assets.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

All capital works are listed in and funded by the 2020/21 Capital Works Program.

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.

IMPLEMENTATION/COMMUNICATION

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Rob Veivers Drive Water Main Upgrade

Program: Water

Background

An allocation in the 2020-21 Capital Works Program was provided to replace the existing water main on the eastern section of Rob Veivers Drive to maintain ongoing water supply for properties in Kuranda, particularly the CBD. This section of water main was identified for replacement following the replacement the first section of water main on Rob Veivers Drive around 2017.

Scope of Works

This scope of work involves replacement of the aged asbestos pipe work with PVC Supermain and ductile iron pipe work where applicable, in addition to new valving, hydrants and service connection.

Progress Update

The Rob Veivers Drive Water Main upgrade works commenced mid-September with a two week works suspension to allow for school holiday traffic into the Kuranda township and is scheduled for completion late November. The project has been undertaken in separate sections with the first section of water main from the Therwine Street roundabout to Barang Street completed by end of October, with the remainder of the project to be completed late November.



Installation of new water main on Rob Veivers Drive prior to backfilling

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Mareeba and Kuranda Sewerage Pump Station Upgrades

Program: Wastewater

Background

Mareeba Shire Council has undertaken a condition assessment process of all sewerage pump stations in Mareeba and Kuranda sewerage schemes. Following the condition assessment reports Council identified an upgrade program that would fit within the allocated project budget.

The below eight pump stations were identified for upgrade based on an agreed scope of works and estimated project cost which is being delivered in a single package.

1. Gully Pump Station (Kuranda)
2. Honey House Pump Station (Kuranda)
3. Jumrum Pump (Kuranda)
4. Kullaroo Pump Station (Kuranda)
5. Railway Pump Station (Kuranda)
6. Tully Court Pump Station (Kuranda)
7. Industrial Pump (Mareeba)
8. Kenneally Road Pump station (Mareeba)

Scope of Works

The scope of works included supply and install new injection point, bypass pumping during the upgrade, civil works, concrete works, drainage improvements and new retaining walls. Relocation in some cases of the electrical switchboard and construct new plinths. Refurbish the wet well pipework and reuse existing pumps. Upgrade pipework in valve boxes along with general repairs. Supply pump station covers to meet current WHS standards and recoat caisson and conduct localised concrete repairs. General repairs to equipment and site reinstatement and general site clean-up.

Progress Update

The project is approximately 60% complete with works simultaneously occurring and several sites depending on what stage of works each site is at.

Infrastructure Services Capital Works Report Project Highlights - October 2020



Installation of new access lids and valve and piping at Kullaroo SPS



Installation and construction of new access retaining wall at Honey House SPS



Installation and construction of new bypass system at Kenneally Road SPS

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Chillagoe Critical Water Infrastructure Project

Program: Water

Background

The Chillagoe Critical Water Infrastructure Project (Chillagoe Reservoir Upgrade) will see the construction of a new 500 kilolitre reinforced concrete water reservoir including all associated pipe work, electrical, SCADA and telemetry connections. This project is co-funded through the Queensland Government's Building our Regions (BOR) Program and the Australian Government's Building Better Regions Funding Program (BBRF).

Funding agreements for the Chillagoe Critical Water Infrastructure Project require Council to formally approve the following:

1. Budget from its depreciation funds a financial contribution for the project;
2. Council is committed to delivering the Chillagoe Critical Water Infrastructure Project; and
3. Acknowledges responsibility for any funding shortfall if costs or other contributors change.

Scope of Works

This project is to upgrade the hazardous Chillagoe Town Drinking Water Reservoirs to cyclone standard and significantly increase the usable holding capacity from 190KL to 500KL. The higher capacity reservoir will be cyclone rated to current standards, provide adequate fire-fighting capacity and increase the calculated drinking water storage from nine hours to three days, strengthening this remote and vulnerable community's resilience in a disaster situation.

The works includes demolition of the two steel existing reservoirs and construction of a new concrete reinforced reservoir. Works also include, clearing, site earth works, construction and testing and commissioning of the new reservoir, reinstatement, clean and restoration of the site.

Progress Update

The demolition of No 2 reservoir has been completed and the site earth works which includes the clearing and extension of the site area to accommodate the new larger concrete reservoir construction.

Infrastructure Services Capital Works Report Project Highlights - October 2020



Demolition of the existing No 2 Reservoir



Site earth works

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Kuranda WWTP SMBS Chemical Dosing Storage Shed

Program: Wastewater

Background

An allocation in the Capital Works Program was been provided in the 2020-2021 capital works program to replace the failed existing SMBS chemical storage shed at the Kuranda wastewater Plant. Sodium Metabisulphite (SMBS) is a highly corrosive chemical and the existing shed had corroded to the stage where it was no longer serviceable and safe.

Scope of Works

The scope of works includes removal of the old existing shed and construction of a masonry concrete block shed with fibreglass roofing and replacement of the existing chemical dosage pumps.

Progress Update

The upgrading of the shed commenced early September with removal of the existing structure and construction of the new masonry concrete block work. Roofing materials will be installed during November along with the fitting out of the electrical and chemical dosage components of the project.



Construction of new SMBS Chemical Storage Shed at Kuranda WWTP

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: John Doyle Bridge Upgrade

Program: Bridges

Background

The John Doyle Bridge Upgrade project will return the bridge to its original design capacity and provide continuation of access for vehicles and pedestrians across the Barron River in Mareeba. The works will increase the lifespan of the bridge, provide a reliable transport route and cater for residential growth in the eastern area of Mareeba.

This project is jointly funded by the Australian Government's Bridges Renewal Program, the Queensland Government's Works for Queensland Program and Mareeba Shire Council.

Scope of Works

The project scope includes pier and abutment widening, demolition of the existing timber and steel superstructure and installing a new concrete and steel girder deck, asphalt deck wearing surface, bridge balustrading and guard railing. To maintain safe access for pedestrians, cyclists and mobility scooters, a temporary footbridge has been installed downstream of the bridge for the duration of the works.

Progress Update

The John Doyle Bridge was opened to traffic at 10:44am on Friday 30 October 2020. The Practical Completion Inspection Report was sent to MSC at 4:00pm that afternoon stating the John Doyle Bridge complies with specification.

The temporary pedestrian bridge will be dismantled and returned to the supplier in the following week.



Completed Bridge - Facing East



Completed Bridge - Facing West

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Chewko Road, Mareeba - Road Widening

Program: Urban Streets

Background

Chewko Road is classed as a Local Road of Regional Significance (LRRS) under the Roads and Transport Alliance and is eligible for a maximum of 50% funding from the Transport and Infrastructure Development Scheme (TIDS).

Several projects are currently listed in the FNQROC TIDS Program for the widening of sections of Chewko Road within the Mareeba town limits.

Scope of Works

The first of these projects is the widening of Chewko Road from Fenwick Street to Morrow Street and includes upgraded drainage structures, the extension of the existing kerb and channel and the realignment of Morrow Street to provide a 'T' intersection with Chewko Road. Several driveways will need to be upgraded included entrances to the Mareeba Tennis Club car park.

Progress Update

Practical completion of the Chewko Road Widening was reached practical completion on 30 October 2020 with the bitumen sealing of the project.

Works still to be completed are a driveway crossover in Fenwick Street (programmed for completion second week of November) and line marking (programmed to be done in conjunction with the Costin Street Pavement Rehabilitation project).



Chewko/Fenwick Streets intersection prior to 10mm second coat



Chewko Road towards Fenwick Street

**Infrastructure Services Capital Works Report
Project Highlights - October 2020**



Chewko/Fenwick Streets intersection after 10mm second coat



Chewko/Morrow Streets Intersection

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Euluma Creek Road Julatten, Rehabilitate and Widen

Program: Rural Roads

Background

Euluma Creek Road is classed as a Local Road of Regional Significance (LRRS) under the Roads and Transport Alliance and is eligible for a maximum of 50% funding from the Transport and Infrastructure Development Scheme (TIDS).

Several projects are currently listed in the FNQROC TIDS Program for the widening of sections of Euluma Creek Road between Black Mountain Road and McLeans Bridge Road.

Scope of Works

The first of these projects is the widening of the existing 3.9m bitumen sealed road to 8m including the replacement and extension of existing culverts from chainage 5550 to chainage 6330.

Progress Update

Project construction has been programmed to take place either side of the 2020/2021 wet season with the drainage establishment and replacement and extensions of existing culverts to be completed prior to the Christmas close down. The pavement rehabilitation and widening activities will be completed post wet season.



Replaced Existing Box Culvert



Drainage Establishment

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Cedric Davies Community Hub - Library & Mareeba Bowls Club

Program: Community Buildings

Background

Council resolved to undertake the development of an improved facility for the Mareeba and Memorial Bowls Club and complete the refurbishment and upgrade works to for the new Cedric Davies Community Hub. Funding assistance has been received under the Queensland Government's Local Government Grants and Subsidies Program to deliver the project which has proceeded in a three-stage approach.

The first and second stages of the project involved the Design & Construction of an improved Bowls Clubhouse Facility and the replacement of one existing lawn green with an undercover synthetic equivalent.

The third stage of the project is the refurbishment of the existing main building to cater for community services and training activities, a space for community events and recreational activities and provide space for a modern multi-faceted library service.

Scope of Works

The scope of works includes modifications to the main building and build a new clubhouse and synthetic covered bowling green.

Progress Update

Stage 1 and 2 of the project incorporated the construction of the Bowls Clubhouse facility and undercover synthetic bowling green, which reached practical completion on 20 October 2020.

Stage 3 of the project involves the refurbishment of the existing facility. Refurbishment works to the main building is currently out to Tender with submissions closing Wednesday, 11 November 2020.



The recently completed Bowls Clubhouse Facility and covered bowling green

Infrastructure Services Capital Works Report Project Highlights - October 2020



Project Name: Barron Falls Walking Trail

Program: Kuranda Infrastructure Fund

Background

The establishment of an environmental walk connecting the Kuranda township with the Barron Falls lookout will offer visitors to Kuranda a linking trail between Jum Rung Creek Conservation Park and the Barron Gorge National Park; alleviating foot traffic on Barron Falls Road.

The project was identified as part of the Kuranda Township Infrastructure Master Plan 2010-2020 (KTIMP10-20) and is funded through levies paid by Skyrail and Kuranda Scenic Rail to the Queensland Government under the Kuranda Infrastructure Program (KIP). This program has afforded Council the opportunity to undertake numerous improvements and enhancements that maintain the character of Kuranda and conserve the natural environment while providing the necessary infrastructure to cater for the needs of increased visitor numbers.

Scope of Works

The Barron Falls Walking Trail comprises two parts, being;

- Stage 1: A link Trail from the Kuranda Jungle Walk to the end of Weir Road, and
- Stage 2: A continuation of the trail through the Barron Gorge National Park from the end of Weir Road to the Barron Falls car park area.

Progress Update

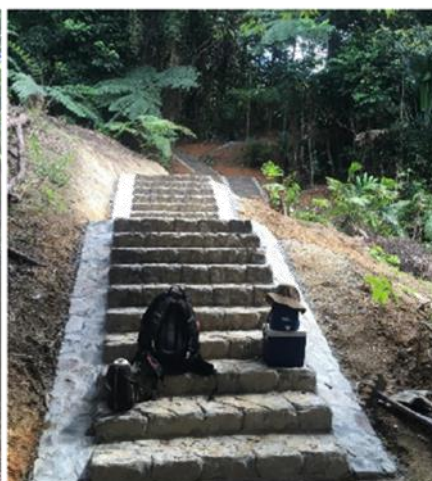
Stage 1 - The link trail (Jungle Walk to Weir Road) is 95% complete with Council awaiting as-built quantities plans prior to practical completion

Stage 2 - Construction within the National Park has commenced, with step and asphalt construction nearing completion to two structures. Construction efforts are concentrated towards delivery of the pedestrian bridges so as to minimise potential impacts in the event of an early the wet season.

Practical completion for the project remains on track for late December, weather dependant.



Weir Road Crossing Link NP to Link Trail



Completed Step Structures

Infrastructure Services Capital Works Report Project Highlights - October 2020



Bridge 11 Stair Approach Under Construction



Bridge 10 Batter Protection



Bridge 7 Approach Steps Under Construction



Bridge 7 NP Section

Infrastructure Services Capital Works Summary Report - September 2020

Project Description	Project Stage	Progress comment
Program: 01 Rural and Urban Roads Reseal Program (Renewal)		
2019/20 Reseal & Asphalt Program	Completed	Line marking has been finished. Re-sealed roads to be capitalised. Project complete August 2020.
2020/21 Reseal & Asphalt Program	Planning	Report to be tabled at ordinary council meeting 14/10/2020 recommending MSC proceed with FGF Bitumen to undertake 2020/21 Reseal Program.
Program: 02 Gravel Resheet		
2019/20 Gravel Resheet Program	Construction	Hurricane Road & Bilwon Road complete.
2020/21 Gravel Resheet Program	Not Commenced	To be programmed
Program: 03 Urban Streets		
Chewko Road, Mareeba - Rehabilitate and Widen Ch 0.4 to 1.1	Construction	Project commenced early September. Culvert widenings & road crossing complete. Earthworks, subgrade treatment & subbase installation complete. Kerb & channel to be installed mid-October.
Costin Street, Mareeba - Rehabilitate Ch 0.977 - 1.07 and asphalt overlay Ch. 1.07 - 1.105	Design	Design in progress, works programmed for November 2020.
Lerra Street (West) - Widen and Seal	Design	Project will commence when Costin Street rehabilitation is complete. Possibly late November, weather permitting.
Design Program - design forward works	Planning	Planning, investigation and design of future projects.
Program: 04 Rural Roads		
NDRRA Betterment 2019/20	Planning	QRA Approved: Gamboola Crossing, Fossilbrook Crossing, Shanty Creek Road, Clacherty Road. Tenders sought for Gamboola Crossing, currently open. Designs underway for Fossilbrook, Shanty and Clacherty.
TIDS Pickford Rd Bibbohra upgrades	Completed	Project complete 16/09/2020. Project will be financially complete once Ergon costs for stay wire relocation are charged to MSC.
TIDS Euluma Creek Road, Julatten - Rehabilitate and widen Ch. 5.565 - 6.343	Procurement	Site establishment programmed for mid- October once John Doyle Bridge approaches are complete.
Disaster Recovery Funding Arrangements Betterment Co-contribution	Not Commenced	Submitted grant application for Fallon Road embankment and roadworks; awaiting outcome. Other betterment projects to be identified and submitted in future funding rounds.
Wolfram Road, Dimbulah - Priority Sections Safety Widening - Stage 1	Planning	Programmed first quarter 2021, weather dependent.
Fallon Road, Kuranda - Rehabilitate Pavement, Ch 0.874 - 0.948	Not Commenced	Slope stabilisation to be designed and completed by specialist external contractor with roadworks programmed for May 2021.
Speewah Road, Speewah - Rehabilitate Pavement Ch 0.345 - 0.5 & Refurbish Bus Shelter	Not Commenced	Awaiting project approval under Local Roads and Community Infrastructure Program (LRCIP).
Program: 05 Bridges		
Hales Siding Road - Replace Timber Bridge	Procurement	Tender Documentation prepared, anticipate going to tender from 10 October 2020.
Kanervo Road - Replace Timber Bridge over Davies Creek	Design	Minor delays with consultants delivering bridge design, anticipate going to tender from November 2020.
John Doyle Bridge Upgrade	Construction	Final deck pour completed 1 October. Kerb 5 will be poured second week of October. Eastern approach roadworks complete. Western approaches programmed for completion 9 October. Guard rail installation will commence 20 October followed by asphalt overlay and line marking. Bridge on program to be opened to traffic early to mid-November.
Hodzic Road, Oakey Creek, Bibbohra - Replace girders	Not Commenced	Will be completed second half of 2020/21 financial year.
Renew Major Culvert, Pin Road Mutchilba	Not Commenced	Will be completed second half of 2020/21 financial year
Program: 06 Drainage		
Renew Minor Culverts - various locations	Construction	Black Mountain Road culverts complete.
Amaroo Drainage Improvement - Stage 1 of 3	Not Commenced	To be completed second half of 2020/21 financial year.
Freedom Close - Reform existing open drain	Planning	Programmed for late November early December, weather permitting.
Coolamon Close - Re-establish critical drain	Completed	Awaiting project approval under Local Roads and Community Infrastructure Program (LRCIP).

Infrastructure Services Capital Works Summary Report - September 2020

Project Description	Project Stage	Progress comment
2020/21 Minor Culvert Renewal Program	Not Commenced	To be programmed
Program: 08 Parking		
Railway Avenue, Mareeba New Carpark Stage 1	Design	'For Construction' plans to be finalised by end of October 2020. Construction scheduled for early 2021.
Program: 09 Footpaths		
2018/19 Footpath renewal program	Construction	Design currently developing a typical cross-section that will be used to invite contractors to quote on footpath renewal works.
Footpath Renewal (All localities)	Not Commenced	Design currently developing a typical cross-section that will be used to invite contractors to quote on footpath renewal works.
Program: 10 Parks and Gardens		
Shire Beautification Program	Construction	Northern entrance irrigation and tree planting complete. No further projects identified at this stage. The project's future scope will be revisited after the completion of the eastern side of Byrnes Street upgrade currently programmed to start June 2020.
Kuranda CBD Renew Irrigation & Planting	Construction	On-going. This budget is used on an 'as required basis' for the continual upgrade of irrigation and plants in Coondoo Street. Project complete September 2020.
Firth Park, Mareeba - Aerating and top dressing	Completed	
Mt Molloy Centre Islands, Replace irrigation and kerbing	Planning	Liaising with JAMMAR to identify suitable planting scheme and proposals for retaining/removing existing concrete plinth.
Program: 11 Water		
Mareeba Water Treatment Plant - Replace generator	Procurement	Officers have sourced a new 550kva generator for the water plant within budget, in lieu of having two generators running in parallel. This will save on provide a better power backup solution for the water plant.
Chillagoe - Replace existing water reservoirs	Construction	Project awarded to Civform with a pre-start meeting held on 29 September, contract documents signed, and project set to commence in the coming weeks.
Chillagoe Water Supply Investigation	Construction	The second, 100-hour test was completed at a higher flow rate and confirmed the bore will be a sustainable productive bore. Report to be tabled with Council once final water quality lab results received. Application made under 2019 Queensland Bushfires Local Economic Recovery Program for funding to construct a new bore and water main.
Warril Drive, Kuranda - new water main and booster	Design	Detailed design completed and grant submission submitted to the Qld Resilience and Risk Reduction Fund.
Rob Veivers Drive, Kuranda - Asbestos cement (AC) water pipe replacement	Construction	Works commenced 14 September, suspended for the school holidays, with works programmed to recommence 6 October. Anticipate work will take approx. 12 weeks.
Kuranda Water Treatment Plant - Replace backwash blowers	Procurement	Replacement blowers have been ordered in August 2020 and once arrived will be installed. Delivery is expected in 12 weeks from date of ordering.
Replace clarifier bridge scraper Kuranda WTP	Construction	Works have commenced and contractors ordering necessary parts and equipment.
SCADA Cybersecurity Upgrade	Procurement	Some equipment has been ordered and there are long lead-times on some of the equipment; as it arrives it will be assembled and installed.
Mareeba and Kuranda Water Treatment Plants - raw water pumps upgrade	Planning	City Water Technology working on this project, there are some delays with this due to COVID travel restrictions though it will be completed prior to the end of the financial year.
Mareeba Water Treatment Plant - Based on a successful trial of new turbidity meters, implement automated backwash on high turbidity	Planning	City Water Technology engaged for project; there may be some delays due to COVID travel restrictions, however project is scheduled to be completed prior to the end of the financial year.
Mareeba, Kuranda and Dimbulah Water Treatment Plants - Replace chlorine analysers	Not Commenced	Quotes currently being sourced and equipment will be procured as soon as practically possible.

Infrastructure Services Capital Works Summary Report - September 2020

Project Description	Project Stage	Progress comment
Mareeba Water Treatment Plant - filter 3 Install dedicated backwash pumps and reconfigure wash water feed pipes	Planning	Working with City Water Technology and Water Treatment Australia for a suitable design on this project. City Water Technology will be onsite in October for further assessment of the project.
Chillagoe Water Treatment Plant - Install conductivity meter on raw water transfer line, trend conductivity on SCADA	Planning	Work on this project to be in conjunction with the water reservoir upgrade project.
Install a static mixer and injection quill for ACH dosing - Kuranda	Construction	Works programmed for November, waiting on equipment to arrive from suppliers.
Rankin Street West - Water main replacement and upgrade	Design	For this project to proceed grant funding for a further \$625,000 will be required as the budget estimate for the project is \$1,350,000.
Mason Road, Kuranda Booster Pump Station Generator 30KVA	Construction	New generator acquired and materials ordered for storage structure area for the generator.
Kuranda Water Treatment Plant - Overhaul Sedimentation Tank	Construction	Works commenced with contractor ordering parts and equipment.
Telemetry/SCADA Upgrades	Procurement	Equipment on order and once it arrives will be installed and commissioned.
Valve Replacement Program (Reticulation)	Planning	Council officers identifying valves to be replaced and program works according to level of age and wear on individual vales.
Mareeba Water Treatment Plant - Coagulation mixing renewal	Planning	Working with City Water Technology for the implementation of this project, in conjunction with the new backwash system they are designing.
Mareeba Water Treatment Plant - Clarifier condition assessment	Planning	Working with City Water Technology for the implementation of this project, in conjunction with the new backwash system they are designing.
Mareeba Water Treatment Plant - Optimise clarifier performance upgrade	Planning	Working with City Water Technology for the implementation of this project, in conjunction with the new backwash system they are designing.
Mareeba Water Treatment Plant - Backwash operation renewal	Planning	Working with City Water Technology for the implementation of this project, in conjunction with the new backwash system they are designing.
Chillagoe Water Treatment Plant - Arsenic Removal Plant - Replace filter media to multi-media pressure filters	Procurement	New filter media acquired and will be installed beginning 30 September.
Racecourse Irrigation Booster Pump Station and Centrifugal Pump	Procurement	New pumps ordered and there is a reasonable lead time on delivery, once the pumps arrive, they will be installed.
Hydrants Renewal Program	Construction	Work is underway in conjunction with the hydrant maintenance program.
Program: 12 Wastewater		
2019/20 Mareeba Sewer CCTV & Relining Program	Construction	House connection branches in the Kenneally Estate area substantially complete. Remaining works to be delivered as part of 2020/21 relining program.
2019/20 Manhole Rehabilitation and Replacement Program	Construction	Works will progressively be done until the project is completed.
Minor Sewerage Station H2S Protection	Construction	Works underway with a pre-start meeting held on 11/09/2020, all going well works will be completed by December 2020.
Telemetry/SCADA Upgrades	Procurement	Orders issued to SCADA engineering so works can begin working in conjunction with other telemetry projects for this financial year.
2 x New standby generators for 2 priority pump stations	Construction	Tenders received, generators acquired and delivered to the water reticulation depot. Site preparations are underway. The generators will be installed as soon as practically possible.
20/21 Mareeba Sewer CCTV & Relining Program	Procurement	A regional tender was called through FNQROC and awarded to Relining Solutions. Pre-start meeting scheduled for 12 August. At this meeting, Councils decided on a delivery program with Mareeba's component to begin early 2021.
20/21 Manhole Rehabilitation and Replacement Program	Construction	Works currently underway with program of works scheduled to go through to end of 2020 calendar year, however due to a shortage of supplies this now looks to be completed in the first half of 2021.
Kuranda Wastewater Treatment Plant - Effluent chemical dosing storage structure	Construction	Contractor engaged and will commence works as soon as practically possible.

Infrastructure Services Capital Works Summary Report - September 2020

Project Description	Project Stage	Progress comment
Kuranda Wastewater Treatment Plant - Replace Clarifier Bridge Drive	Procurement	Some components have arrived at site with the remaining components yet to be procured before works can begin.
Kuranda Wastewater Treatment Plant - Replace Bioreactor Aeration Diffusers	Procurement	The new diffusers have been ordered, once they arrive, they will be fitted.
Kuranda Wastewater Treatment Plant - Replace SMBS Dosing Pumps	Procurement	Quotes sourced and new pumps are now on order.
Mareeba Wastewater Treatment Plant - Aeration diffusers every 5 years	Planning	Supplier contacted and we are currently waiting on confirmation of availability.
Mareeba Wastewater Treatment Plant - Inline instruments component replacements	Planning	Quotes being sourced from suitable suppliers.
Davit Arm Safety System for Sewer Pump Stations	Completed	Goods received and put into operation and project completed late August 2020.
Renew Mareeba and Kuranda Wastewater Reticulation Pumps	Procurement	Pumps are on order.
SCADA Cybersecurity Upgrade	Procurement	Purchase orders issued for the necessary equipment and once goods and materials arrive physical works will begin.
Program: 13 Waste		
Connect Kuranda Waste Transfer Station to Ergon	Construction	Electrical connection establishment signed with Ergon, now waiting on Ergon to install a new power pole. We have run the internal site cabling.
Kuranda Waste Transfer Station - Reserve firefighting water tank/bore	Construction	Bore developed and tanks supplied along with new bore pump and controls, waiting on Ergon to connect power so commissioning can occur.
Program: 15 Fleet		
GPS Vehicle Management System	Planning	Alternative delivery proposal under development.
Replace Unit 625 Mitsubishi Truck	Procurement	Procurement of Truck Body underway.
Replace Unit 620 Mitsubishi Dual Cab Tipper	Procurement	Procurement of Truck Body underway.
Repaint Unit 632 Mitsubishi Single cab fitted with 3 way tipping body to extend useful life	Completed	Completed August 2020.
Replace Isuzu Prime Mover Unit 681	Procurement	Tenders to be considered by Council at its 14 October 2020 Meeting.
New Four post vehicle hoist	Planning	Procurement underway.
Replace Unit 6 Komatsu Grader	Procurement	Tenders to be considered by Council at its 14 October 2020 Meeting.
Replace Unit 5432 Sewerage Jet Rodder trailer with a hydro vac truck	Planning	Procurement scope to be presented to EMT for consideration. To be completed October 2020.
Program: 16 Depots and Council Offices		
Replace Parks & Gardens Depot Shed, Mareeba	Completed	Project completed August 2020.
Rankin Street Office - Upgrade lighting	Planning	Procurement to be commenced, works targeted for completion prior to end of calendar year.
Kuranda Depot - Install hardstand and improve drainage	Planning	Inception Meeting to be completed.
Rankin Street Office - Minor refurbishments	Design	Scope and specifications being finalised.
Program: 17 Community Buildings		
Cedric Davies Community Hub	Design	Bowls Club has reached practical completion and is available for use. Architectural design of Library/Community hub ongoing, delays by consultant in finalising air conditioning design.
Mareeba Swimming Pool Heater	Construction	Minor works to close out project required.
Koah Tennis Court - Remove/replace the unstable timber light poles	To be decided	Application by Koah Community Group to build a large undercover facility has been received. This application will need to be addressed prior to installing lighting.
Toilet Facility Refurbishments	Planning	Planning ongoing.
Mareeba, Dimbulah and Kuranda Aquatic Facilities - Remote monitoring upgrade for all swimming pools	Procurement	Contractors engaged; some delay due to COVID as contractors are located interstate.
Mareeba Leagues Club roof repairs	Planning	Tenders received, however due to excessive costings, project will be rescope and retendered.
Kuranda Community Precinct replace old iron louvres & replace gutters and roofing	Planning	Quotes for louvres received, contractors to be engaged. Roof quotation received, clarifications underway, expect award by mid October. Remainder of works to be quoted in line with roof.

Infrastructure Services Capital Works Summary Report - September 2020

Project Description	Project Stage	Progress comment
Remove Mareeba Swimming Pool Heating and repair damage to gymnasium hall roof	Planning	Will be undertaken during summer 2020/21.
Irvinebank Public Amenities Refurbishment	Planning	Quotations to be sought, end of October with target completion by end of December 2020.
Cedric Davies Community Hub - air conditioner	Design	Architect has reported delays in delivery of air-conditioning design due to COVID. Officers will seek to progress as soon as possible.
Program: 18 Non-Infrastructure Items		
Mareeba Cemetery Beam	Not Commenced	Lawn beam complete. Headstone on beam will be constructed late September.
Kuranda New Cemetery	Planning	Consultation report to be reviewed by Council at 7 October 2020 workshop, with report to Council on 14 October 2020.
Program: 20 KIAC		
KIAC - Therwine Street Redevelopment Stage 2	Construction	Defect warranty period discussions ongoing.
KIAC - Barron Falls Walking Track Phase 2	Construction	Works ongoing, progression into National Parks section has occurred. Target completion prior to December 2020.
KIAC - New Wayfinding Signage	Construction	Signage samples received, fabrication to be progressed.
KIAC - Jum Rum Creek Walking Track Rehabilitation	Procurement	Contract awarded, contractor to commence in October 2020.
KIAC - Jungle Walking Track Rehabilitation	Procurement	Contract awarded, contractor to commence in October 2020.
Program: 23 W4Q3 - Works for Queensland 3		
W4Q3 Lerra Street Kerb & Drain Improvements	Design	Draft plans & quantities prepared. Construction to be programmed.
W4Q3 Footpath Renewal All localities	Not Applicable	Design currently developing a typical cross-section that will be used to invite contractors to quote on footpath renewal works.
W4Q3 East Mareeba CBD Byrnes Street Trees Project	Completed	Project completed August 2020 and closed out September 2020.
W4Q3 Mareeba Pound Upgrade Pound/Facility	Design	Tender to be released 10 October 2020.
W4Q3 Rankin Street Office Replace Air-conditioner	Construction	Project completed September 2020.
Program: 24 W4Q4 - Works for Queensland 4		
W4Q4 Bicentennial Lakes Solar Lighting	Not Commenced	To be programmed
W4Q4 Dimbulah Hall replace linoleum flooring	Planning	Planning underway
W4Q4 Riverside Caravan Park refurbish shower amenity block	Planning	Preliminary inspection completed. Consideration to repairs/reinforcement of structural supports required.
W4Q4 Dimbulah Caravan Park refurbish dongas and front office facilities	Planning	Facilities team have met with Lessee to discuss project.
W4Q4 Mareeba Heritage Centre sand and paint timber floors of main centre building including café	Planning	Quotation clarifications underway, timing of works under negotiation to limit impact to centre.
W4Q4 Dimbulah Swimming Pool refurbish kiosk	Planning	Met with Lessee to discuss project.
W4Q4 Refurbish Kuranda Recreation Centre Hunter Park	Not Commenced	Will commence on completion of current Recreation Centre works.
W4Q4 Dimbulah Hall and Shire Hall Park electrical capacity upgrade	Not Commenced	To be programmed.
W4Q4 Mt Molloy Community Hall Refurbishments	Not Commenced	To be programmed.
W4Q4 Arnold Park Toilet Upgrade	Planning	Design options under review include masonry block construction and modular/pre-fabricated construction.
W4Q4 Cedric Davies Community Hub - Library project	Procurement	Tenders under consideration.
W4Q4 Rankin Street Public Disability Toilet	Design	Concept plan completed; detailed designs underway.
W4Q4 Solar Projects: Dimbulah Swimming Pool; Mareeba Swimming Pool; Kuranda Aquatic Centre; Mareeba Water Treatment Plant; Kuranda Water Treatment Plant; Community Hub; Centenary Booster Pump; Mareeba Water Treatment Plant Booster Pump; Mareeba Wastewater Treatment Plant	Procurement	Tender to be released October 2020.

9.2 PARKS AND OPEN SPACE STRATEGY - COMMUNITY ENGAGEMENT

Date Prepared: 5 November 2020
Author: Senior Environmental Officer
Attachments: Nil

EXECUTIVE SUMMARY

As part of its 2021/21 Operational Plan, Council is developing a Parks and Open Space Strategy with a view to providing quality public spaces and facilities, to encourage active communities and to improve the visual appeal and liveability within the Shire.

The purpose of this report is to provide an update on progress and to commence initial community engagement to develop the Strategy.

RECOMMENDATION

That Council:

1. Receives this report; and
2. Commences community engagement via a survey to guide the development of the Parks and Open Space Strategy.

BACKGROUND

As part of its 2021/21 Operational Plan, Council is developing a Parks and Open Space Strategy to provide quality public spaces and facilities to encourage active communities and to improve the visual appeal and liveability within the Shire.

Community engagement is to be undertaken with the view to understanding any community aspirations early in the Strategy development stage. The purpose of the survey is to gather data about parks and open space users within the Shire, where they visit and what elements are important to them. Survey responses will provide high-level information that will inform the Strategy development. This information will also assist in prioritising proposed actions and projects that will be developed as part of the Strategy.

It is proposed to use the Survey Monkey tool to invite and analyse responses. The online tool will be complemented by media communication and through hardcopies of the questionnaire being available for the community at Council libraries and customer service centres.

As the Strategy is further progressed, concise and visually appealing documents will be produced to undertake further public engagement prior to finalisation of the Strategy.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The community engagement is being undertaken in accordance with Council's Community Engagement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Funding has been allocated in the 2020/21 capital budget to develop the Strategy.

Is the expenditure noted above included in the current budget?

Yes.

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.

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

Communication about the survey and its implementation will be undertaken with Council's Corporate Communications Officer. The survey will be open for approximately two (2) months.

9.3 CAPITAL PROJECT PRIORITISATION AND DECISION MAKING 2021/22

Date Prepared: 16 October 2020

Author: Strategic Project Officer

Attachments: 1. Project Prioritisation Criteria [↓](#)

EXECUTIVE SUMMARY

The Project Prioritisation Tool (PPT) criteria and risk assessment methodology for prioritising infrastructure projects have been reviewed. This report provides the methodology and criteria for Council's consideration as part of the 2021/22 Capital Works Program development.

RECOMMENDATION

That Council adopts the Project Prioritisation Tool (PPT) criteria and risk assessment methodology for prioritising capital works projects for the 2021/22 capital works program.

BACKGROUND

Council generates approximately \$31.7M in net rates and utility charges and owns approximately \$505M (written down value) of assets that are managed to deliver services to the community. Council also receives other funding including grants which brings the total operating revenue to approximately \$47 million.

Like most local government authorities, Council has limited funds available for capital works projects. Capital works projects can be proposed by Councillors, Council staff, and community members. To address the issue of limited funding and to ensure fair and equitable consideration of project proposals for the whole community, Council assesses each project and assigns a priority score. The benefits of the project are assessed using a multicriteria analysis, and a risk assessment is also completed to assess the impacts of not completing each project. The multicriteria analysis and weightings are specific to each asset class (Attachment 1) and the risk assessment is completed using Council's Enterprise Risk Management Framework.

No changes are proposed to the methodology or criteria are proposed for 2021/22 compared with last year.

Asset Management Principles for Capital Investment Decision Making*Why does Council invest in assets?*

Local governments invest in assets to provide services to their communities. Asset investment can be used to sustain services (capital renewal including rehabilitation and replacement) or to improve services (capital upgrade or expansion).

Capital renewal projects may reduce future operating and maintenance expenditure and do not add depreciation expense. Decisions to invest in capital upgrades or expansion to improve service levels permanently adds depreciation, operating and maintenance costs because it increases the asset base.

Grant Applications Project Prioritisation

It is proposed that when capital investment decisions for grant programs are made, the Project Prioritisation Tool and the 2021/22 Capital Works Program methodology are considered.

Project Prioritisation Tool - MSC Methodology for Prioritising Capital Projects*Multi-criteria Analysis*

Each criterion is prepared with a five (5)-point rating system that is weighted at Council's discretion to achieve a priority or appraisal score which is used to rank the projects within the program.

The percentage weightings can be varied to reflect the relative importance between each criterion. Regardless of the significance one or more criteria may have against another, the total percentages must equal 100%. For example, Council may decide safety is of utmost importance and give it 30% weighting with the balance being allocated (in proportionate amounts) across the remaining criteria. Regardless of the weighting allocation, the highest PPT appraisal score is five (5).

Each year, Council officers review the criteria used to evaluate projects and where appropriate recommend improvements for Council's consideration. This year it is recommended to continue to focus on objective criteria where possible and include condition data from our expanded asset condition inspection programs. There are no changes proposed to project appraisal criteria for 2021/22 compared with the criteria used in 2020/21.

Risk Rating Development

In addition to the PPT appraisal score, a basic risk rating of the current situation to the Council and the community is also provided for each project. Officers ask the question, "What would happen if the project does not proceed?" The risk rating is calculated using Council's Enterprise Risk Management process, with the inherent risk score provided in the Capital Works Planning sheets for Councillor's review. This provides Council with a clear indicator of the risks that are mitigated by funding projects and the risks that are accepted.

Capital Works Planning

Projects are ranked according to the PPT appraisal score and presented to Council with both a PPT appraisal score and a risk rating as outlined in the table below. Projects are identified as discretionary or non-discretionary and grouped accordingly. Non-discretionary projects are typically those which are required to sustain services or external funding is already approved.

Table 1 Template Capital Project Proposal Appraisal Summary

Rank	Description	Estimate			PPT Appraisal Score	Risk	External Funding	Developer Cont~ns	MSC \$	Comments
		Renewal	Upgrade/ Expansion	Total						

NON DISCRETIONARY (Required to sustain services or external funding is already approved)

1										
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DISCRETIONARY

2										
3										
4										

References

- The International Infrastructure Management Manual (IIMM 2011)
- Institute of Public Works Engineers Australia National Asset Management System (NAMS Plus3)
- AS NZS ISO 31000:2009 Risk Management Standard
- Local Government Asset Investment Guidelines 2006, Local Government Victoria
- Lower Order Road Design Guidelines, Institute of Public Works Engineering QLD 2016
- FNQROC Regional Development Manual

RISK IMPLICATIONS**Financial**

The PPT will inform Capital Works proposals for 2021/22.

Environmental

Environmental risk implications associated with capital projects are considered within the risk management component of project prioritisation.

Infrastructure and Assets

The PPT sets the criteria for assessing and prioritising replacement and upgrading infrastructure and assets. In addition to the appraisal criteria, infrastructure and asset risk implications associated with capital projects are also considered within the risk management component of project prioritisation.

Political and Reputational

Political and reputational risk implications associated with capital projects are considered within the risk management component of project prioritisation.

Legal and Compliance

Legal and compliance risk implications associated with capital projects are considered within the risk management component of project prioritisation.

Health and Safety

Health and safety risk implications associated with capital projects are considered within the risk management component of project prioritisation.

Service Delivery and IT

Service delivery and IT risk implications associated with capital projects are considered within the risk management component of project prioritisation.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Legal compliance and policy risk implications associated with capital projects are considered within the risk management component of project prioritisation.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital******Is the expenditure noted above included in the current budget?***

The PPT Criteria will provide the framework for Council officers to assess and prioritise projects for Council review.

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

The criteria will be used when prioritising Capital Works Program Proposals for 2021/22.

Roads Criteria

Criteria	Rating/Interpretation			Weighting
Condition	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required.	20%
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.	
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Approximately 40 - 60% of useful life consumed.	
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe	Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.	
	Number and severity of crashes or proactive treatment.			15%
Safety	1	Very Low	Low risk	
	2	Low	Proactive	
	3	Medium	1 casualty crash in the last 5 years	
	4	High	2 casualty crashes in the last 5 years	
	5	Very High	Black Spot Eligible Project. Min 3 casualty crashes for intersections and <3km road lengths. 0.2 casualty crashes per km per year for > 3km proposals.	
Traffic (Annual Average Daily Traffic)	1	< 10	15%	
	2	10 to 50		
	3	51 to 150		
	4	151 to 300		
	5	> 300		
Heavy Vehicle %	1	0-5%	15%	
	2	5%-15%		
	3	15%-25%		
	4	25%-35%		
	5	>35%		
Whole of Life Cost Impact	Renew our existing assets before improving service levels to reduce WOLC impact on annual budget.			20%
	1	Expansion of road network (new road and/or upgrading from gravel to bitumen).		
	2	Upgrade or widening to improve service level to road users and/or adjacent properties.		
	3	Rehabilitation and proactive upgrade to protect existing road pavement where deterioration is commencing (eg bitumen edge dropoff).		
	4	Rehabilitation and upgrade to protect existing road pavement where significant deterioration has occurred and is impacting on safety (eg eroding and narrowing of pavement).		
	5	100% renewal of existing road (rehabilitation).		
Criticality	Road hierarchy to demonstrate how critical the road is to the community (using the Lower Order Road Design Guidelines to further define Rural Secondary Access criticality).			15%
	1	Rural Secondary Access (Local Access)		
	2	Rural Secondary Access (Minor Road) or Urban Access		
	3	Primary Access or Industrial Access		
	4	Collector		
	5	Arterial		
				100%

Bridges Criteria

Criteria	Rating/Interpretation		Weighting
Condition	Ability to perform its primary function recognised by a condition index.		45%
	1	Very Good All components free of defects and structure well maintained. Only planned maintenance required. Approximately 0 - 20% of useful life consumed.	
	2	Good Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.	
	3	Fair Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Approximately 40 - 60% of useful life consumed.	
	4	Poor Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.	
Heavy Vehicle Usage	1	0-5%	15%
	2	5%-15%	
	3	15%-25%	
	4	25%-35%	
	5	>35%	
Average Annual Daily Traffic Count (AADT)	Number of vehicles per day		10%
	1	< 10	
	2	10 to 50	
	3	51 to 150	
	4	151 to 300	
	5	> 300	
Detour Distance	Urban		20%
	1	Very Low Detour >0km & <1km	
	2	Low Detour >1km & <5km	
	3	Medium Detour >5km & <10km	
	4	High Detour >10km	
	5	Very High No alternate access	
	Rural		
	1	Detour >0km & 5km	
	2	Detour >5km & <15km	
	3	Detour >15km & <30km	
	4	Detour >30km & <50km	
	5	Detour over 50km or no alternative	
Height of Bridge	1	Under 1 metre	10%
	2	1 - 2 metres	
	3	2.1 - 3 metres	
	4	3.1 - 4 metres	
	5	over 4 metres	
			100%

Drainage Criteria

Criteria	Rating/Interpretation			Weighting
Properties Affected	Score		Properties affected	25%
	1	Very Low	0 - 2	
	2	Low	3 - 5	
	3	Medium	6 - 10	
	4	High	11 - 15	
	5	Very High	> 15	
Risk to Council or other public assets	What would happen to other public assets the drain is protecting if the project doesn't proceed? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009			25%
	1	Low Risk. Manage by routine procedures		
	2	Medium Risk. Planned action required (ie. Make safe and include in forward programs)		
	3	High Risk. Prioritised action required (ie. Make safe and program in current/next program).		
	4	Very High Risk. Immediate Corrective Action required.		
Condition	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required. Approximately 0 - 20% of useful life consumed.	25%
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.	
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Approximately 40 - 60% of useful life consumed.	
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe	Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.	
Functionality	1	Very Good	No soil erosion and/or water draining freely.	25%
	2	Good	Minor soil erosion and/or mild water ponding, water drains in a reasonable timeframe.	
	3	Fair	Moderate erosion and/or some periods of water detention.	
	4	Poor	Significant soil erosion and/or long periods of water detention. Structural damage on other assets expected in the medium term.	
	5	Very Poor	Significant soil erosion with imminent structural damage impact on other assets and/or very long periods of water detention.	
				100%

Traffic Facilities Criteria

Criteria	Rating/Interpretation		Weighting	
Safety	Risk level from Road Safety Review, Number and severity of reported incidents, road geometry issues.		30%	
	1	Very Low		
	2	Low		
	3	Medium		
	4	High		
Traffic (Annual Average Daily Traffic)	5	Very High	25%	
	1	< 10		
	2	10 to 50		
	3	51 to 150		
	4	151 to 300		
Community Concern	5	> 300	15%	
	Number of Customer Requests received.			
	1	Very Low		1 resident or customer request.
	2	Low		>1 to <3 residents writing or customer requests
	3	Medium		>3 to <10
Cost Effectiveness	4	High	>10 to <20	
	5	Very High	>20 residents or petition.	
	Takes account of population served and the benefits by proceeding with the project.		15%	
	1	Very Low		
	2	Low		
3	Medium			
4	High			
Strategic Significance	5	Very High	15%	
	Strategic Significance to Council.			
	1	Supplementary		Does not provide a public focus for Council, and is not a key area for Council activities.
	2	Secondary		Does not provide a public focus for the Council.
	3	Standard		Provides a regular focus for the Council.
	4	Intermediate	Provides an important public focus for the Council.	
	5	Premium	Provides a key public focus for the Council, and is a defining icon of Council service.	
				100%

Parking Criteria

Criteria	Rating/Interpretation			Weighting
Access Improvement	Will improve accessibility to Council facilities, schools, tourism attractions, business centres and public amenities.			40%
	1	Very Low	Alternative parking available with no impact on adjacent properties.	
	2	Low		
	3	Medium	Alternative parking available with some impact on adjacent properties.	
	4	High		
	5	Very High	No alternative parking available with high impact on surrounding properties.	
Safety Improvement	Safety improvement for pedestrians.			30%
	1	No improvement.		
	2			
	3	Moderate improvement. Protected on street car parking.		
	4			
	5	Major improvement to safety. Off street carpark separated from traffic flows.		
Strategic Significance	Strategic Significance to Council.			30%
	1	Supplementary	Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary	Does not provide a public focus for the Council.	
	3	Standard	Provides a regular focus for the Council.	
	4	Intermediate	Provides an important public focus for the Council.	
	5	Premium	Provides a key public focus for the Council, and is a defining icon of Council service.	
				100%

Footpaths Criteria

Criteria	Rating/Interpretation			Weighting
Condition	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required. Trip hazards <5mm. Approximately 0 - 20% of useful life consumed.	30%
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Trip hazards 5mm-10mm. Approximately 20 - 40% of useful life consumed.	
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Trip hazards 10mm-15mm. Approximately 40 - 60% of useful life consumed.	
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Trip hazards 15mm-20mm. Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe	Unserviceable. Trip hazards >20mm. Requires urgent attention. 80 - 100% of useful life consumed.	
Connectivity	Will improve connectivity by providing a direct link to community services, businesses and public amenities. Enhances the network by filling an existing gap/missing link.			30%
	1	Very Low	No connectivity (standalone pathway).	
	2	Low	Access to local park.	
	3	Medium	Access between residential areas.	
	4	High	Access from residential areas to health services, schools, shops, major parks and Council facilities.	
	5	Very High	Access between health services, schools, shops, major parks and Council facilities.	
	Renew our existing assets before improving service levels to reduce WOLC impact on annual budget.			30%
	1	Expansion of footpath network (new footpath).		
	2			
	3	Concreting of existing Council maintained gravel pathway.		
4				
Strategic Significance	5	100% renewal of existing footpath (rehabilitation).		
	1	Supplementary	Does not provide a public focus for Council, and is not a key area for Council activities.	10%
	2	Secondary	Does not provide a public focus for the Council.	
	3	Standard	Provides a regular focus for the Council.	
	4	Intermediate	Provides an important public focus for the Council.	
5	Premium	Provides a key public focus for the Council, and is a defining icon of Council service.		
				100%

Parks Criteria

Criteria	Rating/Interpretation	Weighting
Environmental and/or Public Health Impact	Projects will contribute to the natural and built environment and improve public health outcomes.	10%
	1 Very Low Contribution/Improvement	
	2 Low Impact Contribution/Improvement	
	3 Medium Impact Contribution/Improvement	
	4 High Impact Contribution/Improvement	
	5 Very High Impact Contribution/Improvement	
Utilisation	Utilisation of Recreation facility.	25%
	1 Very Low	
	2 Low	
	3 Medium	
	4 High	
	5 Very High	
Maintenance	Annual maintenance cost reduction by proceeding with the project.	25%
	1 No Impact \$0	
	2 Low Impact \$0 & < \$1,000	
	3 Minor Impact \$1,000 & < \$2,500	
	4 Moderate Impact \$2,500 & < \$5,000	
	5 Major Impact \$5,000	
Condition	Condition	25%
	1 Very Good Approximately 0 - 20% of useful life consumed.	
	2 Good Approximately 20 - 40% of useful life consumed.	
	3 Fair Approximately 40 - 60% of useful life consumed.	
	4 Poor Approximately 60 - 80% of useful life consumed.	
	5 Very Poor/Unsafe 80 - 100% of useful life consumed.	
Strategic Significance	Strategic Significance of Park to the Council.	15%
	1 Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2 Secondary Does not provide a public focus for the Council.	
	3 Standard Provides a regular focus for the Council.	
	4 Intermediate Provides an important public focus for the Council.	
	5 Premium Provides a key public focus for the Council, and is a defining icon of Council service.	
		100%

Facilities Criteria

Criteria	Rating/Interpretation		Weighting
Environmental and/or Public Health Impact	Projects will contribute to the natural and built environment and improve public health outcomes.		10%
	1	Very Low Contribution/Improvement	
	2	Low Impact Contribution/Improvement	
	3	Medium Impact Contribution/Improvement	
	4	High Impact Contribution/Improvement	
	5	Very High Impact Contribution/Improvement	
Utilisation	Assessing the use of the facility. (Average People/Year)		15%
	1	Very Low	
	2	Low	
	3	Medium	
	4	High	
	5	Very High	
Whole of Life Cost	Renew our existing assets before improving service levies to reduce WOLC impact on our annual budget.		30%
	1	Expansion of Facilities portfolio - new facility	
	2	Upgrade or expansion of a facility to improve service level to the community.	
	3	Renewal and proactive upgrade to protect existing facility where deterioration is commencing.	
	4	Renewal and upgrade to protect existing facility where significant deterioration has occurred and is impacting on safety.	
	5	100% renewal of existing facility	
Functionality and Condition	Ability to perform its primary function		30%
	1	Very Good	
	2	Good	
	3	Fair	
	4	Poor	
	5	Very Poor/Unsafe	
Strategic Significance	Condition		15%
	1	Approximately 0 - 20% of useful life consumed.	
	2	Approximately 20 - 40% of useful life consumed.	
	3	Approximately 40 - 60% of useful life consumed.	
	4	Approximately 60 - 80% of useful life consumed.	
	5	80 - 100% of useful life consumed.	
Strategic Significance	Strategic Significance of building to the Council.		15%
	1	Supplementary	
	2	Secondary	
	3	Standard	
	4	Intermediate	
	5	Premium	
			100%

Community Housing Criteria

Criteria	Rating/Interpretation		Weighting
Environmental Impact	Projects will contribute to the natural and built environment, consider sustainable principle and energy efficiencies taking into consideration greenhouse gas emissions, water management, waste management and biodiversity.		10%
	1	High Negative	
	2	Low Negative Impact	
	3	Neutral Impact	
	4	Low Positive Impact	
	5	High Positive Impact	
Health, Wellbeing and Safety	Projects will benefit the health, wellbeing and safety of community housing residents.		20%
	1	No Benefit	
	2	Slight Benefit	
	3	Minor Benefit	
	4	Moderate Benefit	
	5	Major Benefit	
Maintenance	Annual maintenance cost reduction by proceeding with the project.		20%
	1	No Reduction	
	2	Slight Reduction	
	3	Minor Reduction	
	4	Moderate Reduction	
	5	Major Reduction	
Functionality and Condition	Ability to perform its primary function		30%
	1	Very Good (S5)	
	2	Good (S4)	
	3	Fair (S3)	
	4	Poor (S2)	
	5	Very Poor/Unsafe (S1)	
Strategic Significance	Condition		20%
	1	Approximately 0 - 20% of useful life consumed.	
	2	Approximately 20 - 40% of useful life consumed.	
	3	Approximately 40 - 60% of useful life consumed.	
	4	Approximately 60 - 80% of useful life consumed.	
	5	80 - 100% of useful life consumed.	
Strategic Significance	Strategic Significance of building to the Council. Add 1 point if project/building is		20%
	1	Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary Does not provide a public focus for the Council.	
	3	Standard Provides a regular focus for the Council.	
	4	Intermediate Provides an important public focus for the Council.	
	5	Premium Provides a key public focus for the Council, and is a defining icon of Council service.	
			100%

Aerodromes Criteria

Criteria	Rating/Interpretation		Weighting
Utilisation	Assessing the use of the facility. (Bookings/Year)		25%
	1	Very Low <500	
	2	Low >500 & <1,000	
	3	Medium >1,000 & <2,000	
	4	High >2,000 & <3,000	
Maintenance	Annual maintenance cost reduction by proceeding with the project.		25%
	1	No Impact \$0	
	2	Low Impact >0 & < \$1,000	
	3	Minor Impact >\$1,000 & < \$2,500	
	4	Moderate Impact >\$2,500 & < \$5,000	
Functionality and Condition or Demand (if this is a new asset)	<div>Functionality</div> <div>Condition</div>		25%
	1	Very Good 1 Approximately 0 - 20% of useful life consumed.	
	2	Good 2 Approximately 20 - 40% of useful life consumed.	
	3	Fair 3 Approximately 40 - 60% of useful life consumed.	
	4	Poor 4 Approximately 60 - 80% of useful life consumed.	
Strategic Significance	Strategic Significance of building to the Council. Add 1 point if project is mentioned in		25%
	1	Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary Does not provide a public focus for the Council.	
	3	Standard Provides a regular focus for the Council.	
	4	Intermediate Provides an important public focus for the Council.	
	5	Premium Provides a key public focus for the Council, and is a defining icon of Council service.	100%

Water Criteria

Criteria	Rating/Interpretation		Weighting	
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.		25%	
	1 Low Risk	Manage by routine procedures		
	2 Medium Risk	Planned action required (ie. Make safe and include in forward programs)		
	3 High Risk	Prioritised action required (ie. Make safe and program in current/next program)		
	4 Very High Risk	Immediate Corrective Action required.		
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset		25%	
	1 Very Good	Excellent physical condition. Observable deterioration is insignificant. No adverse service reports.		1 Very good ability to service the need.
	2 Good	Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.		2 Good ability to service the need.
	3 Fair	Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.		3 Fair ability to service the need.
	4 Poor	Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.		4 Poor ability to service the need.
	5 Very Poor/ Unsafe	Failed or failure imminent. Immediate need to replace most or all of asset.		5 Very poor ability to service the need.
	This gives priority to renew water mains, pumps and reservoirs that would have the greatest impact on the community if they fail.			
	1 Insignificant Impact	<=100mm supply main or booster pump primarily for irrigation supply such as a park or garden. No part of a treatment plant is considered insignificant.		50%
	2 Minor Impact	150mm supply main or booster pump for small area (5 or less domestic connections) where supply could be re-routed and service delivery not affected. For a treatment plant, it would be a minor impact if there is a spare or a temporary work-around available.		
	3 Moderate Impact	150mm supply main or booster pump for small area (5 or less domestic connections) where supply cannot be re-routed. For a treatment plant, it would be a moderate impact if it is not a critical control point but there is no spare available. It may cause water restrictions.		
	4 High Impact	Entire reservoir catchment impacted or substantial proportion of CBD impacted. Reservoir, Trunk Main or Major Pump Station. For treatment plants this would include any critical control point asset that would reduce the clear water storage and initiate water restrictions.		
	5 Very High Impact	Entire water scheme impacted or entire CBD impacted. Treatment Plant or CBD Trunk Main or Major Pump Station for CBD. Dialysis Patient or essential service such as but not limited to hospitals, schools, aged care facilities. For treatment plants this would include any critical control point asset that would stop the		
			100%	

Wastewater Criteria

Criteria	Rating/Interpretation		Weight		
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.		25%		
	1 Low Risk	Manage by routine procedures			
	2 Medium Risk	Planned action required (i.e. Make safe and include in forward programs)			
	3 High Risk	Prioritised action required (i.e. Make safe and program in current/next program)			
	4 Very High Risk	Immediate Corrective Action required.			
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset		Capacity to service the need.	25%	
	1 Very Good	Excellent physical condition, Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.		
			2 Good ability to service the need.		
	2 Good	Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3 Fair ability to service the need.		
			4 Poor ability to service the need.		
	3 Fair	Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	5 Very poor ability to service the need.		
	4 Poor	Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.			
	5 Very Poor/ Unsafe	Failed or failure imminent. Immediate need to replace most or all of asset.			
	Criticality	This gives priority to renew sewer mains and pumps that would have the greatest impact on the community if they fail.			50%
		1 Insignificant Impact	No part of the wastewater reticulation network or treatment plant is considered insignificant.		
2 Minor Impact		100mm connection for small area (5 or less domestic connections) where wastewater could temporarily (1 day) be removed by truck. For a treatment plant, it would be a minor impact if there is a spare or a temporary work-around available.			
3 Moderate Impact		100mm connection for small area (more than 5 domestic connections) where wastewater could not temporarily be removed by one truck or more than 1 day. For a treatment plant, it would be a moderate impact if it is not a critical control point and there is no spare available.			
4 High Impact		Entire pump station catchment impacted or substantial proportion of CBD impacted. Trunk Main or Major Pump Station. For treatment plants this would include any critical control point asset that would impact treatment but not initiate a bypass.			
5 Very High Impact		Entire wastewater scheme impacted or entire CBD impacted. Treatment Plant or CBD Trunk Main or Major Pump Station for CBD. Essential service such as but not limited to hospitals, schools, aged care facilities. For treatment plants this would include any critical control point that results in a bypass.			
			100%		

Waste Criteria

Criteria	Rating/Interpretation	Weighting	
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.	20%	
	1 Low Risk Manage by routine procedures		
	2 Medium Risk Planned action required (ie. Make safe and include in forward programs)		
	3 High Risk Prioritised action required (ie. Make safe and program in current/next program)		
	4 Very High Risk Immediate Corrective Action required.		
Utilisation	Assessing the use of the facility, Cubic metres of waste per year.	20%	
	1 Very low <2000t		
	2 Low >2000t but <5000t per year		
	3 Medium >5000t but <20000t per year		
	4 High >20000t but <50000t		
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset	Capacity to service the need.	20%
	1 Very Good Excellent physical condition, Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.	
		2 Good ability to service the need.	
	2 Good Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3 Fair ability to service the need.	
		4 Poor ability to service the need.	
	3 Fair Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	5 Very poor ability to service the need.	
	4 Poor Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.		
	5 Very Poor/ Unsafe Failed or failure imminent. Immediate need to replace most or all of asset.		
Criticality	This gives priority to transfer station and landfill assets that would have the greatest impact on the community if they fail, are inaccessible or service is interrupted.	40%	
	1 Insignificant Impact No interruption or delays to service.		
	2 Minor Impact Failure of critical asset components that interrupts or delays Council providing the service at the site for up to 1 day.		
	3 Moderate Impact Failure of critical asset components that interrupts or delays Council providing the service at the site for less than 1 week.		
	4 High Impact Failure of critical asset components that interrupts or delays Council providing the service at the site for greater than 1 week.		
	5 Very High Impact Very high number of ratepayers using transfer station or trench. Failure of critical asset components that stops Council providing the service at the site.	100%	

Fleet Criteria

Criteria	Rating/Interpretation	Weighting
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.	20%
	1 Low Risk Manage by routine procedures	
	2 Medium Risk Planned action required (i.e., Make safe and include in forward programs)	
	3 High Risk Prioritised action required (i.e., Make safe and program in current/next program)	
	4 Very High Risk Immediate Corrective Action required.	
Age	Age of vehicle compared to industry benchmark age for replacement	10%
	1 1 - 2 years above industry benchmark age for replacement	
	2 3 - 4 years above industry benchmark age for replacement	
	3 5 - 6 years above industry benchmark age for replacement	
	4 7 - 8 years above industry benchmark age for replacement	
	5 More than 8 years above industry benchmark age for replacement	
Condition/ Capacity of other vehicles or machines to service the need.	Condition of the current asset	Capacity of other vehicles or machines to service the need.
	1 Very Good Excellent physical condition. Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.
		2 Good ability to service the need.
	2 Good Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3 Fair ability to service the need.
		4 Poor ability to service the need.
	3 Fair Moderate deterioration evident. Minor components need replacement or repair now but not affecting short term structural integrity.	5 Very poor ability to service the need.
	4 Poor Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.	
	5 Very Poor/Unsafe Failed or failure imminent. Immediate need to replace most or all of asset.	
Criticality	This gives priority to replace vehicles and machinery that are utilised the most and would have the greatest impact on the community if they fail.	50%
	1 Insignificant Impact Low Utilisation. Another vehicle could be substituted. No impact on service delivery.	
	2 Minor Impact Low Utilisation. Another vehicle could be substituted. Low impact on service delivery.	
	3 Moderate Impact Moderate Utilisation. No spares. Some impact on service delivery.	
	4 High Impact High Utilisation. No spares. Rapid impact on service delivery or high cost to hire a replacement.	
	5 Very High Impact Very High Utilisation. No spares. Immediate impact on service delivery or very high cost to hire a replacement.	
		100%

9.4 MAREEBA WATER STRATEGY

Date Prepared: 19 October 2020

Author: Strategic Project Officer

Attachments:

1. Mareeba Water Supply System Options Comparison Report - Confidential
2. Appendix A Optioneering Hydraulic Assessment Report - Confidential
3. Appendix B Kowa Street Option NPC Calculations - Confidential
4. Appendix C Nardellos Option NPC Calculations - Confidential

EXECUTIVE SUMMARY

Mareeba's town water supply was initially constructed in the 1950s, and components of the network and treatment plant are now approaching the end of useful life. This report summarises the strategic water renewal and upgrade options, priorities and funding requirements for the Mareeba town water supply.

RECOMMENDATION

That Council:

1. Adopts the CitiWater Technology recommendation that the future water supply infrastructure will remain at Kowa Street and not at Nardello's Lagoon.
2. Adopts the Kowa Street Sub Option B as the financial model for its redevelopment, however when suitable grant funding opportunities arise bring forward the projects identified in Kowa Street Sub Option C.

BACKGROUND**Mareeba Water Supply System Water Options Analysis Project Description**

CitiWater Technology was engaged as a specialist consultant through funding from the Queensland Government's Maturing the Infrastructure Pipeline Program to assist with planning and designing future upgrades for the water supply infrastructure for Mareeba township. This project included the following overall tasks:

1. Review of previous investigations into system upgrades and known restrictions/ issues;
2. Review of design and condition of Kowa St water treatment plant (WTP) and major system infrastructure;
3. Review of data on water demands, to confirm the most appropriate design basis for current and future water system upgrades;
4. Modelling of reticulation conditions within the Mareeba network;
5. Comparison of the following overall options for system upgrade to determine the preferred approach from two (2) overall options and identify options for each:
 - i. Retain WTP facilities at current Kowa St location, the 'Kowa St WTP' option, with booster stations used to provide pressure to the reticulation system;
 - ii. Move to system of water supply from Nardellos Lagoon site, the 'Nardellos WTP' option, with gravity feed to the reticulation system;

6. Concept design and specification assistance for preferred upgrade task/s.

Nominal and Real Values

This Council report describes the operational and capital expenditure requirements in nominal terms, which means that consumer price index (CPI) inflation is added to the funding required each year. This methodology is used to be consistent with the Long Term Financial Plan. The body of the CitiWater report refers to capital investment costs in 'real' terms, which means that the value does not have CPI added, which enables the reader to understand the cost as if it was purchased today.

Water Supply System Options Comparison Summary

The cost, net present cost (NPC) and risk/benefit comparisons are summarised below.

Cost and NPC comparisons:

- The Nardellos WTP option has the highest total capital cost. The difference is largely due to the cost of the gravity trunk main required to transport the water from the remote site to Mareeba township;
- The Kowa St WTP option has significantly higher annual operating costs. This is due to the much higher power use associated with the raw water pumps, clear water pumps and reticulation booster pumps, compared to the gravity feed potential of the Nardellos WTP option;
- On NPC analysis, the Nardellos WTP options have significantly higher NPC values over all timeframes up to 100 years, although the NPC values for the two options tend to converge over the longer term due to the greater operational costs of the Kowa St option;
- The NPC analysis also showed that the NPC for the Kowa St WTP option would be significantly lower than any other option if power costs were able to be reduced by solar panel development or other innovations.

Risk/benefit comparisons:

Each option has various risks and benefits:

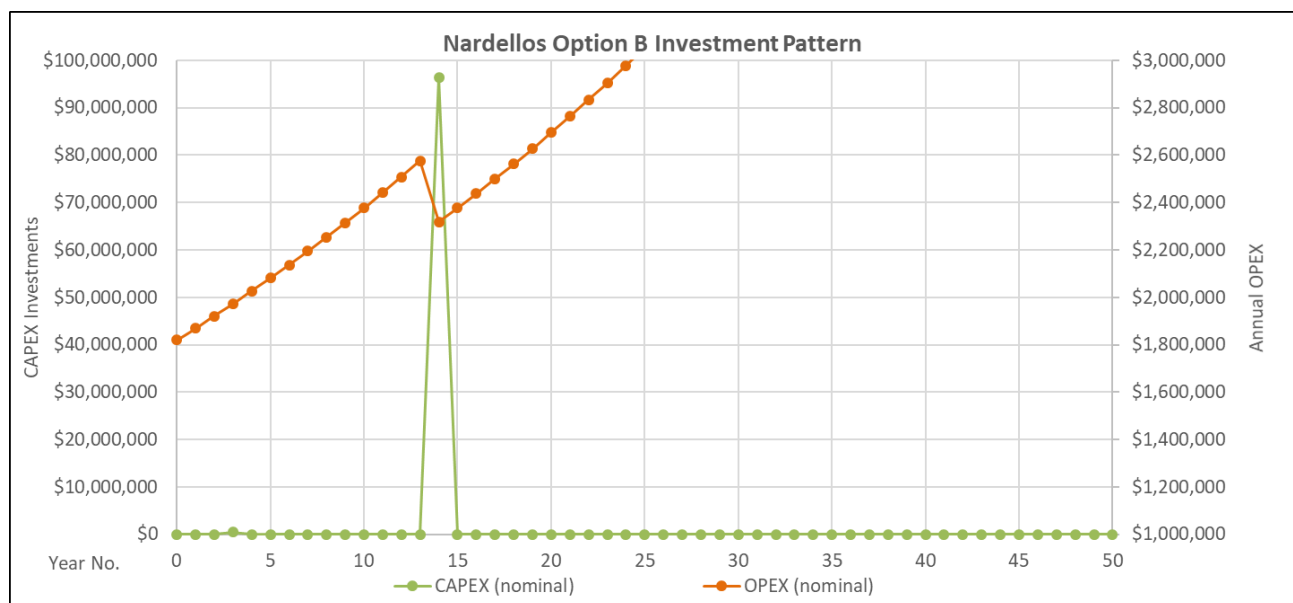
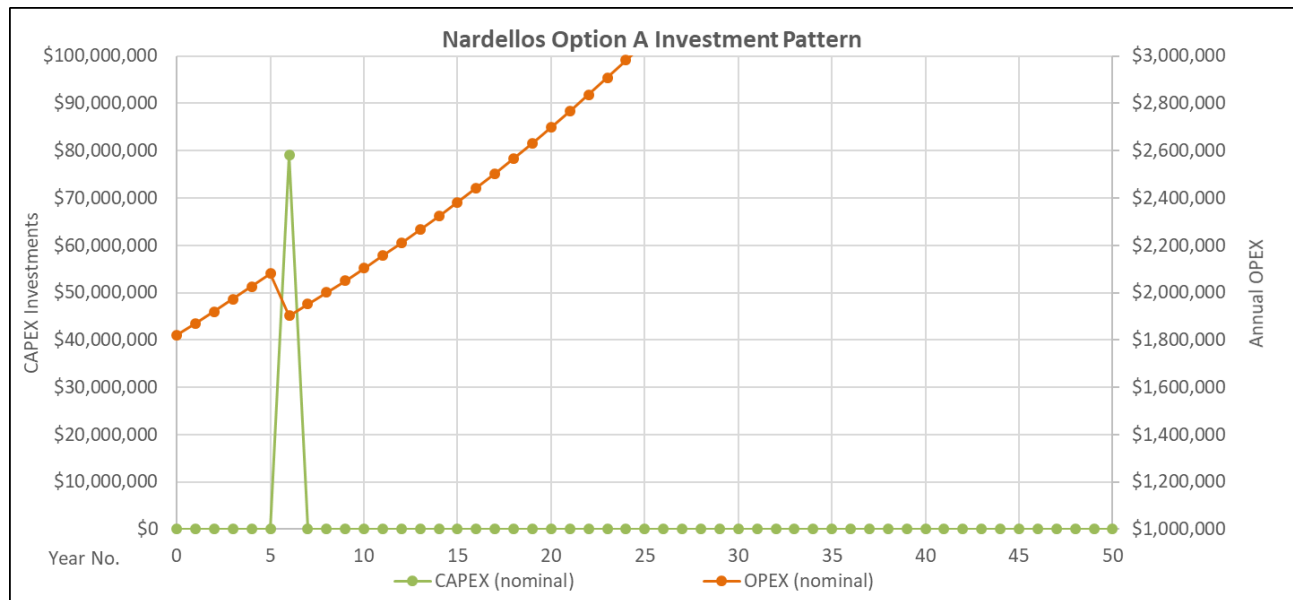
- Risks for the Kowa St WTP option are associated with the brownfield site with limited footprint, pumping costs and the need for generators to maintain water supply on power outage;
- The Nardellos WTP option has significant risks associated with uncertainty about water allocation and Sunwater costs, as well as unknown long-term water quality trends.

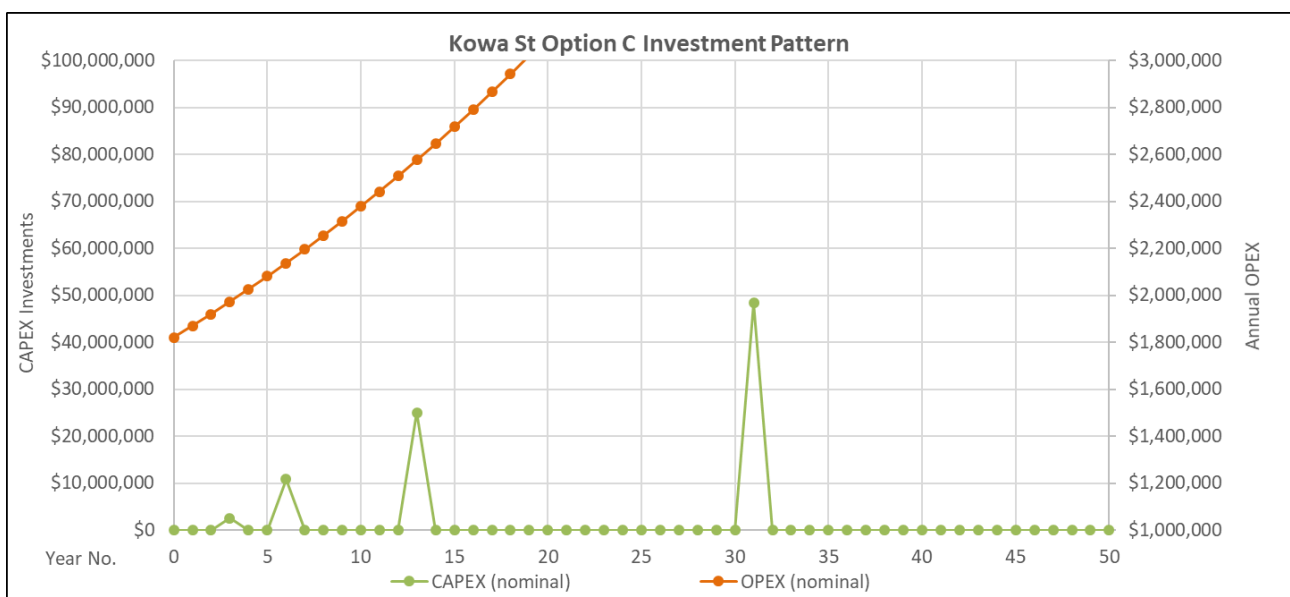
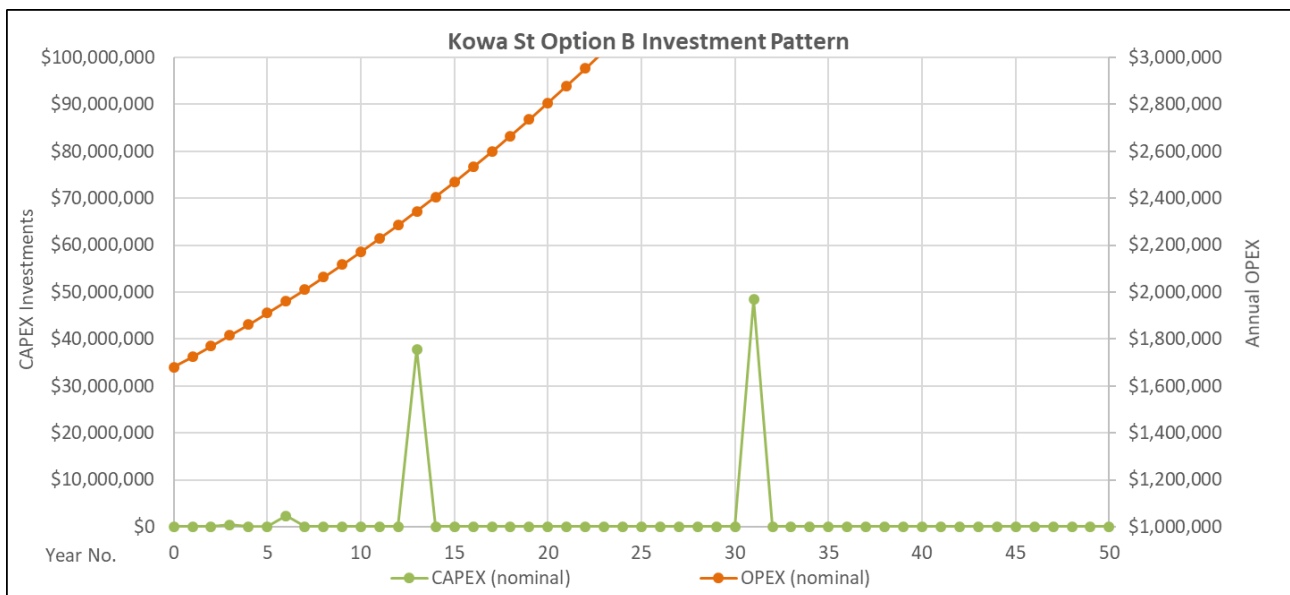
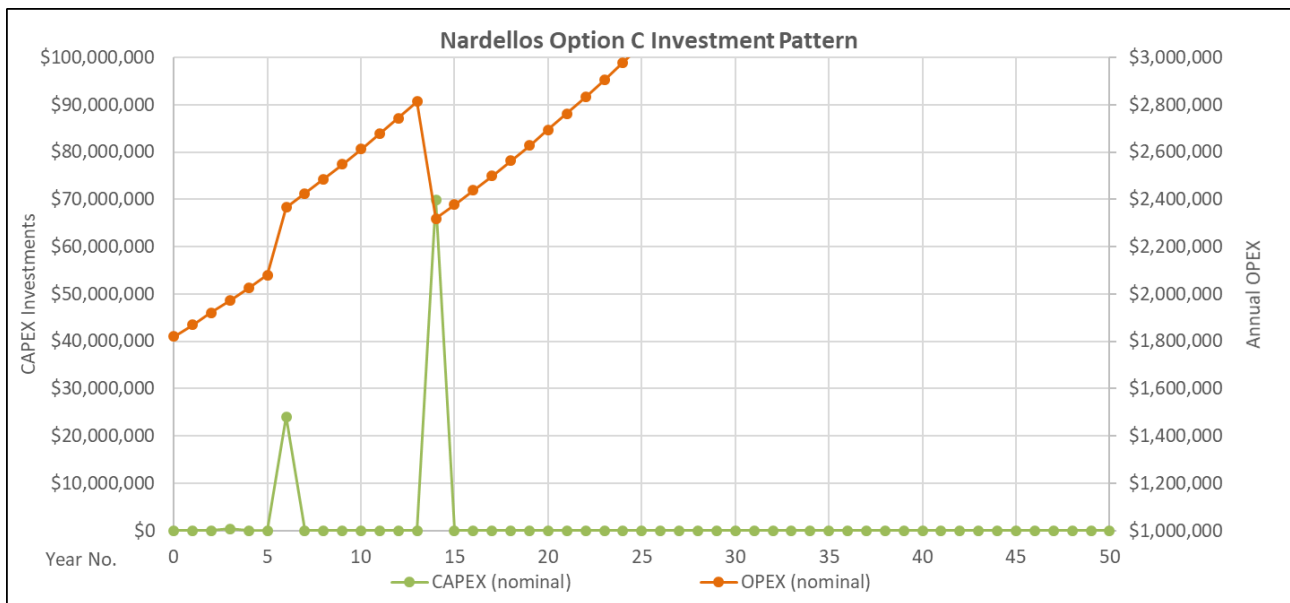
Cashflow and potential investment patterns

In addition to the overall cost and risk comparisons, the ability of Council to fund major upgrades is also a critical factor in deciding which investment strategy to pursue. CitiWater Technology provided investment patterns for each option, which are provided in the following charts. Kowa Street Option A has been disregarded, as the operational costs in this option did not consider the solar panels which are to be installed over the next six (6) to 12 months.

The graphs show that the capital cost required for the Nardellos Lagoon investment pattern would be difficult to achieve, as it would require a single investment of \$79M (nominal) in 2025, or if deferred to 2033, a single investment of \$96M (nominal). In the best case scenario, the project could split the project into two (2) parts, with \$24M (nominal) funding required in 2025 and a further

\$70M (nominal) by 2033. In contrast, the Kowa Street options provide a staged investment approach with a significantly lower overall capital investment cost of \$40M (nominal) required over the next 10 to 15 years and a further investment in the 2050s of \$48M (nominal). For these reasons, the Nardellos options are proposed to be disregarded, and the two (2) Kowa Street Options (B and C) be considered as shortlisted options.





Shortlisted options

The two (2) shortlisted options are Kowa Street Option B and Kowa Street Option C.

Kowa Street Option B

This option requires the lowest capital investment over the next 10 years, with only minor capital expenditure of around \$400,000 (nominal) required in 2022-23 and a further \$2.3M (nominal) investment required by 2025-26 for immediate works to keep the old water plant operational. \$37M (nominal) investment will be required in 2032-33 to complete the major upgrades for the medium term. However, Kowa Street Option B carries a risk that critical process components may fail prior to the current replacement forecast. The water treatment plant will require ongoing careful oversight and condition assessments of the plant to prevent treatment failure by the Water Treatment Team and specialist consultants as Council will be managing the plant in the very last stages of its useful life. This option will also have higher electricity costs from using old and inefficient infrastructure. Whilst Option B is more affordable in the short term, the increased residual risk is higher than Option C.

Kowa Street Option C

This option presents the same capital investment priorities as Kowa Street Option B and brings forward critical treatment components from 2033-34 (Option B) to 2025-26 (Option C). These components are summarised in Table 1 Benefits of fast tracking treatment plant components.

Reliable filtration components in a water treatment plant are essential to ensure a safe drinking water supply to the community. According to the Australian Drinking Water Guidelines, systems are at most risk when a combination of risk factors coincide; for example, heavy rainfall during plant maintenance and repairs, increased demand for water, and inadequate treatment performance, coupled with old facilities. The filtration system at the Mareeba Water Treatment Plant is the last critical control point prior to disinfection; and if it fails the chlorination process cannot adequately disinfect the town water supply. This can be compared to the recent incident at the Mareeba Swimming Pool where the pool was closed early in 2019 due to the filtration system reaching the end of its useful life and failing.

The primary benefit of implementing Kowa Street Option C will be to reduce the likelihood of premature failure of the filtration system prior to replacement and allow Council time and scheduling flexibility to apply for government funding, which could contribute up to half of the capital replacement cost. The secondary benefit will be the operational cost savings of modern components that require less maintenance and are significantly more efficient to operate.

Table 1 Benefits of fast tracking treatment plant components

Project	Benefit
Install new filtration unit and decommission Filters 1 and 2.	Two (2) of the existing filters have high head loss which suggests asbestos underdrain collapse and the media contains manganese and iron coated mudballs. The third filter appears to be in reasonable condition but is has insufficient capacity to reliably operate the plant without redundancy.
Upgrade wastewater supernatant	Being able to recycle supernatant at a faster rate will minimise the volumes released to the river and therefore reduce the potential impact of the river releases on river water quality.

recycle station.	pump	Being able to adjust the recycle flow rate, to minimise the risk that excessive or stop-start supernatant recycle inflows will negatively impact the overall treatment process.
Refurbish lagoon 2		To address leaks and make serviceable when needed for higher sludge production.

CONCLUSION

Kowa Street Option B is recommended as the most affordable option in the short term, noting that the residual risk to Council is higher than Option C. Therefore, Council should also fast-track critical water treatment projects identified in Kowa Street Option C if grant funding opportunities become available.

RISK IMPLICATIONS

Financial

There will be financial implications to consider in future budgets, starting in 2021/22.

Infrastructure and Assets

The Mareeba Water Treatment Plant is approaching end of useful life, and this report addresses how to optimise the treatment plant capital renewals.

Political and Reputational

The recommendations from this report are intended to mitigate the likelihood of water treatment component failure at the lowest possible cost to water customers.

Legal and Compliance

Water supply is heavily regulated with severe penalties for non-compliance. This report addresses how to optimise the treatment plant capital renewals which will ensure continued legislative compliance.

Health and Safety

Waterborne disease outbreaks occur when multiple risk factors coincide, such as heavy rainfall and inadequate treatment. Investing in critical component replacement for the Mareeba Water Treatment Plant is crucial to mitigate against waterborne disease outbreaks.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Mareeba Shire Council is a registered drinking water service provider under the Water Supply (Safety and Reliability) Act 2008. Supplying water that is unsafe to drink is an offence with a maximum penalty of \$750,000, or two-years imprisonment for an executive officer. Protecting treatment assets and optimising critical component renewals is an important step in ensuring continued compliance with legislation.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

This report is for Council to make decisions that will inform capital project prioritisation, the Long Term Asset Management Plan and the Long Term Financial Plan.

Is the expenditure noted above included in the current budget?

Expenditure decisions will be included for consideration in the 2021-22 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.

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

The outcome from this report will be used to inform the 2021/22 Capital Works Program Proposals and inform grant project proposals.

9.5 KURANDA CEMETERY

Date Prepared: 6 November 2020

Author: Manager Technical Services

Attachments: 1. Kuranda Consultation Report [↓](#)
2. 70 Kuranda Heights Road - Concept Arrangement [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on progress towards the ongoing provision of the Kuranda Cemetery development.

RECOMMENDATION

That Council:

1. Notes the Consultation Report received during the Kuranda Cemetery public consultation process; and
2. Endorses the purchase of the property located at 70 Kuranda Heights Road, Kuranda property, in accordance with delegation as provided at Council's Ordinary Meeting of 14 October 2020, Item 8.11; and
3. Submits a Development Application, for the Material Change of Use and Reconfiguration of the property; and
4. Endorses the engagement of a suitably qualified Consultant to assist with the design of the Kuranda Cemetery Layout.

BACKGROUND

Located at 1300 Kennedy Highway, Kuranda, the existing Kuranda Cemetery is sited on 5.3-acre parcel of land, being Lot 354 Plan SP198051 and is held in Reserve for the purposes of Cemetery. Bounded by the railway to the North, Kennedy Highway to the East and rainforest South and West, no further option for expansion exists outside the parcel.

The Kuranda Cemetery has provided a place for the laying to rest of residents, since the early 1900's, with the earliest extant inscription dated 1910. Although its easily accessible location has provided a high level of service to the community, environmental and topographical constraints provide limitations for expansion that will result in the need to find an alternative location in the very near term.

Community Consultation:

Council resolved at its 15 July 2020 Ordinary Meeting that;

"Council seek submissions from the community for consideration at a future Meeting of Council before a final decision is made. Noting that the officer's recommendation to Council is to;

- (a) Endorse the Koah Site as the future Cemetery for the internment of residents of Kuranda and surrounding area; and
- (b) Approve development of the Koah Cemetery Masterplan for consideration at future Council Meeting."

Council sought community feedback regarding four (4) possible locations for a new Kuranda cemetery. A call for written feedback was advertised via an official press release on MSC Website on 16 July 2020 and subsequently in the Express Newspaper and Kuranda Paper during August. The call for written community feedback was also posted on MSC Facebook site on 20 July, 6 Aug and 18 August. Approximately six (6) weeks was allowed for community feedback and the deadline was 31 August. Written feedback was to be sent via email or post to Council.

A summary of the four (4) potential locations was provided, including plot capacity / cost, and the Kuranda Cemetery Council report dated 3 July was also made available to the public. The Koah location was listed as the recommended location.

A detailed analysis of the feedback received is included as Attachment 1.

Property Acquisition:

At its recent Ordinary Meeting of Council, 14 October 2020, Council resolved;

"That Council authorises financial delegation up to \$1,000,000.00 to the Chief Executive Officer to acquire land for Council services after consultation with Councillors."

Following delegation of authority and consultation, an Offer for purchase has been made and accepted for Lot 2 RP730337 at 70 Kuranda Heights Road, Kuranda. This parcel is located adjacent to the existing Cemetery. The property is approx. 130,700m² in size, of which approx. 7,400m² is suitable for use as Cemetery (concept arrangement included as Attachment 2).

Due to the size of the property, options exist to subdivide out sections of the property not required for Cemetery purposes and make available for sale to the public. Proceeds of sale may be used for the offsetting of some of the costs associated with purchasing and developing the facility and other Council owned land will have to be disposed of to cover the balance.

RISK IMPLICATIONS

Financial

Council's Offer of Purchase has been accepted for the sale of 70 Kuranda Heights Road, Kuranda. Additional costs will be required in the development of the property into a functional Cemetery suitable for the long term internment of the residents of Kuranda and surrounds.

Environmental

The site has been substantially cleared and grazed, with suitable area currently available to meet the needs of the facility.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Is the expenditure noted above included in the current budget?

The cost of purchasing and developing the Lot was not budgeted.

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

Options exist to subdivide out sections of the property not required for Cemetery purposes and make available for sale to the public. Proceeds of sale may be used for the offsetting of some of the costs associated with purchasing and developing the facility and other Council owned land will have to be disposed of to cover the balance.

LINK TO CORPORATE PLAN

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Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Nil

Kuranda Cemetery Community Feedback

METHOD

Community Consultation Overview

Council sought community feedback regarding four possible locations for a new Kuranda cemetery. A call for written feedback was advertised via an official press release on MSC Website on 16 July 2020 and subsequently in the Express Newspaper and Kuranda Paper during August. The call for written community feedback was also posted on MSC Facebook site on 20 July, 6 Aug and 18 August. Approximately 6 weeks was allowed for community feedback and the deadline was 31 August. Written feedback was to be sent via email or post to Council.

A summary of the four potential locations was provided which including plot capacity and minimum plot cost and Kuranda Cemetery Council report dated 3 July was also made available to the public. The Koah location was listed as the recommended location.

Analysis Purpose

The purpose of the analysis was to provide a summary of community feedback in relation to Kuranda Cemetery options for consideration by Councillors. In particular, the analysis sought to answer the following questions:

- What concerns does the community have regarding each of the four sites identified?
- What is the community's preferred option out of the four sites identified?
- Has the community identified other potential sites?

Analysis Method

Qualitative content analysis approach was used to subjectively classify the large amounts of text into an efficient number of categories that represented similar meanings. All responses were read in full. A summary of main issues was created and categories representing meaning units were developed inductively. The categories were then abstracted, condensed and grouped into broader themes. The final list of categories was re-applied to the data to ensure they closely reflected the data. To quantify the responses, each category was only counted once per respondent even if the respondent expressed the same issue in different ways or multiple times throughout their response.

Limitations of Analysis

The strength of the community feedback is in providing insight into the scope of community concerns and sentiment regarding the sites. Caution should be exercised in interpretation of quantified results.

The community were not asked to indicate their preferred location for the cemetery but to rather provide general feedback on the site options identified. The identification of main location preference was developed by reading through the response and inductively determining the main sentiment in relation to the location. The main sentiment could be expressed either negatively or positively. A different result may have been obtained if the community was asked to indicate preferred location in a closed question format.

It is to be expected that a greater number of responses will be received about (a) Kuranda due to proportionate population size of communities and the fact that it is the existing site and (b) Koah as it was listed as the recommended location.

Consultation Response Overview

The analysis below is of the 41 written submissions made to Council between 16 July and 31 August. These submissions ranged in length from one sentence to six pages of text. The majority of responses were received from individual Kuranda residents.

A review of responses to MSC facebook posts revealed the following:

- A total of 57 posts by 23 people (7 of these people also provided formal written feedback)
- Comparison / inclusion of the issues posted to Facebook are not yet included in analysis.

Two newspaper articles and two letters to the editor were also published during the consultation period. Issues raised in these have not been included.

RESULTS

Respondent Characteristics

Place of residence / business	Number of Respondents	Type of Respondent	Number of respondents
Kuranda	20	Individual	28
Koah	12	Couple	8
Gregory Terrace area	5	Organisation	5
Mareeba	2		
Biboohra	1		
Unknown	1		
TOTAL	41	TOTAL	41

Organisations that submitted feedback were:

- Kuranda Cemetery Committee
- Kuranda Community Kindergarten (Caroona St Kuranda)
- Kuranda Neighbourhood Centre (Rob Veivers Dr Kuranda)
- Selke Family Trust (trading as J Bros Formwork) (Grievson Rd Koah)
- Youth Link Kuranda (Caroona St Kuranda)

Main Preference for Location

	Number of Respondents	Percentage of Respondents
Not Koah	11	27%
Extend Existing Site	10	24%
Koah	7	17%
Not Gregory Terrace	5	12%
Not Caroona St	3	7%
Location within Kuranda	2	5%

Better use of existing Cemetery space	2	5%
No site specified	1	2%
TOTAL RESPONDENTS	41	100%

For each respondent, one priority preference for cemetery location was identified. Only negative main preferences were received for both the Gregory Terrace and Caroona Street options. Positive preferences slightly outweighed negative comments for the Koah site however this is not surprising given that only 29% of respondents were from Koah. Extension to the existing cemetery received only positive main preferences and were of the highest percentage. There was also support for better use of existing cemetery land and other Kuranda locations.

Main Preference for Location by Place of Residence/ Business

	Location of Residence / Business					Total Respondents
	Kuranda	Koah	Gregory Terrace Area	Mareeba/Biboohra	Unknown Residence	
Not Koah	1	8	0	1	1	11
Extend Existing Site	7	1	1	1	0	10
Koah	6	0	1	0	0	7
Not Gregory Terrace	2	0	3	0	0	5
Not Caroona St	3	0	0	0	0	3
Location within Kuranda	1	1	0	0	0	2
Better use existing Cemetery space	0	2	0	0	0	2
No site specified	0	0	0	1	0	1
TOTAL RESPONDENTS	20	12	5	3	1	41

Place of residence/business was determined from feedback provided or from Council records. Generally, residents expressed opposition to options located near to their place of residence or business. The main exception is for the extension of existing cemetery which is supported by over half of Kuranda residents. Opposition to the Caroona St option is primarily from organisations located in close proximity to Bartley Park.

All Preferences for Location

For all respondents, all preferences for cemetery locations were identified. The percentage opposing Gregory Terrace and Caroona Street options increased when all location sentiments were considered. Opposition to the Koah site remained the highest. There was increased support for locating the new cemetery somewhere within Kuranda. Some alternate locations were suggested both within Kuranda and townships outside of Kuranda.

	Number of Responses	Percentage of Responses
Not Koah	19	20%
Not Gregory Terrace Park	15	16%
Extend existing site	14	15%
Not Carroona St	11	11%
Koah	10	10%
Location within Kuranda	7	7%
Not extension to existing	4	4%
Not Speewah	3	3%
Not Oak Forest	3	3%
Alternative burial options	3	3%
Better use of existing cemetery space	2	2%
Carroona St	2	2%
Myola	1	1%
Mackenzie Pocket	1	1%
No site specified	1	1%
TOTAL RESPONSES	96	100%

Specific Alternate Kuranda Locations Suggested

Approach QG to use road reserve past water treatment plant / men's shed which is accessible from Jarawee Rd and Fairyland Road.
Road reserve at end Fairyland St
Consider purchasing part of adjoining block.
Existing cemetery could be expanded north over train line.
Council land behind Kuranda District State College

Summary of Responses

A large range economic, social, emotional / cultural, health, safety, environmental, accessibility and legal issues were identified by the community. Issues were grouped by location. The majority of issues identified were negative impacts of locating the cemetery in a particular location. Comments about the existing Kuranda Cemetery, extension of the Kuranda Cemetery and alternate Kuranda locations were grouped. Kuranda locations received proportionately more positive comments compared to other sites. There were also a range of comments about the planning and consultation process, in the form of suggestions, questions and negative comments.

Gregory Terrace Park

Only negative comments were received in relation to the Gregory Terrace option. The primary concern is the loss of a community space that is well used by families, children, dog walkers with no other park close by. The Park is also used by the Rural Fire Brigade for training purposes. It was noted that the playground was recently upgraded.

	Issues	No. Resp
1	Loss of well used community space / facility (SOCIAL)	10
2	Inconsistent with residential area / family atmosphere (SOCIAL)	5

3	Increase local traffic / inadequate parking / pedestrian safety concern (SAFETY)	3
4	Barron Bridge is dangerous for vehicles and pedestrians (SAFETY)	3
5	Increase potential for crime (theft and vandalism) (SAFETY)	1
6	Negative impact of wildlife / rainforest / natural beauty (ENVIRONMENT)	3
7	Reduced property values (ECONOMIC)	2
8	Limited long-term potential / limited number of plots (ECONOMIC)	3

Bartley Park, Carroona Street

Comments about Carroona St were primarily negative. Similar to Gregory Terrace park, respondents were concerned about the loss of the only open space within the town which is well used (for sports, dog walking, exercise classes, recreation.) There was also concern about the emotional impact of exposing young, vulnerable children attending the neighbouring Kindy and Youth Service to funerals and the cemetery being in constant sight. Disruption to service provision and reduced attendance is anticipated.

	Issues	No. Resp
9	Loss of well used community space / facility (SOCIAL)	9
10	Disruption to neighbouring youth services - reduced attendance (SOCIAL)	4
11	Emotional impact on vulnerable children - exposure to funerals (EMOT/ CULT)	4
12	Increase local traffic / inadequate parking / pedestrian safety concern (SAFETY)	1
13	Limited long-term potential / limited number of plots (ECONOMIC)	2
14	Limited impact on rainforest / site already cleared (ENVIRONMENTAL)	1
15	Good accessibility - middle of town (ACCESS)	1
16	More cost effective (than Koah) (ECONOMIC)	1

Koah Road, Koah

Ground and surface water contamination with cemetery leachate was a primary concern amongst neighbouring residents. There was concern about the health and environmental impacts as residents rely on these water sources for household use, irrigation of crops and livestock and recreation. There was also concern that use of arsenic contaminated bore water during cemetery construction and maintenance would flow into the river systems and private dams. A number of respondents referred to related research and requested information about environmental impact assessment.

Adjacent property owners express significant concern about the impact of locating the cemetery in Koah on their quality of life (safety, privacy, enjoyment of rural lifestyle) and business operations.

	Issues	No. Resp
17	High cost / not cost effective (compared to other Kuranda sites) (ECONOMIC)	6
18	Question justification of size and need / burial rates declining (ECONOMIC)	3
19	Reduced property values and ability to sell (ECONOMIC)	4
20	Ground and surface water contamination from cemetery leachate and arsenic impacting health residents, livestock, crops, environment (HEALTH / ECONOMIC/ENVIRONMENT)	7
21	Increased local traffic and noise (SOCIAL)	4
22	Negative impact on rural lifestyle and reduced privacy for neighbouring properties (SOCIAL)	3
23	Increased traffic congestion and accidents on highway (SAFETY)	1
24	Increase potential for crime (theft and vandalism) (SAFETY)	3

25	Flood risk to site (ENVIRONMENT)	1
26	Reduced wildlife habitat (ENVIRONMENTAL)	2
27	Adjacent noise generating construction business inconsistent / disrespectful - commercial loss due to damaged reputation (ECONOMIC)	1
28	Emotionally distressing to live next door to cemetery (EMOTIONAL)	2
29	Poor accessibility - no public transport / private vehicle access only (ACCESS)	5
30	Adjoining property owners will seek legal recourse / no notice intended use / inequitable / (LEGAL)	2
31	Good long-term potential / large number of plots (ECONOMIC)	6
32	Cost effective option (ECONOMIC)	1
33	Good accessibility / distance is acceptable (ACCESS)	3
34	Can accommodate increased traffic, ample parking, safe access (SAFETY)	1
35	Limited impact on rainforest and wildlife / site already cleared (ENVIRONMENT)	2
36	Does not impinge on community facilities (SOCIAL)	1

Existing and Extension of Existing Kuranda Site

Comments relating to locating the cemetery within Kuranda were primarily positive. There was a strong sense that the Kuranda cemetery should be located within Kuranda either through better use of existing cemetery space (using alternate burial techniques or memorials), extension of existing cemetery and / or finding a suitable nearby land within Kuranda. There was concern about the high interment cost making this option out of reach for residents.

	Issues	No. Resp
37	High cost / not cost effective / cost of burial plot out of reach (ECONOMIC)	5
38	Not long-term solution / limited number plots (ECONOMIC)	2
39	Concern about traffic safety and car parking (SAFETY)	2
40	"Kuranda Cemetery should be located in Kuranda" (SOCIAL)	4
41	Existing location beautiful, private and reflects unique community (SOCIAL)	3
42	Kuranda Cemetery should be considered a community, cultural and tourism asset / needs better care and ongoing maintenance (SOCIAL)	5
43	"Respect community wishes to bury family in Kuranda where they belong" / connection to country (EMOTIONAL / CULTURAL)	8
44	Respect past generations buried / don't separate cemeteries (EMOTIONAL / CULTURAL)	3
45	Good accessibility - convenient walking distance to town / close to town and amenities (ACCESS)	3
46	Consider better utilisation and management of space within existing location (ECONOMIC)	5

Planning and Consultation Processes

Residents expressed a desire for more information about the planning process and opportunities to communicate their concerns and work with Council to find an appropriate solution.

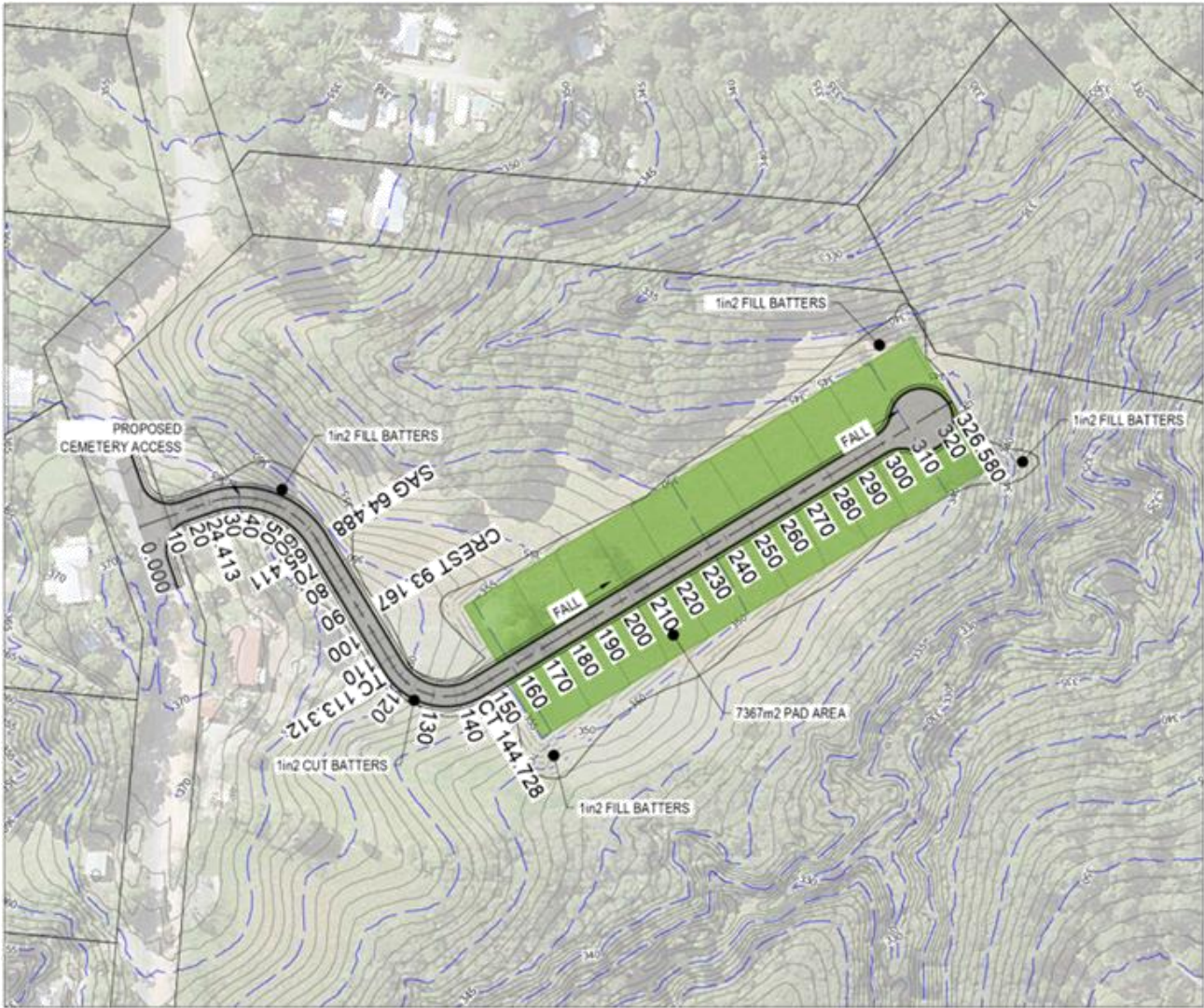
It was also requested that Council consider alternatives to traditional burial and funeral practices that respond to environmental concerns and limited space such as garden parks, small plots, memorials, mausoleum walls, green cemeteries and cremation. It was noted that burial practices are changing and that the need for a large number of traditional burial plots may not be required in the long term.

	Issues	No. Resp
47	Insufficient community consultation / lack opportunities to contribute and communicate / historical and current	8
48	Historical and current poor planning and lack of action to secure adjoining land.	7
49	Lack of information about Council planning processes, site assessments, considerations and timeframe	7
50	Consider alternatives to traditional burial and funeral practices that respond to environmental concerns and limited space and are cost effective	5

Reference to research and readings included in community feedback

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DO NOT SCALE DRAWING



DATUM R.L. 354

VERTICAL ALIGNMENT	G=0.45m L=1.35m	K=1.81 L=43m	L=0.87m K=24.88%	K=0.81 L=33.64m	G=18.89%	K=0.91 L=39m	L=12.22m K=16.27%	K=4.37 L=34.53m	L=11.85m K=18.18%
HORIZONTAL	L=24.41m	L=41m R=30m	L=47.9m	L=31.42m R=20m	L=181.85m				
LEVEL DIFFERENCE CUT -FILL +	-0.000	-0.000	-0.046	-0.000	0.165	0.896	1.915	1.912	0.935
DESIGN SURFACE LEVEL	368.561	367.355	367.361	366.726	365.817	365.296	365.334	365.295	365.278
EXISTING SURFACE LEVEL	368.561	367.360	367.110	366.786	365.658	365.494	365.319	365.250	365.336
CHAINAGE	0+000	20+000	21+961	24+612	40+000	60+000	61+153	64+488	65+411

ACCESS ROAD LONG SECTION
SCALE HORIZ. 1:500, VERT. 1:100

DRAFT ONLY
NOT FOR CONSTRUCTION

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11-15 Kow Street, Mareeba, QLD 4880 Australia
PO Box 154, Mareeba QLD 4880
T 1300 308 461 F 07 4062 3323
E info@mareeba.qld.gov.au

MAREEBA SHIRE COUNCIL
KURANDA CEMETERY
SITE 02 - LOT 2RP730337

OCTOBER 2020
20-013-CP02

Original Size
A1
Series No:
1 of 1
Rev: **1**

9.6 APPLICATION FOR PERMANENT ROAD CLOSURE ABUTTING LOT 884 ON NR4531, KENNEDY HIGHWAY, MAREEBA

Date Prepared: 3 November 2020

Author: Manager Technical Services

Attachments:

1. Initial Correspondence [↓](#)
2. Lot 1 on RP736603 and Lot 884 on NR4531 [↓](#)
3. Further Correspondence [↓](#)
4. MA_29 RevF - Obstacle Limitation Surface Drawing [↓](#)

EXECUTIVE SUMMARY

Energy Queensland advise that Ergon Energy has commenced negotiations to acquire land from the Department of Transport and Main Roads for the potential future expansion of the substation located approximately eight (8) kilometres south of Mareeba on the eastern side of the Kennedy Highway. The subject land being part of the Kennedy Highway, Mareeba, is approximately 7,025m² in area and abuts the existing, jointly run Powerlink/Ergon Turkinje substation, described as Lot 884 on NR4531.

RECOMMENDATION

That Council, advise the applicant by way of a formal letter that:

1. Council offers no objection to the permanent closure of the State Controlled road reserve, subject to the following conditions.
 - (i) Access arrangements and requirements need to be agreed upon between any third-party utility providers and the proponent prior to closure i.e. Powerlink/Telstra/Sunwater etc.
 - (ii) 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 prior to any decision being finalised. In this instance, the request for closure has been made over the State-controlled road network managed by the Department of Transport and Main Roads (TMR). While TMR is the Road Manager in this instance, the road is within Mareeba Shire and Energy Queensland has invited Council to provide its views prior to submitting a permanent road closure application with DNRME.

Energy Queensland is a group of electricity distribution, retail and energy services owned by the state of Queensland. The corporation delivers electricity across Queensland through their 'poles and wires' businesses, Energex and Ergon Energy.

Correspondence has been received from Energy Queensland on 22 October 2020 (Attachment 1) requesting Council's position on the above Road Closure Application, over land described as Lot 1 on RP736603 and Lot 884 on NR4531 (Attachment 2).

Further correspondence was received on 26 October 2020 (Attachment 3), in which Energy Queensland advise they were originally looking to close a smaller area, however the subject land

was enlarged at the request of TMR who seem supportive of the closure. Reasoning for the alteration in land size is to cover a future road around the site, as well as ensuring provision for the existing and new infrastructure. Energy Queensland have approached Powerlink (own adjoining land) who seem supportive of the closure.

The existing substation is accessed via the Substation Access road which exits the Kennedy Highway approximately 200 metres north of Ellery Road, Mareeba.

Construction of new infrastructure within the subject land that is not higher than the existing power lines, would have no impact to Mareeba Airports, Obstacle Limitation Surface requirements for Mareeba Aerodrome (Attachment 4).

There is no Council water or sewer infrastructure contained within the subject land.

It is the opinion of the investigating officer that;

Council offers no objection to the permanent closure of the State Controlled road reserve, subject to the following conditions.

- Access arrangements and requirements need to be agreed upon between any third-party utility providers and the proponent prior to closure i.e. Powerlink/Telstra/Sunwater etc.
- The proponent is wholly responsible for all costs associated with finalising the process.

RISK IMPLICATIONS

Legal and Compliance

Council is delegated with the authority of Road Manager for local roads (Council), therefore the needs of the transport network are considered prior to DNRME providing a final position to road closures.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

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 Energy Queensland of the outcome.

Mark Campman

From: Kirsten Sellers <kirsten.sellers@energyq.com.au>
Sent: Thursday, 22 October 2020 9:20 AM
To: Info (Shared)
Cc: Jeff Wickins
Subject: Road Closure Application and possible future substation

Categories: Added to ECM

To whom it may concern.

Ergon has commenced negotiations to acquire land from the Department of Transport and Main Roads through a road closure. The land will adjoin the current joint Powerlink/Ergon substation at Mareeba. The current site is location at Ellery Road Mareeba described as Lots 1 on RP736603 and 884 on NR4531.

Can you please advise the Council contact for property matters? Its likely that the DTMR will require a letter from Council confirmation that they have no issues with the proposed road closure.



Kind regards,



Kirsten Sellers
 Town Planning Manager
 Property and Operational Services
 Transformation Office
Monday - Thursday
Energy Queensland
 26 Reddacliff Street, Newstead QLD 4006
 P 0428 858 742 E kirsten.sellers@energyq.com.au

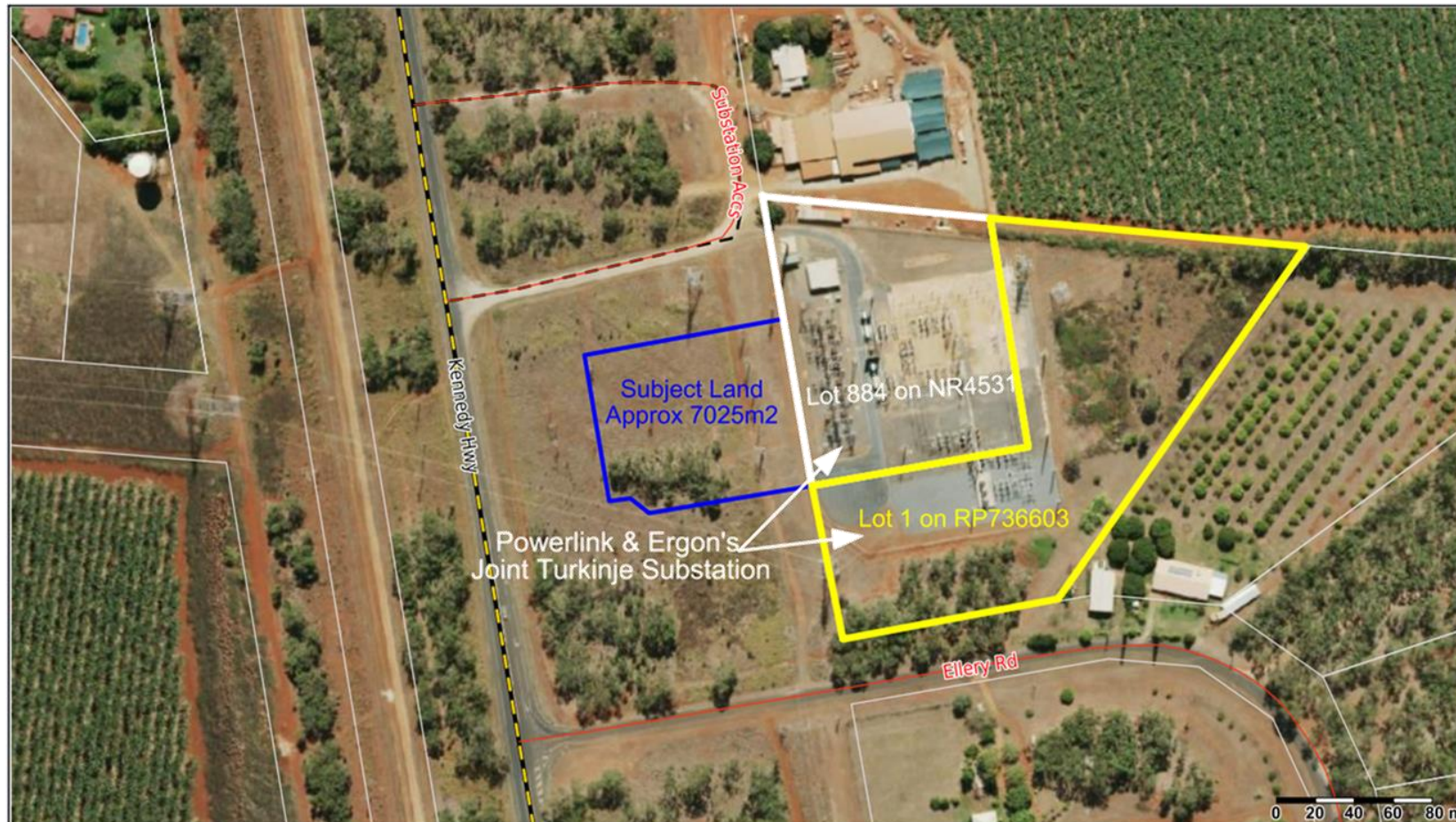
energyq.com.au



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Lot 1 on RP736603 and Lot 884 on NR4531

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Subject: FW: Council Ref; CRM/20/09409 - Proposed Permanent Road Closure - Kennedy Highway Mareeba

From: Jeff Wickins <jeffrey.wickins@ergon.com.au>

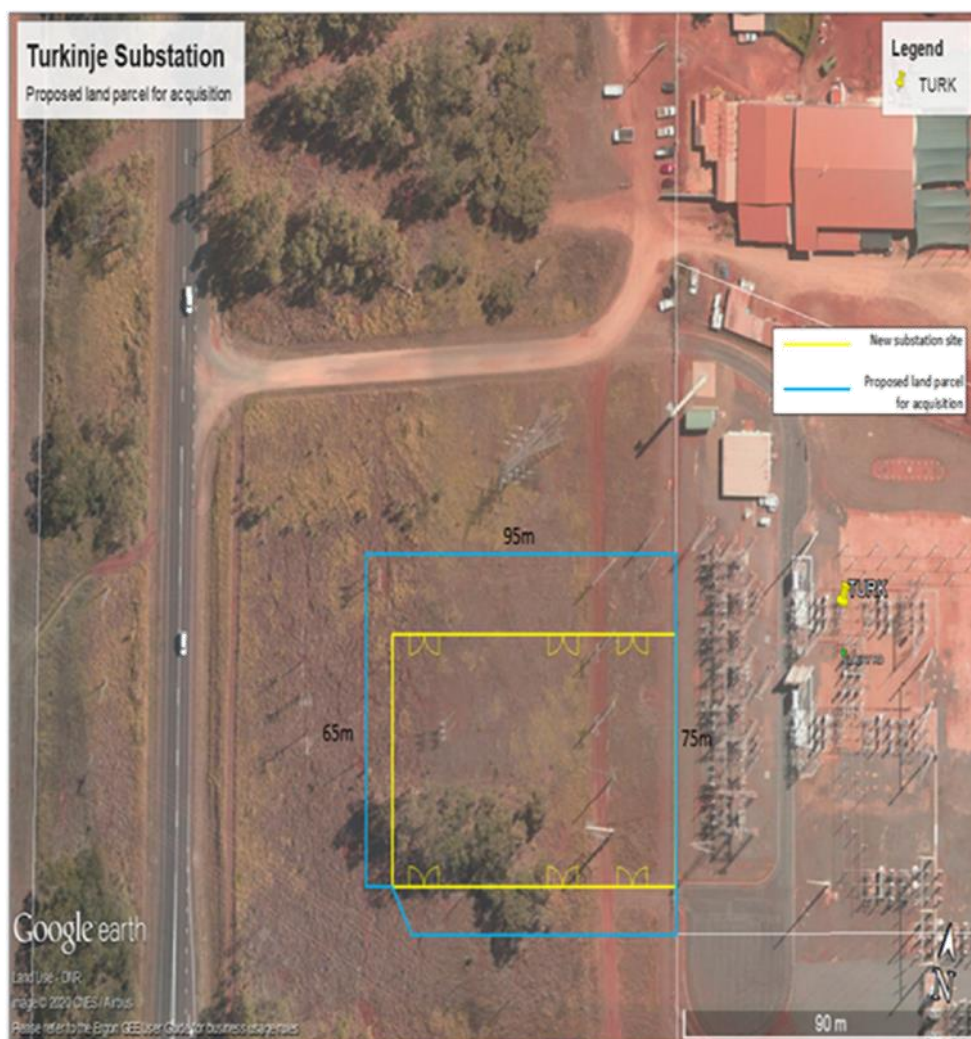
Sent: Monday, 26 October 2020 2:41 PM

To: Mark Campman <MarkC@msc.qld.gov.au>; Kirsten Sellers <kirsten.sellers@energyq.com.au>

Subject: RE: Council Ref; CRM/20/09409 - Proposed Permanent Road Closure - Kennedy Highway Mareeba

G'day Mark,

Thanks for the chat, as discussed below is the most recent plan. We actually enlarged the site at the request of TMR who seem supportive of the closure, to capture a road around the site and pick up some existing infrastructure. We've also approach Powerlink who actually own the adjoining land and they seem supportive also, just waiting on something in writing. Any help in getting this through the November Council meeting, if room, would be greatly appreciated Mark. If you need any further info just give us a bell.



Regards,



Jeff Wickins
Property Officer
Property Group

Energy Queensland
23 Cemetary Road, Mackay, QLD 4740
PO BOX 259 Mackay, QLD 4740
M 0407575409 E jeffrey.wickins@ergon.com.au

From: Mark Campman <MarkC@msc.qld.gov.au>
Sent: Monday, 26 October 2020 11:15 AM
To: Kirsten Sellers <kirsten.sellers@energyq.com.au>
Cc: Jeff Wickins <jeffrey.wickins@ergon.com.au>
Subject: Council Ref; CRM/20/09409 - Proposed Permanent Road Closure - Kennedy Highway Mareeba

Good Morning Kirsten,
Thank you for your correspondence regarding the above matter.
At this time I will be dealing with the matter.
Council's process regarding road closure applications is that an Officers report will need prepared and presented before a Council meeting where resolution will be made.
When I have been advised of resolution Ergon will be notified soon after.
At this time it is hoped to have this matter presented to Council's November or December ordinary meeting, however this will be dependant on officer workload.

Please don't hesitate to contact me at your earliest convenience.

Regards,

Mark Campman
Technical Officer (Investigations)



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | Direct: 07 4086 4709 | Fax: 07 4092 5138
Email: markc@msc.qld.gov.au | Website: www.msc.qld.gov.au
Kowa St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

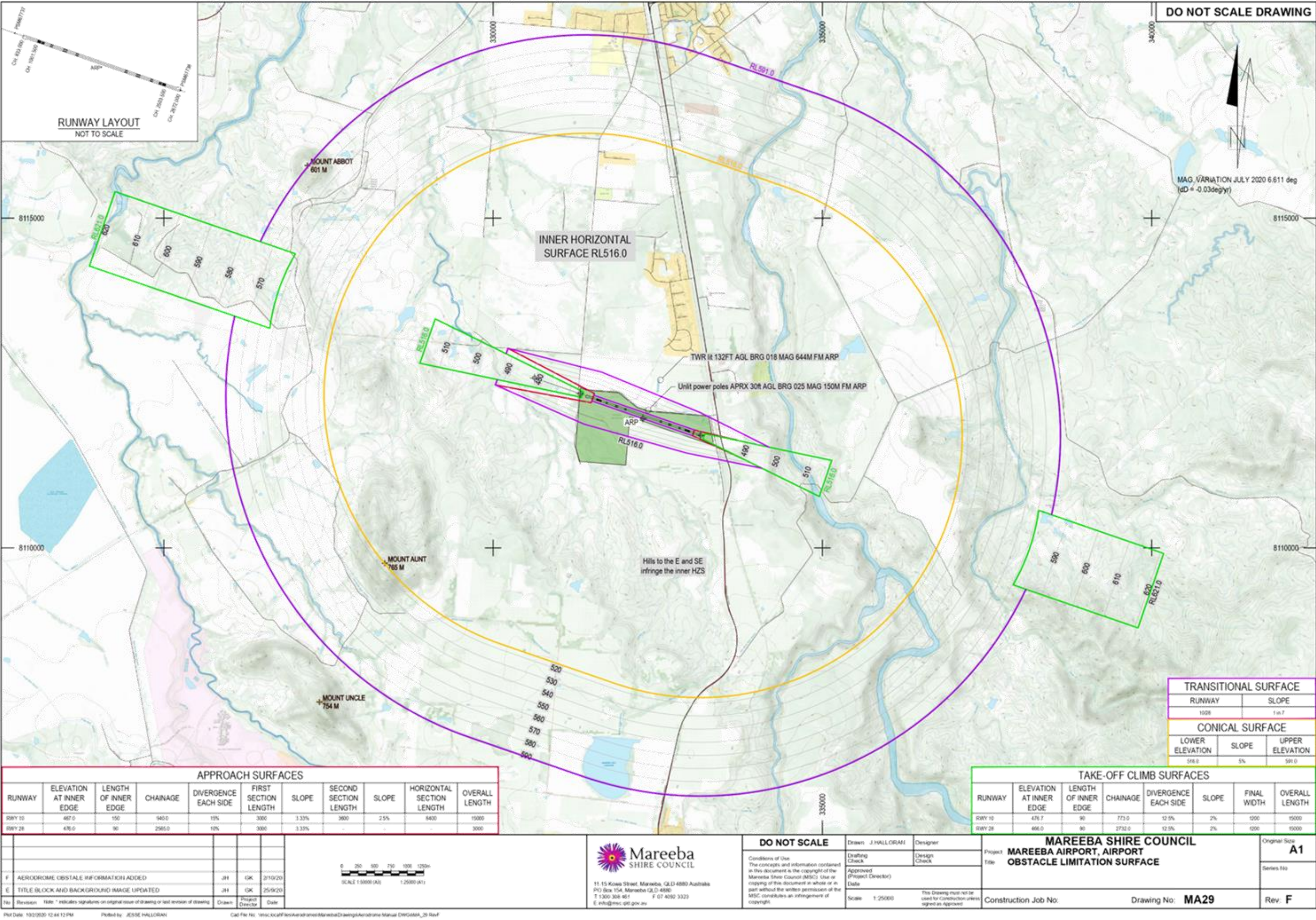
To submit this email as SPAM:

- In your Email Client (e.g. Outlook) create a new email addressed to email-feedback@forcepoint.com
- Attach this email as an attachment and click on send

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unintended recipient is prohibited. Ergon Energy accepts no responsibility for the content of any e-mail sent by an employee which is of a personal nature.

Ergon Energy Corporation Limited ABN 50 087 646 062



9.7 APPLICATION FOR PERMANENT ROAD CLOSURE ABUTTING LOT 134 ON HG480; 40 GENTILE DRIVE, MAREEBA

Date Prepared: 2 November 2020

Author: Manager Technical Services

Attachments:

1. Initial Correspondence [↓](#)
2. Application Form Contact & Land Details LA00 - Part A [↓](#)
3. Application for Road Closure LA18 - Part B [↓](#)
4. Aerial Map of Subject Land [↓](#)
5. Photo of subject land - Gentile Road [↓](#)
6. Photo of clearing and fence line - Gentile Road [↓](#)
7. Proposed New Road Widths [↓](#)

EXECUTIVE SUMMARY

A landowner is seeking Council's view regarding an application for permanent road closure of an area of approximately 9,050m², abutting Lot 134 on HG480, 40 Gentile Drive, Mareeba. The triangular portion of subject land also abuts Lot 136 on HG480, 69 Gentile Drive, Mareeba.

RECOMMENDATION

That Council as the Road Manager, advise the applicant and the Department of Natural Resources, Mines and Energy that:

1. Council offers no objection to the permanent closure of the road reserve, subject to the following conditions;
 - (i) The landowner of Lot 136 on HG480 is to be presented the option to purchase a portion of the subject land. If the landowner wishes to take up the option, associated costs would need to be divided proportionately and agreement reached before closure is granted.
 - (ii) To ensure Council maintenance activities can be undertaken, the new road reserve width is to reflect the east-west section of road reserve containing Gentile Drive, or alternatively, the properties new boundary alignment is to be a minimum of 12.5 metres from the road's centre line. The revised road reserve width is to be the greater of the two (2) proposed alternatives.
 - (iii) Where practical, the fence is to be located on the new boundary alignment and no fencing is to encroach onto the new road reserve.
 - (iv) Access arrangements and requirements need to be agreed upon between any third-party utility providers and the proponent prior to closure i.e. Ergon/Telstra/Sunwater etc.
 - (v) The proponent is wholly responsible for all costs associated with finalising the process; or
2. If closure is not granted by Council, the proponent is to meet the following conditions.
 - (i) The fencing is to be removed from the subject land.

- (ii) The subject land is to be revegetated in a similar fashion prior to the clearing and fencing activities.
- (iii) The proponent is wholly responsible for all costs associated with removing the fencing and revegetation works.

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.

Initial correspondence (Attachment 1) was received from the landowner of Lot 134 on HG480, 40 Gentile Drive, Mareeba, seeking Council's view on the above Road Closure Application.

The landowner has undertaken a pre-lodgement meeting with DNRME and has supplied Council Officers with DNRME forms; LA00 - Part A and LA18 - Part B (Attachments 2 and 3).

Contact between Council officers and the landowner has been maintained throughout the investigation process. The landowner has advised that, if road closure were approved the land would be incorporated into their existing freehold lot and the proposed use of the area will be for the grazing of livestock and fire management.

Investigative Matters

There is no Council infrastructure contained within the subject area. However, there is Sunwater infrastructure nearby and concerns regarding any third-party utility providers' infrastructure or access requirements would need to be addressed during the road closure process.

The subject land (Attachment 4) is approximately 9,050m² in area, triangular in shape and is unusable as a road due to its slope and a large rock formation (Attachment 5) which is contained within the majority of the subject area.

Upon inspection by Council officers, it was noted that clearing and fencing of the subject area has been undertaken (Attachment 6). The landowner advised officers that they recently undertook these works for fire break purposes and the fence was erected on its alignment, due to the area's constraints. The Applicant was advised, and understood, that the existing and/or new road reserve boundary alignment has not yet being 'pegged' and will be dependent upon a formal survey, yet to be completed.

As the subject land abuts Lot 136 on HG480, the landowner of Lot 136 should be presented the option to purchase a portion of the subject land. If the landowner wishes to take up the option, associated costs would need to be divided proportionately and agreement reached before closure is granted.

If closure is granted, and to ensure Council maintenance activities can be undertaken, the new road reserve width is to reflect the east-west section of road reserve containing Gentile Drive, or alternatively, the properties new boundary alignment is to be a minimum of 12.5 metres from the road's centre line. The revised road reserve width is to be the greater of the two (2) proposed alternatives.

The east-west section of road reserve that contains Gentile Drive, is approximately 23 metres in width.

RISK IMPLICATIONS**Infrastructure and Assets**

A suitable road reserve width is required to ensure Council maintenance activities can be undertaken.

Legal and Compliance

Council is delegated with the authority of Road Manager for local roads (Council), 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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Following resolution, Council Officers will notify the applicant and DNRME of the outcome.

104-1ea

John and Kristal Parker
PO Box 2570
MAREEBA QLD 4880
Contact: K - 0437 731 683
J - 0429 794 984

18 August 2020

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



Dear Sir

Purchase of Road Reserve - Gentile Drive, Mareeba

We would like to apply to purchase a portion of Road Reserve (approx. 1-2 acre) located at the end of Gentile Drive which runs adjacent to our property at 40 Gentile Drive, Mareeba.

This land currently has no utilities such as power and water etc. this portion is also un-inhabitable and could not be used for most farming activities.

The purpose for wanting to obtain such portion is to gain extra ground to accomodate a small number of stock in which to maintain a continued fire break.

As this portion seems to be of little, to no use for Council, we would like to put this proposal forward for consideration, knowing that we would then need to apply to the Department of Natural Resources, Mines and Energy for further approval.

Provided with this proposal is a site plan showing the portion of land which we would like to obtain along with photo's.

Your time and consideration into this matter is greatly appreciated.

Kind Regards

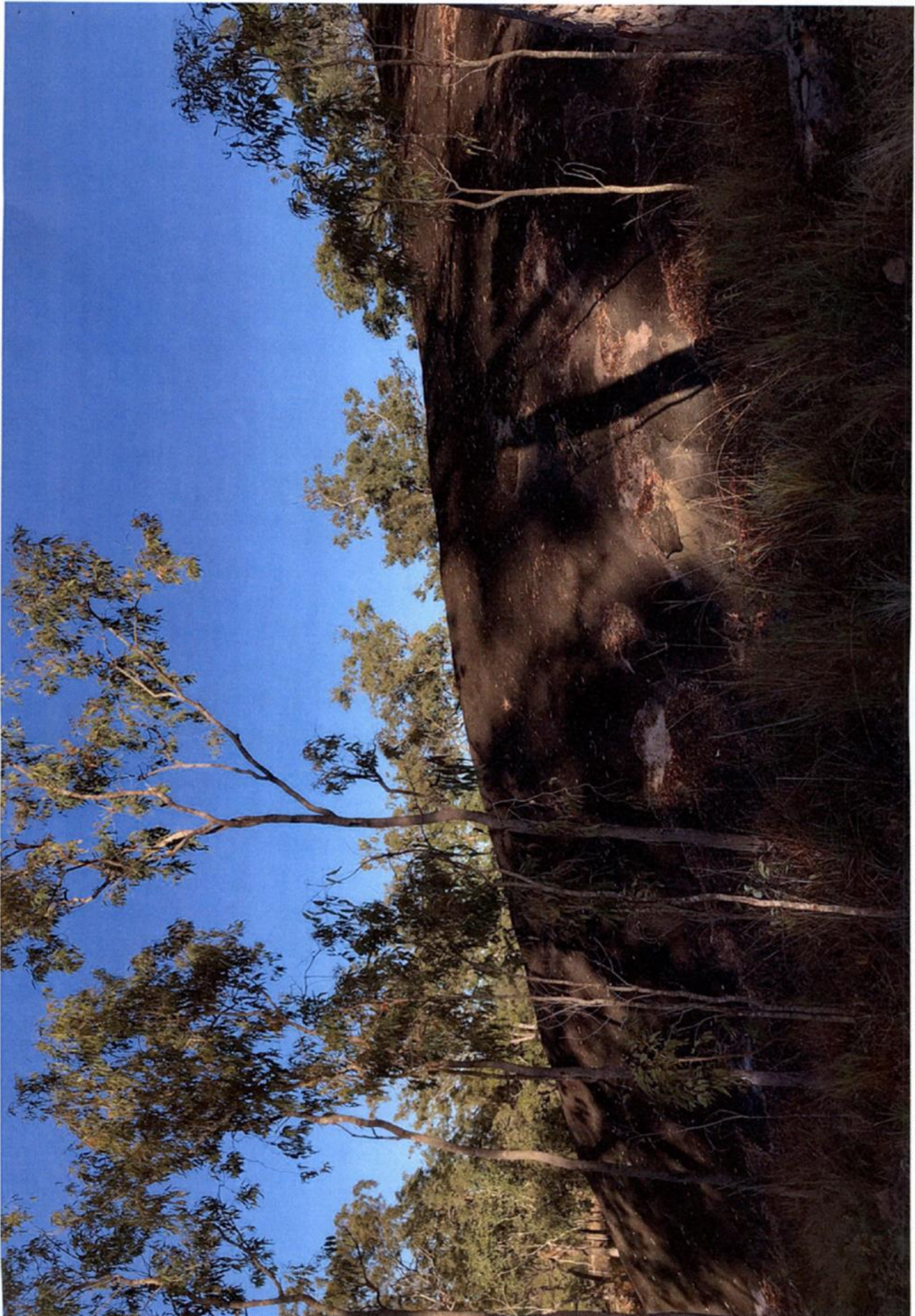
A handwritten signature in black ink, appearing to be 'John and Kristal Parker', written over a horizontal line.

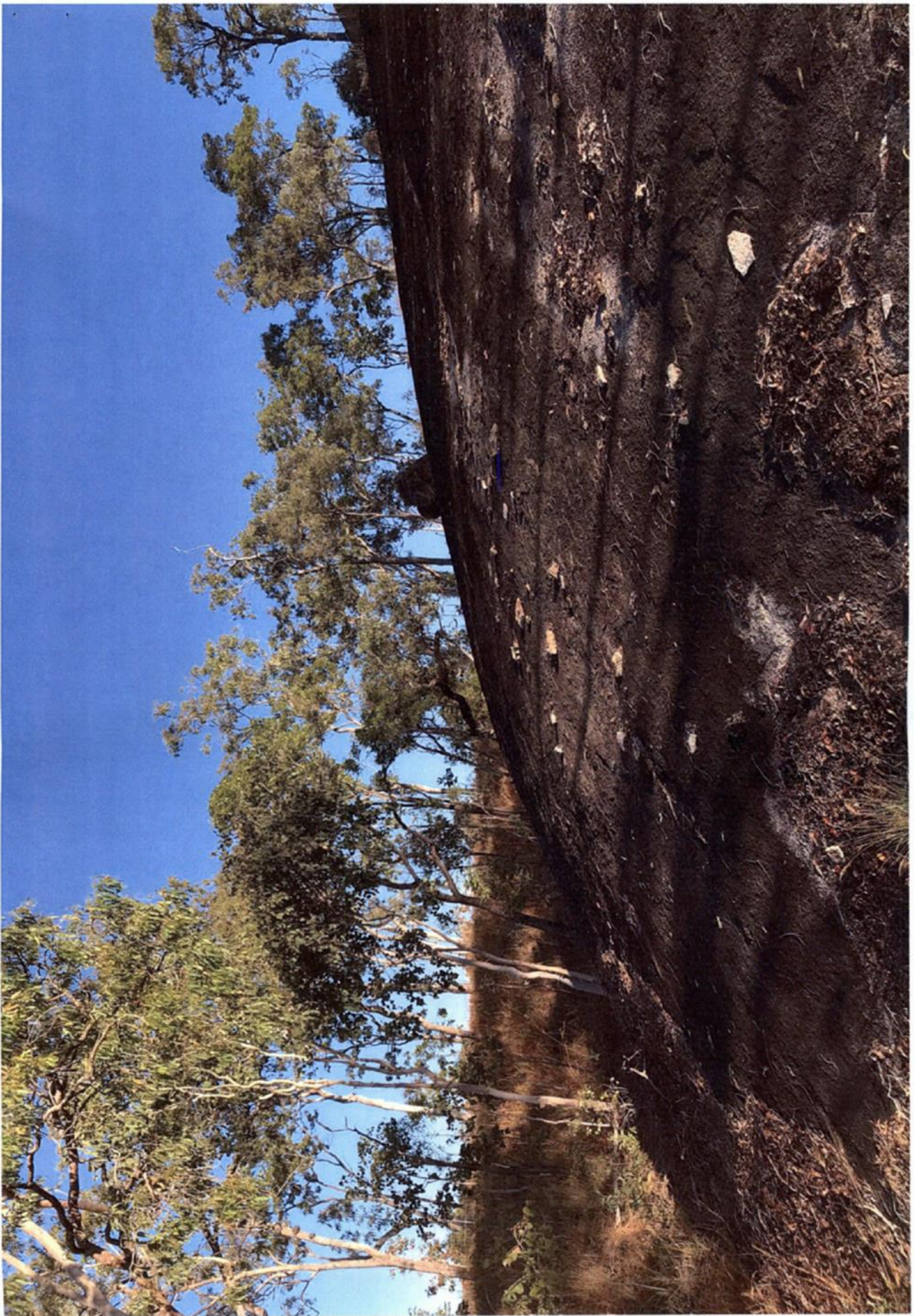
John and Kristal Parker

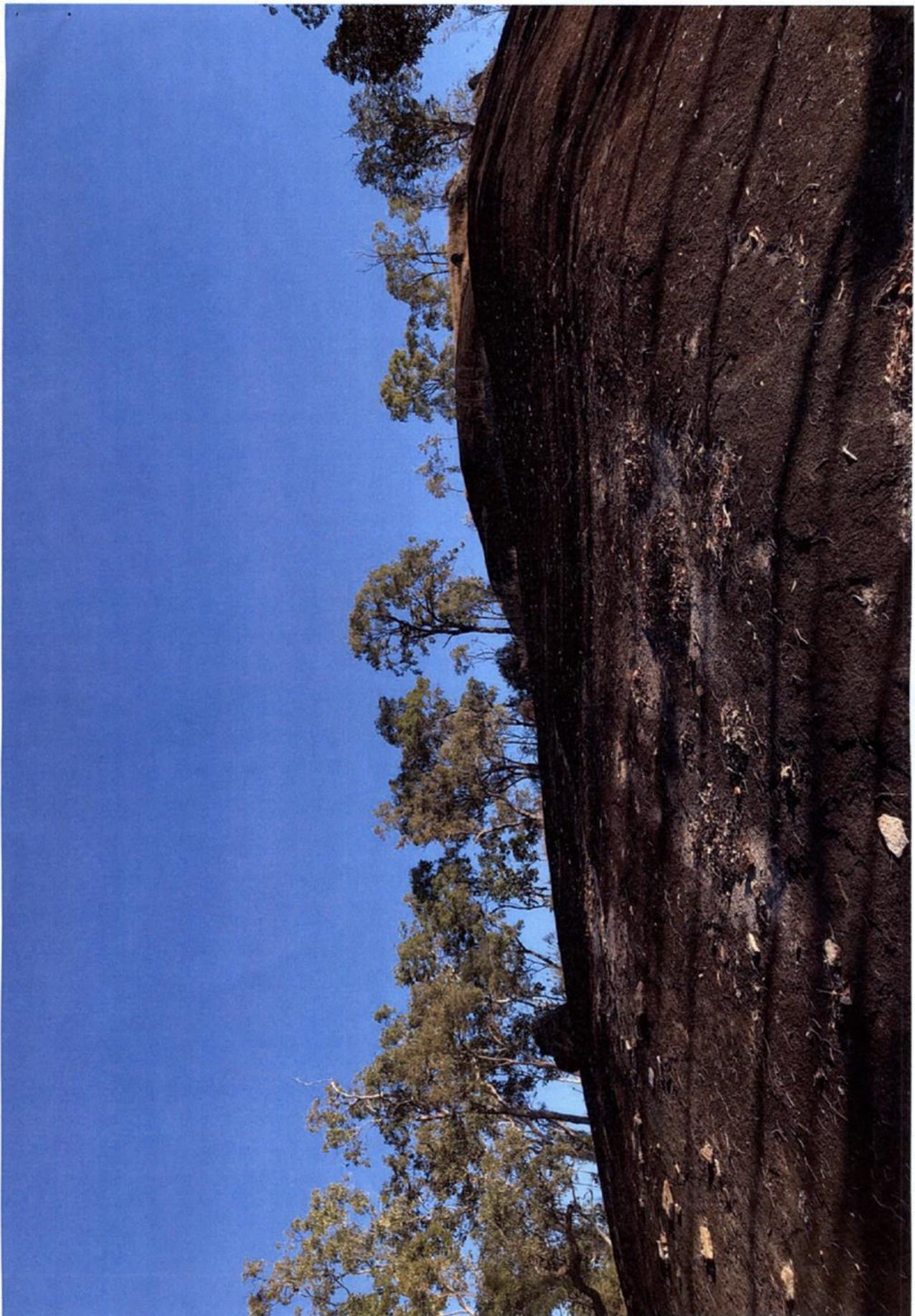


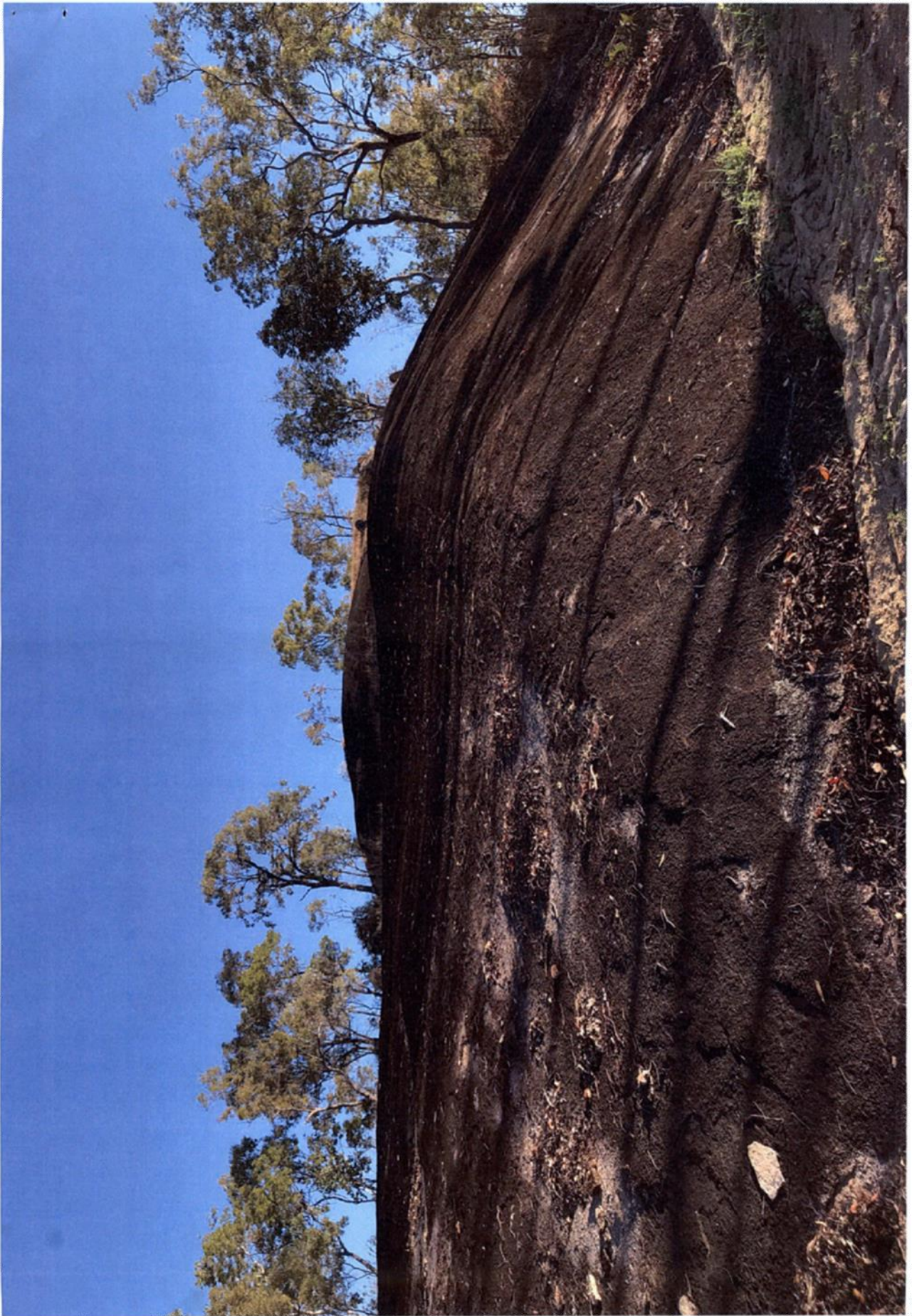
Highlighted Section = Road Reserve portion of purchase.











**DEPARTMENT OF NATURAL RESOURCES, MINES AND ENERGY****Application form
Contact and Land Details
Part A****Application form requirements**

1. **Part A:** Contact and land details will need to be completed.
2. **Part B:** Application specific form will need to be completed.
3. Payment of the prescribed application fee, if relevant. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a regional [DNRME business centre](#).)
4. If the application is not lodged by a solicitor, bank or consultant on behalf of the applicant, then all applicants must sign the declaration on the appropriate Part B application form.
5. All parts of this application form need to be completed accurately, otherwise your application may be returned to you to complete.
6. Prior to lodging your application, the Department encourages the applicant to have a pre-lodgement meeting with a DNRME officer who will provide additional information in relation to native title, expected timeframes, anticipated costs and to ensure the application will achieve your desired outcome.

Important information

7. All applications will be processed having regard to the requirements of the Land Act 1994 and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
8. All completed applications can be lodged with DNRME by sending information to the following email or postal addresses or in person at your local DNRME business centre.
9. **Email:**
SLAMlodgement@dnrme.qld.gov.au
10. If lodging an application, all relevant Part B application forms must be signed and supporting documentation must be scanned and then emailed.
11. **Post:**
Department of Natural Resources, Mines and Energy
PO Box 5318
TOWNSVILLE QLD 4810
12. In terms of the Right to Information Act 2009 interested parties may seek access to DNRME records and view relevant documents.
13. Information on this form, and any attachments, is being collected to process and assess your application under the Land Act 1994. The consideration of your application may involve consultation and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside the department unless required or authorised by law.

[illegible]

Applicant(s) Details and Mailing Address		
If the applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.		
Full Name(s)		
Title	First name	Surname
Mr	John	Parker.
Mrs	Kristal	Parker
Company name(s)		
If a Corporation then record <input type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN 		
Postal Address		
P.O Box 2570		
NAREEBA QLD 4880		
Phone number		Mobile phone 0437 731 683
Email	kristal-mulla@hotmail.com	
Future correspondence should be sent to <input type="checkbox"/> Lodger <input checked="" type="checkbox"/> Applicant		
1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)? <input type="checkbox"/> Yes go to 2 <input checked="" type="checkbox"/> No go to 4		
For further information refer to the Queensland Government website to determine if the applicant/s are a <u>foreign person (acquirer) for AFAD</u> >: https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons		
2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the <i>Duties Act 2001</i> ? <input type="checkbox"/> Yes go to 3 <input type="checkbox"/> No go to 4		
Note – Under the <i>Duties Act 2001</i> an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD. For further details, please refer to the information on the Queensland Government website for <u>Additional Foreign Acquirer Duty</u>:- https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad		

LA00 May 2019
Page 3 of 6

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3. Enter the full name/s of the foreign acquirer/s.
(If there is insufficient space, please lodge as an attachment) go to 4

Full Name/s (If a company, also provide a contact name)	Share held

4. Are the Applicant/s registered for GST **AND** acquiring the land for a creditable purpose? ☐ Yes ☒ No go to 5

Under the *Tax Administration Act (Cth) 1953* certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the [Australian Taxation Office \(ATO\)](https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or refer to the ATO website <https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged. go to 6

<input type="checkbox"/> Permit	<input type="checkbox"/> Lease
<input type="checkbox"/> Licence	<input type="checkbox"/> Unallocated State Land (USL)
<input type="checkbox"/> Trust Land Reserve/ Deed of Grant in Trust (DOGIT)	<input checked="" type="checkbox"/> Road
<input type="checkbox"/> Dealing Number (refer to Item 6)	<input type="checkbox"/> Other

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged.		
Lot	Plan	Title Reference
134	HC 480	

The details of the land can be found on a current copy of the Title, your rates notice or the [Queensland Globe](https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps) from the Queensland Government website can be downloaded to help access current Lot on Plan details. <<https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/maps>>. If insufficient space, please add additional description as an attachment.

go to 7

7. Enter additional details of the land

Dealing number

Tenure type Tenure number

Local Government

Other details of land location (optional)

go to 8

8. Have you participated in a pre-lodgement meeting with the department? ☒ Yes go to 9 ☐ No

Please provide name of officer you spoke with and this department's associated reference.

DNRME Contact Officer Prelodgement ID
(eLVAS CI Ref)

9. Provide details of pre-lodgement meeting. (optional)
(If there is insufficient space, please lodge as an attachment)

Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM.



DEPARTMENT OF NATURAL RESOURCES MINES AND ENERGY

Application for road closure

Part B

Application form requirements

1. This Application is for a road closure.
2. Read the respective Roads – Applying for a road closure – Guide which include the application requirements.
3. Payment of the prescribed application fee. A refund of application fees will not be given. (Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <<https://www.dnrme.qld.gov.au>> or from a DNRME business centre or call 13 QGOV 13 74 66).
4. A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.
5. Any additional information to support application.
6. **Part A: Contact and land details form** will need to be completed and submitted with your application.
7. **Part C: Statement in relation to an application under the Land Act 1994 over state land** will need to be completed and submitted with your application.
8. Your application will not be considered as having been properly made unless all parts of this application form are completed accurately, otherwise your application may be returned to you to complete.

Important information

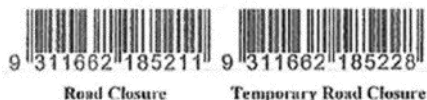
9. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
10. You are encouraged to contact your nearest DNRME business centre to arrange a pre-lodgement meeting. The pre-lodgement meeting is intended to clarify the application requirements thereby preventing any unnecessary delays. It is also intended to cover the process, timeframes, costs and the quality of information necessary to properly assess the application.
11. An adjoining landholder may apply for a permanent or temporary road closure. An adjoining owner is defined as the registered owner of the property that shares a common boundary. i.e. Contiguous; directly connected; or without interruption.

An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.

If a road is a "dead end"; and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.
12. A public utility provider as defined under the Land Act 1994 may also apply for a permanent road closure. An application for temporary closure can be considered for another person for:
 - pipes for irrigation purposes that cross the road beneath its surface.
 - water channels for irrigation purposes that cross the road.

13. A road maybe closed "in strata" to provide for works such as:
- connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings,.
 - structure which will overhang a road.
 - car park or building under or over a road.
14. You may be required to pay a purchase price for the permanent closure of a road.
15. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
- incorporated into the applicant's adjoining freehold or leasehold land.
 - included in an existing reserve or set apart as a new reserve.
 - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
16. A road may be permanently closed under the Land Act 1994 if the Minister is satisfied the road is not the only dedicated access to a person's land; used regularly by the public as a road or stock route; or providing continuity to a road network.
17. Although the state owns the land in a dedicated road, a local government (section 60 of the Local Government Act 2009) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The Department of Transport and Main Roads is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.

Information on this form, and any attachments, is being collected to process and assess your application under the Land Act 1994. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside DNRME unless required or authorised by law.



1. The Application is for:	<input checked="" type="checkbox"/> Permanent road closure <input type="checkbox"/> Temporary road closure	go to 2 go to 2
----------------------------	---	------------------------

2. If you are not the manager of the road as defined below, have you consulted with the Road Manager to determine if the road is still required?	<input checked="" type="checkbox"/> Yes go to 3 <input type="checkbox"/> No go to 3	
<p>Note: Before submitting your application to the DNRME, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the <u>Department of Transport and Main Roads</u> for a state controlled road managed under the <u>Transport Infrastructure Act 1994</u>.</p> <p>This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.</p> <p>A signed 'Part C - Statement in relation to an application under the <u>Land Act 1994</u> over State land' from the road manager must accompany this application.</p> <p>A road may be permanently closed under the <u>Land Act 1994</u> if the Minister is satisfied the road is not: (a) the only dedicated access to a person's land; (b) used regularly by the public as a road or stock route; or (c) providing continuity to a road network.</p> <p>An application must be refused if the road is still needed in accordance with section 101(3) of the <u>Land Act 1994</u>.</p> <p>Note: A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land for another use.</p> <p>Road Manager is –</p> <ul style="list-style-type: none"> • The local government for a road that is controlled by the local council • For a state controlled road, the chief executive of the Queensland Government agency administering the <u>Transport Infrastructure Act 1994</u> such as the Department of Transport and Main Roads. 		

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application?	<input checked="" type="checkbox"/> Yes go to 4 <input type="checkbox"/> No	Application cannot be considered unless temporary closure is for reasons listed in Question 4
<p>Note: Section 99(1) of the <u>Land Act 1994</u> states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.</p>		

4. Is the temporary closure to make structural improvements for:	<input type="checkbox"/> Pipes for irrigation purposes that cross the road beneath its surface <input type="checkbox"/> Water channels for irrigation purposes that cross the road	go to 5
<p>Note: Section 99(3) of the <u>Land Act 1994</u> limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:</p> <ul style="list-style-type: none"> • Pipes for irrigation purposes that cross the road beneath its surface; or • Water channels for irrigation purposes that cross the road. 		

5. Provide details in Schedule 1 below, of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for. (If there is insufficient space, please lodge as an attachment) go to 6

Schedule 1 You must enter either the Lot or Plan or Title Reference of the land.		
Lot	Plan	Title Reference
Lot 134	HQ 480	

6. Have you made a previous application for closure of this area of road? ☐ Yes go to 7 ☒ No go to 10

7. Was this application refused? ☐ Yes go to 8 ☐ No go to 10

8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration? ☐ Yes go to 9 ☐ No go to 10

Note: The application may be rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. (If there is insufficient space, please lodge as an attachment) go to 10

10. Is any use currently being made of the road area? ☐ Yes go to 11 ☒ No go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure (If there is insufficient space, please lodge as an attachment) go to 12

12. Provide details of the proposed use of the road area. (If there is insufficient space, please lodge as an attachment) go to 13

Provide pasture for livestock

13.	Provide details of any additional information to support the application. (optional) (If there is insufficient space, please lodge as an attachment)	go to 14

Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted or the forms are not completed accurately, your application will be returned.

14.	Tick the box to confirm the attachments for part of the application.
<input checked="" type="checkbox"/>	Part A - Contact and land details form.
<input checked="" type="checkbox"/>	Part C - Statement from road manager.
<input type="checkbox"/>	Application fee.
<input type="checkbox"/>	A copy of a <u>Dial Before You Dig</u> enquiry confirmation sheet verifying if there is any public utility infrastructure located on the road area applied for
<input type="checkbox"/>	A drawing showing the information listed in the "application requirements" that are included in the <u>Applying for a road closure guide</u> .
<input type="checkbox"/>	Additional information in support of your application such as correspondence from the road manager or current users of the road.

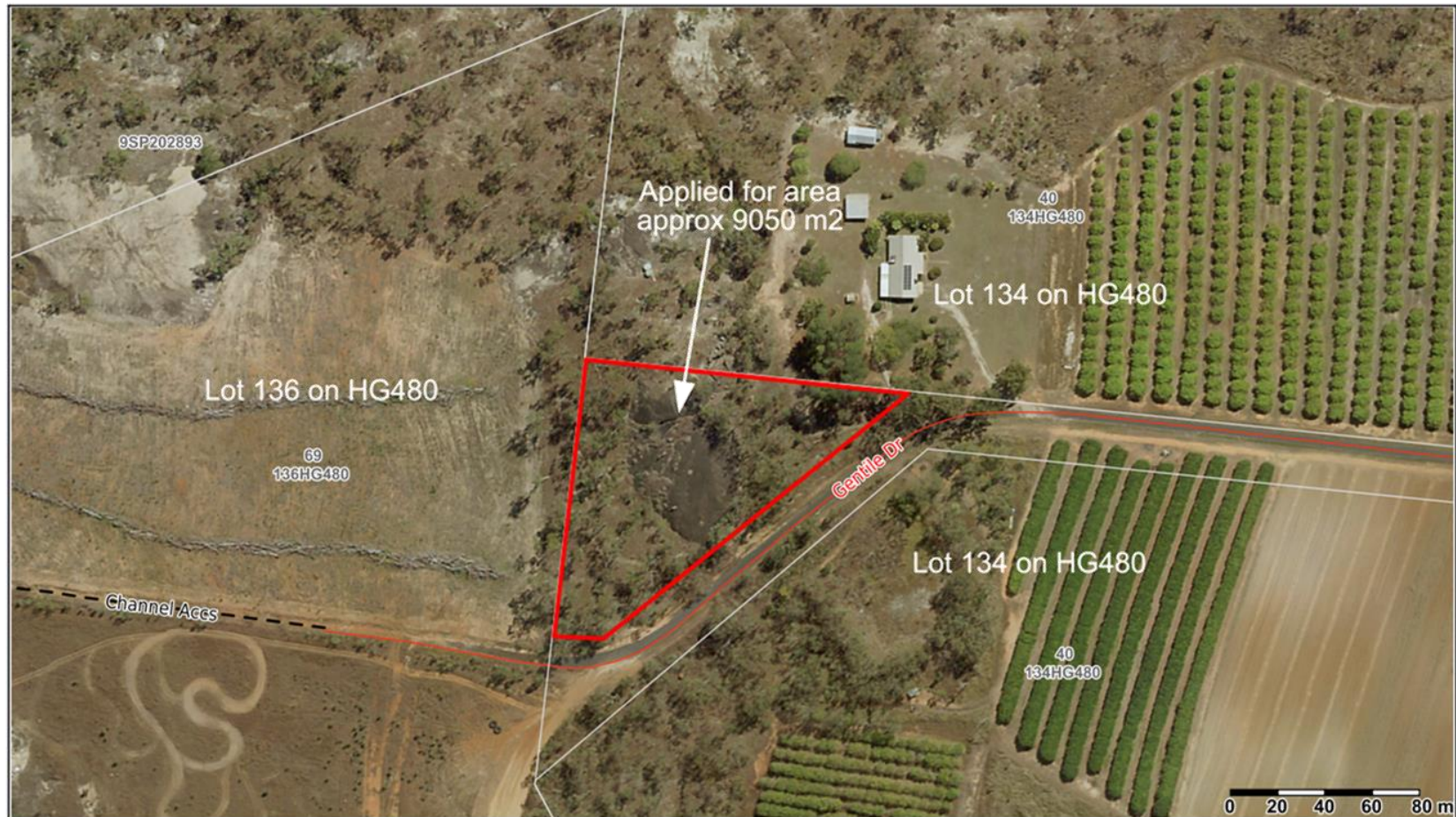
Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Date: 20 / 10 / 2020

Note: If applicant, section 142 of the Land Act 1994 states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over.
If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.



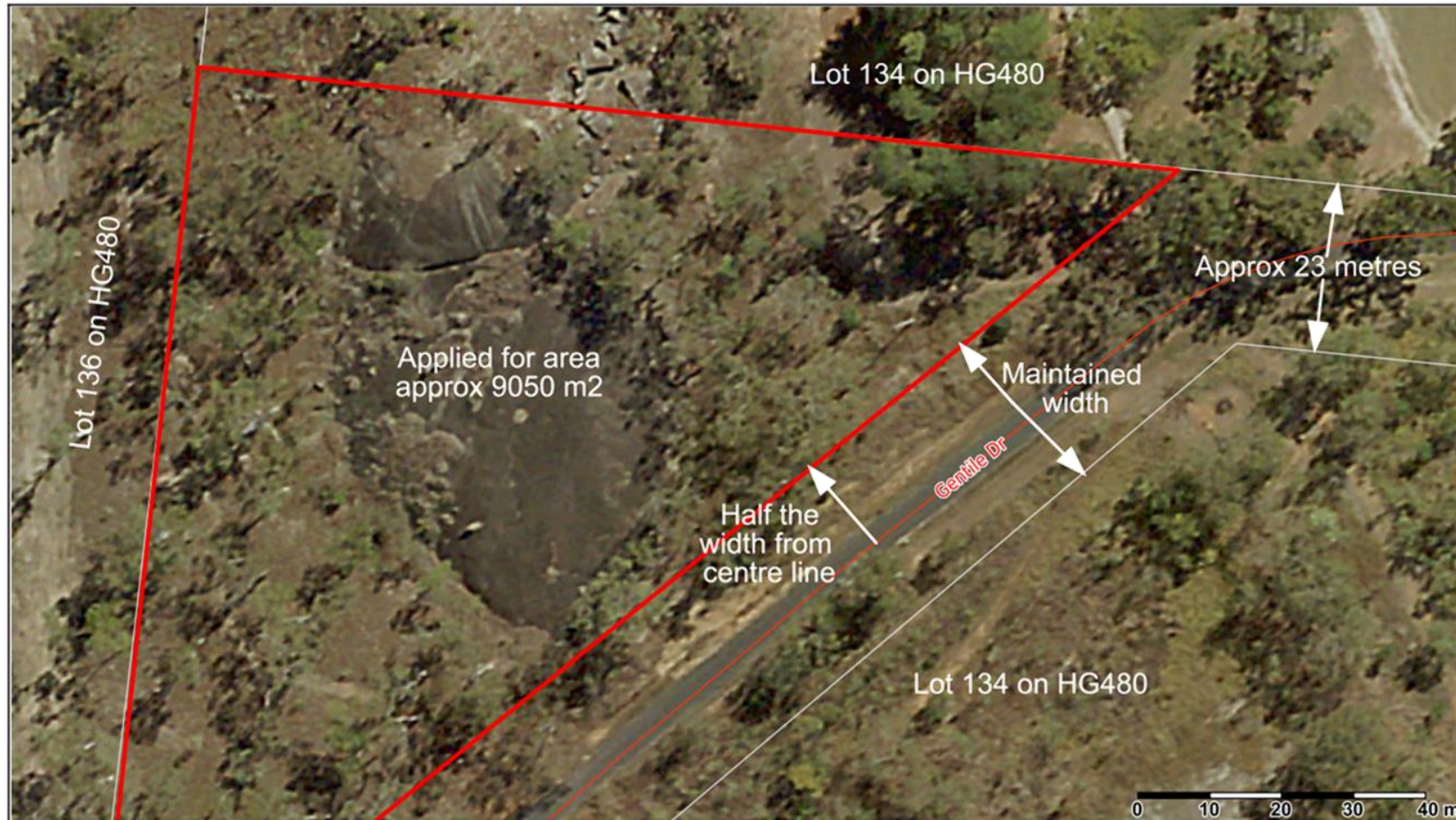
Lot 134 on HG480 Gentle Drive

© 2020 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources, Mines & Energy (DNRME) [2020]. 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.









Proposed New Road Widths

© 2020 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources, Mines & Energy (DNRME) [2020]. 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.



9.8 T-MSC2020-19 MAREEBA POUND UPGRADE

Date Prepared: 5 November 2020

Author: Manager Technical Services

Attachments: Nil

EXECUTIVE SUMMARY

Council has invited tenders from suitably qualified and experienced contractors to undertake the renewal of the existing Mareeba Pound Facilities which closed on 5 November 2020.

To allow the works to commence as soon as possible and ensure the works are complete by the grant funding deadline, officers propose Council delegate authority to the Chief Executive Officer to consider and approve the contractor.

RECOMMENDATION

That Council delegates authority to the Chief Executive Officer to award the contract for T-MSC2020-19 Mareeba Pound Upgrade after consultation with Councillors.

BACKGROUND

Located 35 Hickling Avenue, the existing Mareeba Pound and has serviced the community as both a Council impoundment facility and animal refuge. Recent inspections have identified that the structure has reached the end of its functional use and a new facility is needed.

The project provides for the construction of a dual-purpose facility capable of supporting both impoundment requirements of Council and an animal refuge.

Council has engaged the services of Coburn Architecture to assist with the development of designs and tender evaluation process, with Council inviting tenders from suitably qualified and experienced contractors to undertake the renewal of the Mareeba Pound. Tenders closed 11.00am, Thursday 5 November 2020 with evaluation of the submissions being undertaken.

To allow the works to commence as soon as possible and ensure the works are complete by the grant funding deadline, officers propose Council delegate authority to the Chief Executive Officer to consider and approve the contractor.

RISK IMPLICATIONS**Financial**

Council has allocated funding under the Queensland Government funding arrangement 'Works for Queensland' which requires expenditure by 30 June 2021.

Infrastructure and Assets

The existing facility has reached the end of its functional life and requires replacement, the renewed facility will provide for the long term needs of the community.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Tenders have been sought in accordance with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Council has allocated funding under the Queensland Governments 'Works for Queensland' funding program. Officers will provide seek further consultation with Council prior to award of contract.

Is the expenditure noted above included in the current budget?

Yes.

Operating

As a replacement facility, it is anticipated that there will be limited additional operational costs.

Is the expenditure noted above included in the current budget?

Current costs associated with the facility are included in the current 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.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Officers will undertake further negotiations with shortlisted tenderers prior to awarding the contract.

9.9 T-MSC2020-13 GAMBOOLA CROSSING CAUSEWAY REMEDIATION WORKS - TENDER EVALUATION

Date Prepared: 6 November 2020

Author: Manager Technical Services

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a comparison of tenders received for the rehabilitation of Gamboola Crossing, damaged during the 2019 natural disaster event and make recommendation on award of the tender.

RECOMMENDATION

That Council:

1. Awards Tender T-MSC2020-13 Gamboola Crossing Causeway Remediation Works to King Concreting Pty Ltd (Trading as CIVFORM) for the amount of \$423,217.24 (ex GST) subject to Queensland Reconstruction Authority (QRA) approval; and
2. Endorses the approval of provisional works subject to QRA approval for the additional works.

BACKGROUND

As part of the process for Disaster Recovery Funding Arrangements (DRFA), Council engaged the services of Trinity Engineering and Consulting Pty Ltd (TEC) to project manage the procurement and delivery of Restoration of Essential Public Asset (REPA) works, as approved by the Queensland Reconstruction Authority (QRA) and funded through the Disaster Recovery Funding Arrangements (DRFA).

The Tender was advertised through Tenderlink on Saturday, 19 September 2020 and closed at 11.00am, Tuesday 12 October 2020.

The project provides for the 'like for like' replacement of damaged sections of the Gamboola causeway crossing on Strathleven Road. Tenderers were also requested to provide pricing for additional damaged sections of the Gamboola causeway as an 'if ordered' schedule.

Council and TEC are currently in the process of requesting a variation from the QRA for the rehabilitation of an additional 24 metres of causeway. To ensure that this potential construction element is captured during the tender phase an additional 'if ordered' schedule was included in the tender. This aspect has been acknowledged in the assessment, but the recommendation will ultimately be dependent on the current QRA approved scope of works.

Design Criteria

As funding for this project will be sourced via DRFA, the scope of works provides for the 'like for like' replacement of damaged sections of the Gamboola causeway crossing on Strathleven Road, with consideration to current engineering and environmental requirements.

The work involved includes (but not limited to);

- Establishment of Contractors Site Facilities (as required);
- Provision of Traffic;
- Environmental Management;
- Erosion and Sediment Control;
- Removal of damaged sections of causeway;
- Concrete construction of approximately 30m of causeway; and
- Protection works adjacent to causeway.

Extension of Time

Historical river data indicates that the Mitchell River level at Gamboola crossing does not generally subside to a height suitable for construction (full exposure of the causeway) until the fourth quarter of the calendar year. As the construction funding is contingent of the works being complete prior to 30 June 2021, an extension of time has been requested from QRA until 31 December 2021.

In post tender correspondence, tenderers were asked to confirm if/how their tendered price would be affected by the postponing of construction works until late 2021.

Tender Evaluation

Trinity Engineering and Consulting (TEC) were engaged to undertake evaluation of the tenders, post-tender negotiations and contract management on Council's behalf.

Tenders were reviewed in accordance with the evaluation criteria stated in the tender documentation:

- a) Value for money
- b) Relevant Experience
- c) Key Personnel and Experience
- d) Demonstrated Understanding
- e) Local Content

All Tender submissions were assessed for conformance, price and non-price based criteria.

Tenders Received

Tenders were received from the following two (2) organisations by close of tender:

Table 1: Submitted Pricing by Tenderers – QRA Approved Scope of Works

Tenderer	Tendered Price (GST excl)
LDI Constructions Civil Pty Ltd	\$471,468.00
King Concreting (QLD) Pty Ltd Trading as Civform	\$423,217.24
King Concreting (QLD) Pty Ltd Trading as Civform – Alternative Tender*	\$291,226.44

Table 2: Submitted Pricing by Tenderers – QRA Approved Scope of Works and Requested Variation

Tenderer	Tendered Price (GST excl)
LDI Constructions Civil Pty Ltd	\$831,649.00
King Concreting (QLD) Pty Ltd Trading as Civform	\$663,435.18
King Concreting (QLD) Pty Ltd Trading as Civform – Alternative Tender*	\$489,126.52

The tender assessment spreadsheet was populated with the rates provided by the tenderer. No discrepancies in the priced tender schedules were identified.

Civform - Alternative Tender*

King Concreting Pty Ltd (Civform) has offered an alternative tender that seeks to construct a 500mm reinforced concrete slab instead of the blade pier/cutoff wall arrangement specified in the tender documents.

This alternative tender offers a reduced construction program of 5.5 weeks (in comparison to Civforms conforming tender of 7 weeks). The price is also significantly cheaper than the conforming tender of both Civform and LDI Constructions Civil Pty Ltd (LDI).

However, the alternative design does not come with a structural certification and therefore the risk of accepting this alternative design lies with Council.

Secondly, the alternative offer does not reflect the scope of works (i.e. blade piers etc) approved by QRA. Should Council wish to consider this option, further design analysis would be required prior to providing advice on the acceptability of the alternative design and additional costs would be incurred for this. Regardless, the alternative offer is greater than the current QRA funding approval and therefore would still require re-approval of the additional cost. Therefore, at this stage TEC and Council officers recommend pursuing the tender based on the compliant design.

Preferred Tender

Based on both Quantitative and Qualitative criteria assessment, King Concreting (QLD) Pty Ltd trading as Civform is the preferred tenderer for Contract T-MSC2020-13 Gamboola Crossing Causeway Remediation Works.

RISK IMPLICATIONS

Financial

Actual costs associated with the reconstruction of essential public infrastructure are eligible for reimbursement through DRFA which is administered via the QRA. Council has maintained regular contact with the QRA to ensure the proposed design is compliant and meets the required value for money criteria.

Infrastructure and Assets

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term asset management of the network.

Legal and Compliance

Tenders were sought in-line with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

\$423,217.24 (ex GST) contract value; additional costs associated with contact management and contingencies will be applicable. All eligible costs are able to be sought for reimbursement through DRFA.

Is the expenditure noted above included in the current budget?

No however the actual costs associated with the project are reimbursable via DRFA.

Operating

The replacement civil infrastructure will not increase the operational costs associated with maintaining the network.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

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

IMPLEMENTATION/COMMUNICATION

Nil

9.10 T-MSC2020-16 MAREEBA SHIRE COUNCIL SOLAR PROJECT TENDERS

Date Prepared: 10 November 2020
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

Council has invited tenders from suitably qualified and experienced contractors to undertake the design and install of grid-connected solar photovoltaic (PV) systems to nine (9) Council sites. Tenders close on 20 November 2020.

Locations identified include Dimbulah Swimming Pool, Mareeba Swimming Pool, Kuranda Aquatic Centre, Mareeba Water Treatment Plant, Kuranda Water Treatment Plant, Cedric Davies Community Hub, Centenary Booster Pump, Mareeba Water Treatment Plant Booster Pump, and Mareeba Wastewater Treatment Plant.

To allow the works to commence as soon as possible and ensure the works are completed by the grant funding deadline, officers propose Council delegate authority to the Chief Executive Officer to consider and approve the contractor.

RECOMMENDATION

That Council delegates authority to the Chief Executive Officer to award the contract for T-MSC2020-16 Design, Supply and Installation of Solar Photovoltaic (PV) Systems at Council sites detailed in this report following consultation with Councillors.

BACKGROUND

Council has engaged Peak Services (Peak) to undertake a solar power concept design study, including structural and electrical suitability inspections, at nine (9) selected Council Sites as listed below:

1. Dimbulah Swimming Pool
2. Mareeba Sewerage Treatment Plant
3. Mareeba Swimming Pool
4. Mareeba Booster Pump (Granite)
5. Centenary Park Booster
6. Mareeba Water Treatment Plant (WTP)
7. Kuranda Aquatic Centre
8. Kuranda Water Treatment Plant (WTP)
9. Cedric Davies Community Hub

Following detailed analysis of the nine (9) sites and weather data, Peak identified Mareeba as being highly suited for solar power, with excellent all year-round solar exposure. By installing solar power at these sites, Council will save significant electricity costs by transitioning around 31% of the sites'

energy usage to renewable energy. The project will deliver between 731,820 kWh and 879,374 kWh of clean power per annum and will reduce Council's carbon emissions by almost 600 tons of CO₂ each year.

Tenders close 11.00am, Friday 20 November 2020 and Council has engaged the Peak to assist with the tender evaluation process.

To allow the works to commence as soon as possible and ensure the works are complete by the grant funding deadline, officers propose Council delegate authority to the Chief Executive Officer to consider and approve the contractor.

RISK IMPLICATIONS

Financial

Council allocated funding under the Queensland Government funding arrangement 'Works for Queensland' which requires expenditure by 30 June 2021.

Infrastructure and Assets

Further investigation of the sites following the initial report from Peak found the soil stability for ground mounted units will be identified as a risk due to the suitability of the soil samples taken. The roof structure on two (2) sites will require additional reinforcement to take the weight load of the PV panels. Both risk items were identified prior to the site visits with tenderers and all submissions will include provisions to manage these risks.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Tenders have been sought in accordance with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Council have successfully sought funding under the Queensland Governments 'Works for Queensland' funding arrangement. Officers will provide seek further consultation with Council prior to award of contract.

Is the expenditure noted above included in the current budget?

Yes

Operating

Implementation of the project is anticipated to result in operational cost savings through reduced electricity costs.

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

Officers will undertake further negotiations with shortlisted tenderers prior to awarding the contract.

9.11 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - OCTOBER 2020

Date Prepared: 28 October 2020

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 October 2020.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for October 2020.

BACKGROUND**Technical Services**Design, quality and investigations:

Investigation activities undertaken in October included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	60	27
Drainage Investigations	1	1
Park Investigations	3	3
NHVR Permit Applications	4	15
Aerodrome Investigations	1	0
Traffic Count Surveys	20	20
Rural Address Requests	0	1
Dial Before You Dig Requests	0	49

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The laboratory completed the following testing in the October period:

Supplier	No. of Tests
Internal	94
External	163

Asset Inspections:

Scheduled inspections of Council's transport infrastructure assets have been varied during the month of October:

Inspection Type	Each
QR Open Level Crossings	17
Roads	94
Bridges	1
Subtotal	145

In addition to field inspections, work was completed towards improving the footpath, water, sewerage, roads, kerbs and stormwater network.

Inspections planned for November will continue to focus on the annual inspection of Council roads.

Operational Works and Subdivisions

To ensure ongoing compliance with development conditions, both during construction and on-maintenance, Council undertakes routine inspection and monitoring of sites. The following developments remain current:

Locality	Subdivisions Name	Status
Mareeba	Kenneally Estate Stage 4	Under Construction
Mareeba	The Edge Stage 2B	Under construction
Kuranda	3 Hilltop Close	On-maintenance
Mareeba	Clean Choices Car Wash	On-maintenance
Kuranda	72 - 76 Mason Road Stage 1	On-maintenance
Mareeba	Mareeba Roadhouse & Accommodation Park, Williams Close	On-maintenance
Mareeba	Bundanoon Stage 2	Off-maintenance
Kuranda	112 Barnwell Rd widening	Monitoring

Disaster Recovery Funding Arrangements (DRFA - previously NDRRA)

The DRFA is jointly funded by the Commonwealth and Queensland governments to help alleviate the costs of relief and recovery activities undertaken in disaster-affected communities by delivering recovery activities to return affected eligible assets back to pre-event condition. The status of declared disaster events currently being managed are provided below:

Program	Status
2018 NDRRA	All works completed. Final claims lodged with QRA for reimbursement of costs in accordance with 30 June 2020 deadline.
2019 DRFA	Works currently underway include: <ul style="list-style-type: none"> • Eastern Roads Package - Gregg Constructions has finalised the majority of works, with only one crossing remaining.

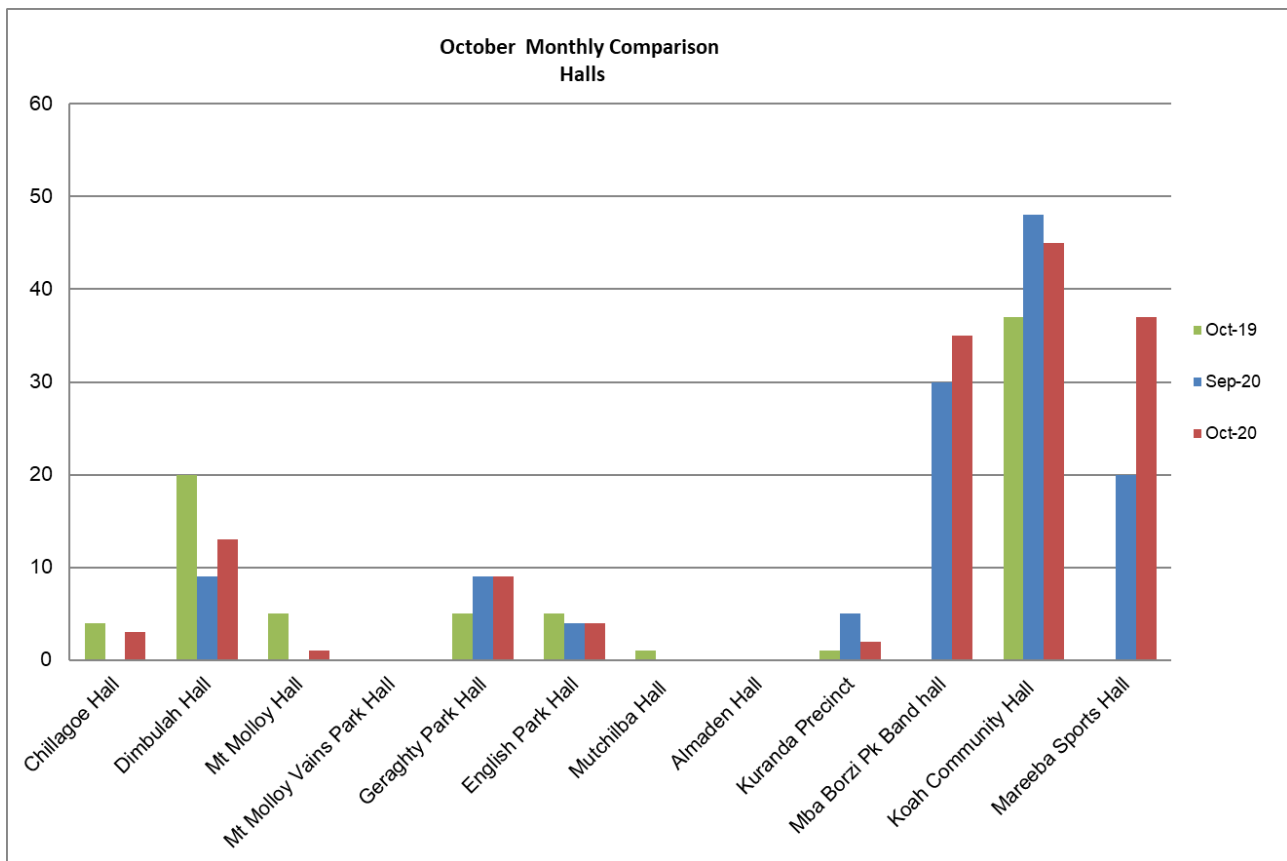
Program	Status
	<ul style="list-style-type: none"> • Western Roads Package: Errol Fitzgerald has finalised the majority of works, financial reporting is currently underway. • Mid-Western and Dimbulah Roads Packages: Watto's Earthmoving has finalised the majority of works, financial reporting is currently underway. • Bowers Street: Remediation completed. • Gamboola Crossing: Tender evaluation underway, with recommendation of award anticipated in November 2020.
2019 Betterment	<p>Design, documentation and Tendering for the 2019 Betterment works underway;</p> <ul style="list-style-type: none"> • Tenders invited - Fossilbrook Road, Lynd Crossing. • Design & Documentation - Shanty Creek Road, Creek Crossing. • Design & Documentation - Clacherty Road, Creek Crossing <p>QRA provided preliminary approval of these projects in early September 2020. Other betterment projects to be identified and submitted in future funding rounds.</p>

Facilities

Community Halls:

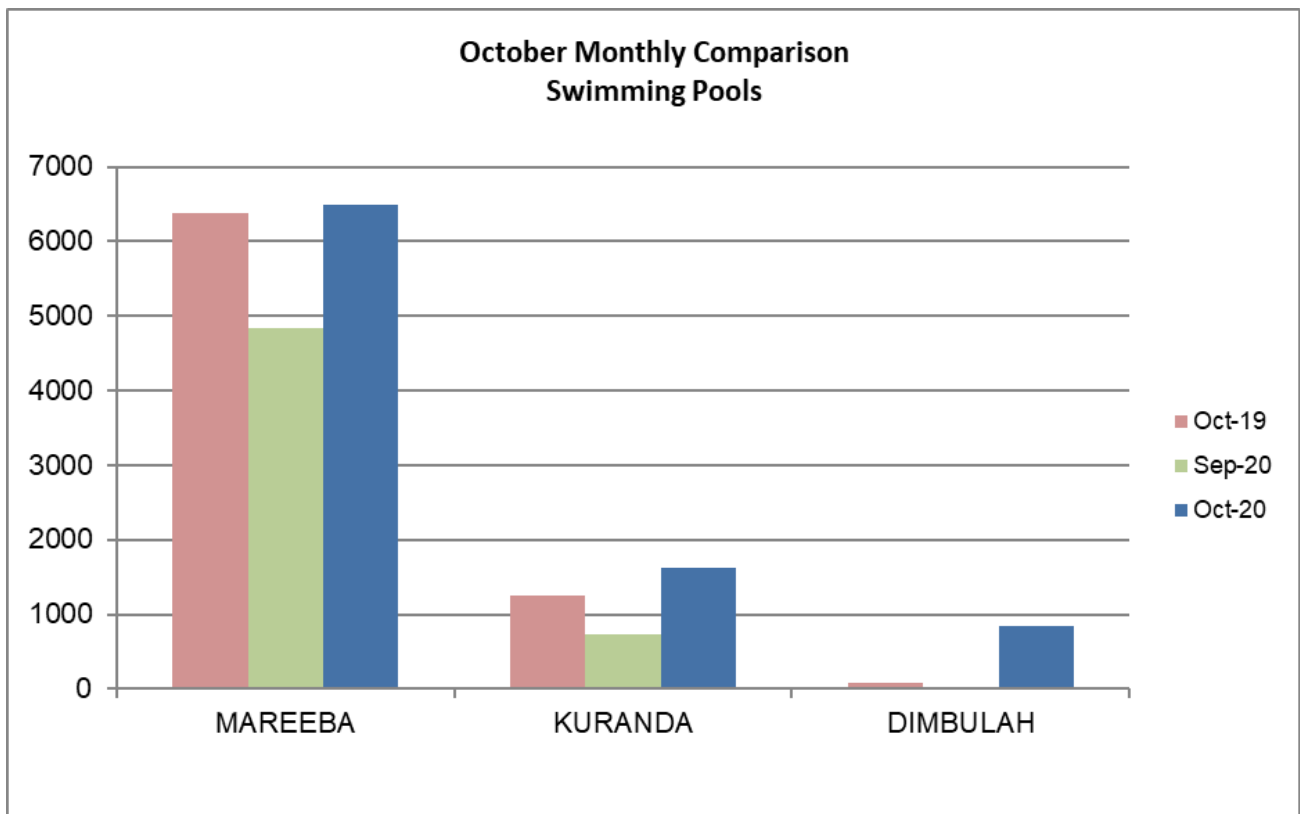
Maintaining safe, simple access to Council Community Halls is recognised as an important aspect for the Communities ongoing wellbeing. All facility users are required to comply with the conditions set-out by the State Government's COVID-19 Restrictions Roadmap.

October utilisation indicates a general strengthening in utilisation numbers, which may be due to the community becoming more comfortable with the COVID reporting requirements.



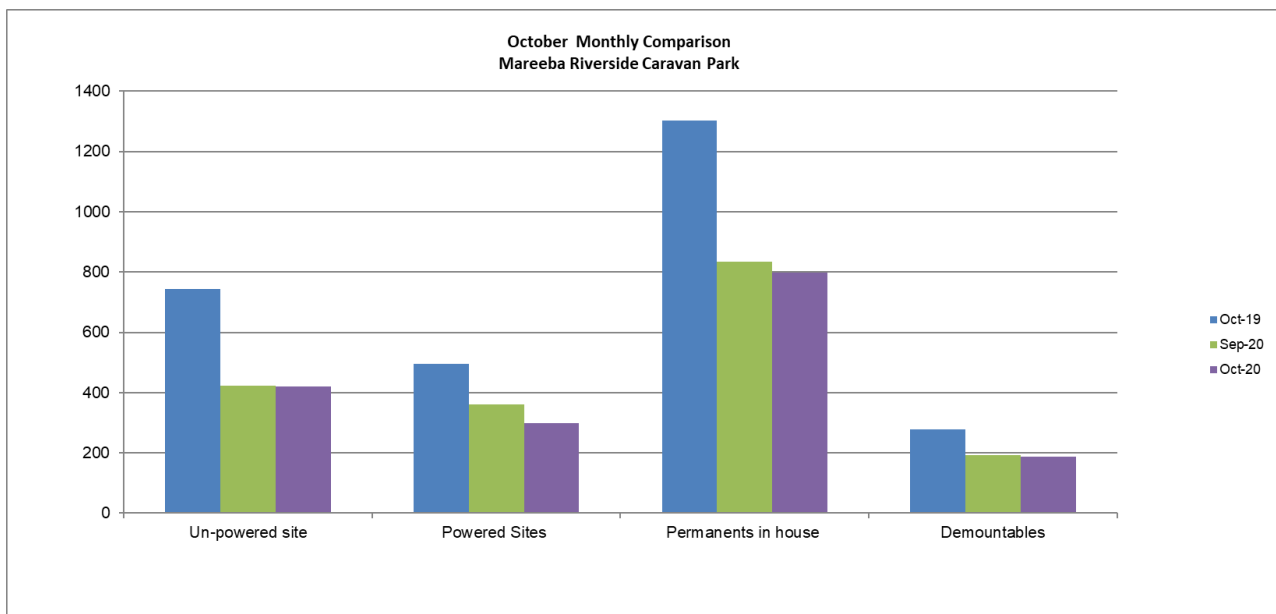
Swimming Pools:

All three (3) pools are now operational, with public safety restrictions remaining in force in line with the State Government's COVID-19 Requirements. Attendance numbers have improved against previous months with particular growth in School Swim Lessons, however, this has impacted access by the general public due to COVID related capacity limitations.

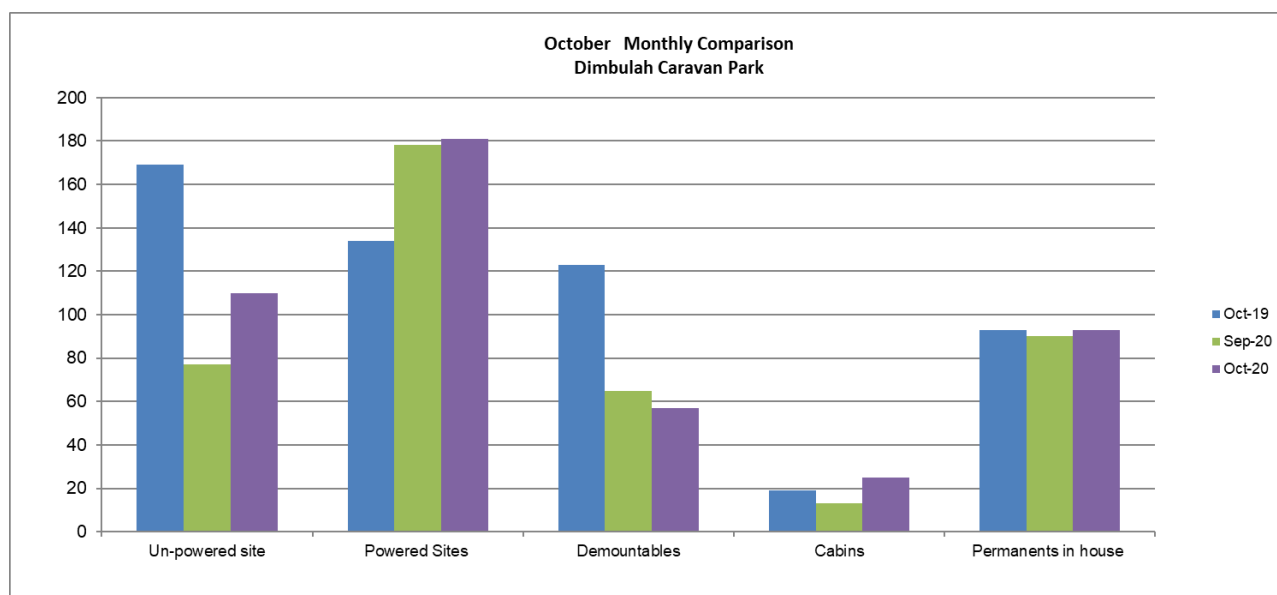


Caravan Parks:

Mareeba Riverside Caravan Park utilisation have generally decreased.



Dimbulah Caravan Park utilisation has increased slightly compared to last month, with the long weekend assisting to increase powered and unpowered site usage by campers. Contractors working in the town were the main tenants for the rooms. Figures compared to last year are still down which is still contributed to the COVID-19 restrictions for travellers.



Vandalism & Graffiti:

During October, 4 reports of vandalism/graffiti were recorded, with annual costs provided below;

Financial Year	Actuals	Comments
2015/16	\$ 2,134.00	<ul style="list-style-type: none"> • Mareeba CWA toilets x 2 • Mareeba Sports Hall • Mareeba Arnold Park toilets
2016/17	\$ 16,546.00	
2017/18	\$ 23,948.00	
2018/19	\$ 14,851.00	
2019/20	\$ 14,211.18	
2020/21	\$ 7,278.16	

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

COVID-19 impacts in relation to closure and re-opening of facilities will be managed in line with Queensland Government requirements.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Additional costs associated with graffiti and vandalism is expected and will be accommodated within existing budget allocations.

LINK TO CORPORATE PLAN

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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.

9.12 CHILLAGOE WATER INFRASTRUCTURE PROJECT

Date Prepared: 28 October 2020

Author: Manager Water and Waste

Attachments: 1. 4km Bore 100 Hour Test Report [↓](#)
2. Water Analysis [↓](#)

EXECUTIVE SUMMARY

This report seeks to inform Council of the progress on the Chillagoe Water Infrastructure project which plans to establish a commercial sized bore, pipeline and associated infrastructure to supply Chillagoe water treatment plant.

RECOMMENDATION

That Council receives this report outlining the progress of the Chillagoe Water Infrastructure Project.

BACKGROUND

Council is seeking to increase the Chillagoe town water supply, which is currently sourced from various underground bores within the town, by augmenting the water supply network with a new bore and pipeline from outside the township.

The desire to increase the supply through this project, is governed by the following reasons:

- Existing town bores unreliable and struggling to meet demand presently managed by placing Chillagoe residents on Level 3 water restrictions since November 2017;
- Water affected by high concentrations of arsenic which results in high treatment costs, and;
- Low town water network pressure, not capable of meeting firefighting requirements.

Council undertook investigations by drilling 3 bores at locations of 2, 3 and 4 km west of the town centre, along Burke Developmental Road, with initial air tests producing 0.5, 6 and 56 litres per second of water for bores respectively.

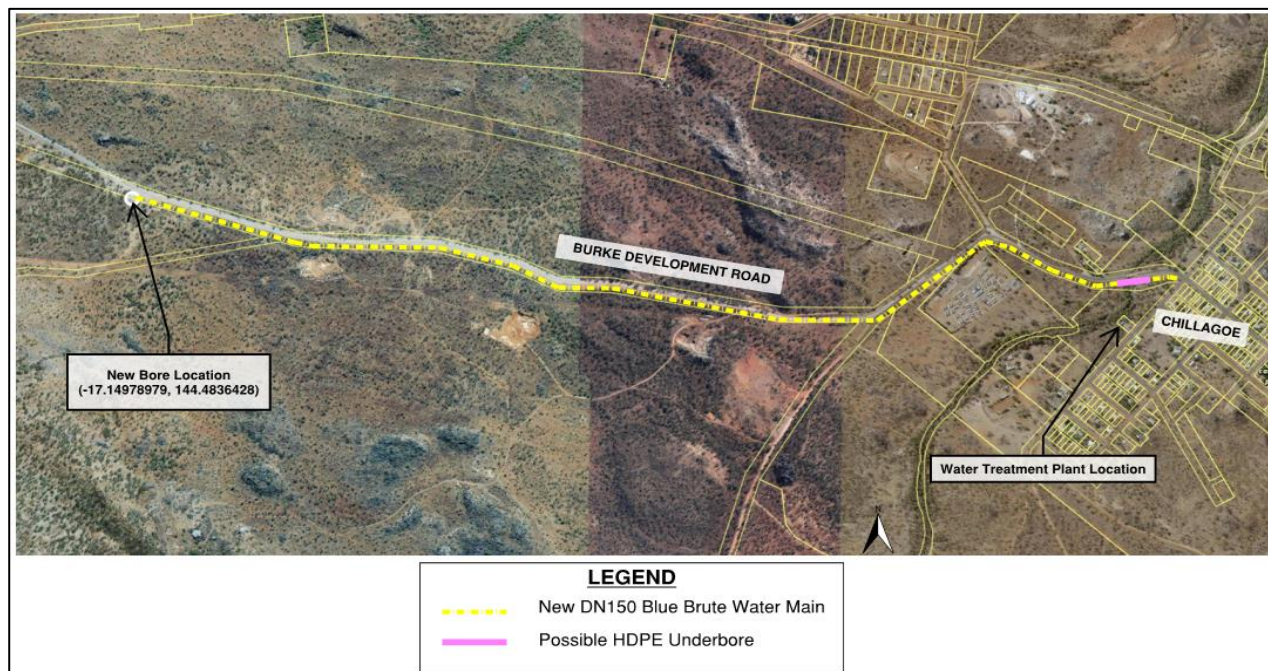
Council desires a sustainable yield of 10 litres per second, preferable with lower arsenic concentrations than the existing supply to warrant piping this water back 4km to the town's treatment plant. Northern Groundwater Solutions (NGS) Pty Ltd was engaged to undertake pumping tests, analysis and sampling to determine if this bore met Council's requirements.

The bore at 4km from the township was drilled to a depth of 88m with water encountered at fracture zones, at depths between 32 and 66m. The 100hr pumping test undertaken, was based on pumping at 11 litres per second and it was found that the bore was able meet Council's demand of 10 litres per second very comfortably. Water was found to be consistently clear and sediment free, with lab samples showing reduced arsenic concentrations (attached).

Based on these results, Council intends to progress with this and install the bore and 4 km pipeline to the town centre, as shown in the area map on page 2 of this brief. The project would consist of the following works:

- Supply and installation of bore and 4 km DN150 pipeline;

- Supply and construction of site and site hut c/w switchboard and flow meter;
- Supply and connection of telemetry and SCADA, and;
- Supply and connection of power (diesel generator or 3 phase power supply).



Council applied to the Queensland Recovery Authority (QRA) in 2020 through their Local Economic Recovery (LER) Program for partial funding for the project and has been successful in securing partial grant funding with Council to co-contribute remaining costs toward the project.

Project planning is underway, with power supply investigations, survey, detailed design and Native Title and Cultural Heritage clearances to be completed in the coming months.

RISK IMPLICATIONS

Infrastructure and Assets

Limited reliability of ground water from the three (3) existing bores used to supply the Chillagoe water treatment plant has resulted Council imposing Level 3 water restrictions on Chillagoe since November 2017. To ensure ongoing water security for Chillagoe, an alternative groundwater supply is being investigated.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Funding for this project has been allocated in the long-term financial plan.

Is the expenditure noted above included in the current budget?

No, but the funding allocated in future years will be brought forward as Councils co-contribution to the project.

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Communication and media must be undertaken in accordance with the funding body's requirements as the project progresses.



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Email: alan@nthgwsol.com.au

**REPORT ON 2ND
100 HOUR BORE PUMPING TEST
40 LITRES/SECOND
CHILLAGOE 4 KM BORE**



23 September 2020

Mareeba Shire Council –Chillagoe 4km Bore- 40 l/s Test

TABLE OF CONTENTS

1.0	INTRODUCTION	3
2.0	SCOPE OF WORK.....	3
3.0	BORE CONSTRUCTION	3
4.0	BORE PUMPING TEST	5
5.0	TEST ANALYSIS	6
6.0	WATER QUALITY	7
7.0	CONCLUSIONS	7
8.0	DISCLAIMER.....	7

Attachments:

Appendix 1 - Drawdown and Recovery Data

Mareeba Shire Council –Chillagoe 4km Bore- 40 l/s Test

1.0 INTRODUCTION

Mareeba Shire Council are seeking to augment the existing Chillagoe town water supply bores which are struggling to meet demand and are also affected by high levels of arsenic within the water.

Council has constructed a new bore approximately 4 km west of town adjacent to the gulf development road. NGS conducted a 100hr test on this bore in June 2020 using Council's pump which had a discharge rate of 11 litres per second. This test indicated that the bore would be capable of sustaining a supply of in excess of twice the test rate.

Council has requested a further test at a much higher discharge rate (40 litres per second) in order to stress the bore and gain a better understanding of its sustainable yield prior to going to the expense of equipping this bore and piping the water back into town.

Northern Groundwater Solutions Pty Ltd (NGS) was engaged to undertake the pumping test, analysis and sampling to confirm this bore meets the requirements of Council.

2.0 SCOPE OF WORK

The scope of the work undertaken included:

- Conducting 100 hour pumping test and recovery in accordance with AS2368-1990 "Test Pumping of Water Wells"
- Analysis of pumping test data to determine the sustainable yield of the aquifer.
- Collection of water samples towards the start and end of pumping period and deliver to Council for potability analysis.
- Preparation of report

3.0 BORE CONSTRUCTION

The bore was constructed by Serra Drilling between the 21st and 27th May 2020.

The bore was drilled to a depth of 88 metres but was only cased to 62 metres as the 250mm ID PVC casing got stuck when being inserted.

The main water was encountered in fractured zones at depths between 32 and 66 metres.

The production casing is slotted with 6mm slots between 14 and 62 metres.

Steel surface casing (406mm OD) is grouted in place from surface to 25 metres. The production casing is cement sealed to a depth of 5 metres.

Mareeba Shire Council - Chillagoe 4km Bore - 40 l/s Test

Upon completion the drilling contractor developed the bore and estimated the supply at 56 litres per second.

A copy of the drillers log is shown below.

Water bore drilling log

Authorisation details
 Registered number: 2038825
 Development permit number: 2038825
 Works reference number: 2038825

SECTION A - LOCATION DETAILS
 Name of landholder: Mareeba Shire Council
 Phone No.: 0232291
 Postal code: 8102156
 Date commenced: 21/5/20
 Date completed: 27/5/20

SECTION B - BORE COMPLETION DETAILS
 Bore property address: 4 Km West of Chillagoe - Burke Development Road
 Bore location GPS latitude: 0232291
 Longitude: 8102156
 Easting: 55K
 Zone: 55K

SECTION C - DRILLING METHOD
☐ Rotary mud ☐ Cable tool ☒ Rotary air

SECTION D - HOLE SIZE
 Diameter (mm): 444
 Location (metres): From 0 To 25

SECTION E - CASING DETAILS
 Type (PVC, Steel etc): 3.81
 Wall thickness (mm): 2.5
 Location (metres): From 0 To 88

SECTION F - GENERALISERS
 Type: 14
 Location (metres): From 0 To 14

SECTION G - PERFORATIONS / SLOTS / SCREENS
 Type: 273
 Size O.D. (mm): 6
 Aperture (mm): 14
 Location (metres): From 0 To 62

SECTION H - CEMENTING / GRAVEL PACK / ANNULAR FILL DETAILS
 Type: CEMENT
 Hole diameter (mm): 381
 Casing diameter (mm O.D.): 273
 Location (metres): From 0 To 5

SECTION I - PARTICULARS OF STRATA
 Strata description: light brown weathered rock
 Water level (m): 1.5
 Conductivity (µS/cm): 630
 pH: 7.2

SECTION J - WATER BEARING BEDS
 Depth (metres): 18.4
 Water level (metres): 1.5
 Supply (litres/second): 56
 Quality (e.g. potable, brackish, salty): potable

SECTION K - REMARKS
 Estimated supply: 56
 Duration of test: 2
 Drivendown level from surface: 18.4
 Depth to pump suction or bottom of drill stem: 18.4
 Temperature: 18.4

SECTION L - CERTIFICATION
 I hereby certify that the bore is drilled and constructed according to the conditions of my driller's licence and the information provided is true and accurate.
 Driller: Morgan Dina
 Driller's licence no.: 3428
 Signature of driller: [Signature]
 Date: 29/5/20
 Contractor: SECCA Drilling

SECTION M - REMARKS
NO END CAP. SUGGESTED PUMP Suction @ 55m.

SECTION N - REMARKS
Casing got stuck in fracture @ 62m.

Mareeba Shire Council –Chillagoe 4km Bore- 40 l/s Test

4.0 BORE PUMPING TEST

A 100 hour bore pumping test was conducted from 17th to 22nd September 2020.

The test was conducted using a submersible pump which was supplied and installed by Pumping, Irrigation and Machinery Services (PIMS). An orifice meter was utilised to measure the discharge rate and a data logger to record drawdowns at one minute intervals.

The discharged water was flumed away from the orifice meter downslope approximately 100 metres to reduce the likelihood of recirculation during the testing.



Prior to the start of the test the Standing Water Level (SWL) was 19.91m below ground level. This compares to 18.58m when the bore was originally tested about 3 months prior. The 1.5 metre decline in water level is due to natural seasonal water level variation and is not of concern.

The pump inlet was set at 55 metres which provided an available drawdown of 35.09 metres.

The entire test was conducted at a rate of 40 litres per second. There was no evidence of the gas which was evident at the start of the first test. This confirms my opinion that it was air that was trapped in the formation as a result of the drilling and development process.

Mareeba Shire Council –Chillagoe 4km Bore- 40 l/s Test

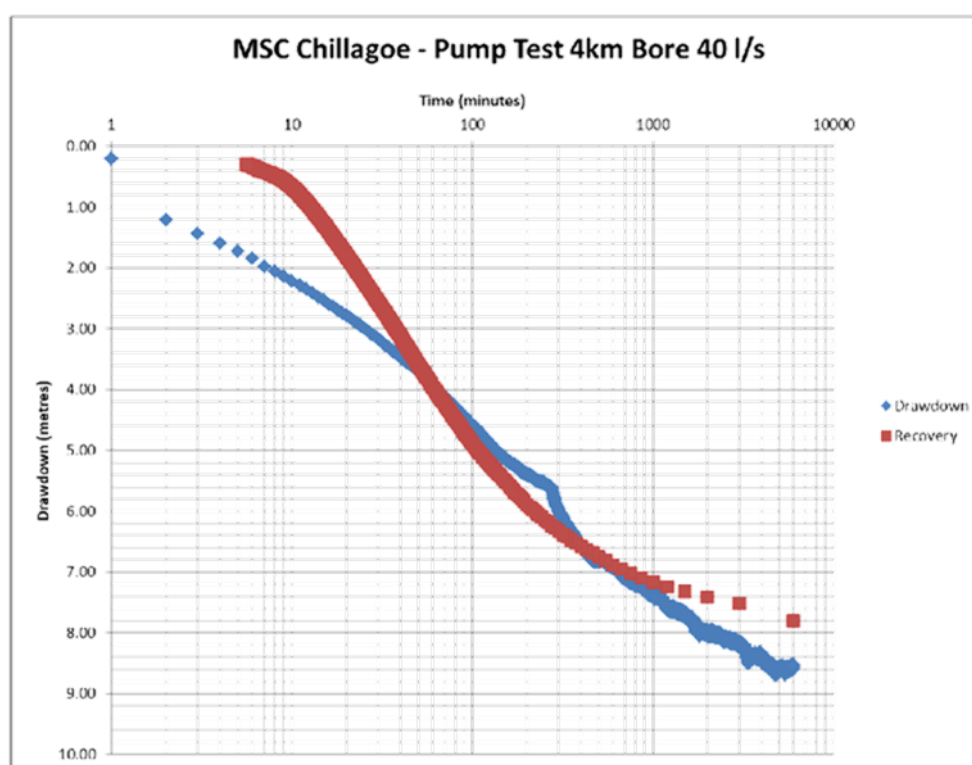
As can be seen from the attached plot, the maximum drawdown achieved was less than 9 metres of an available 35 metres. This is about 25% of the available drawdown indicating that the bore can easily sustain a yield of 40 litres per second even if water levels declined by a further 10 metres prior to wet season recharge.

At the conclusion of pumping the rate of recovery was monitored. 20 hours after the pump was turned off the water level was only 0.25 metres below its original level and continuing to slowly rise. The bore will fully recover and there are no indications of aquifer dewatering occurring.

The pumped water was clear and sediment free after the first 10 minutes of pumping. The initial slightly dirty water was the 'stale' water stored within the casing.

5.0 TEST ANALYSIS

Drawdown and recovery (residual drawdown) data were plotted against the logarithm of elapsed time in minutes.



Mareeba Shire Council –Chillagoe 4km Bore- 40 l/s Test

The following comments relate to the analysis of this test:

1. The test rate of 40 litres per second utilised approximately 25% of the available drawdown at the end of 100hrs pumping. After allowing for a further 10 metre decline in water level due to dry seasonal conditions in increased extraction in the area the design capacity for this bore would still exceed 40 litres per second.
2. The water quality did not alter significantly during testing, hence the water contained within this aquifer appears to be of consistent quality.
3. The recovery curve plot shows an aquifer which is highly transmissive and of significant lateral extent which indicates that the supply is sustainable. A total volume of 14.4 ML was pumped for the duration of the test and the bore recovered within a day.

6.0 WATER QUALITY

Regular field conductivity and pH measurements were undertaken throughout the test. There were no noticeable changes in water quality during the 100 hours of pumping. The Electrical Conductivity (EC) remained steady at about 700 microsiemens/centimetre and the pH was in the order of 6.6.

A sample was collected and handed to Council Officers for dispatch to the laboratory for potability analysis at the start and at the conclusion of pumping.

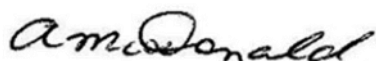
7.0 CONCLUSIONS

This test confirms that this bore is able to produce a sustainable supply of 40 litres per second of consistent quality water. No adverse boundary conditions were encountered during the test which shows the aquifer is of sufficient extent to provide a reliable long term water supply.

8.0 DISCLAIMER

It is pointed out that while information given either verbally or in writing by this company is based upon observations and analysis of available data by trained personnel, and is accurate as far as can be judged, NGS can accept no responsibility for results obtained.

Prepared by:



ALAN MCDONALD
Principal
Northern Groundwater Solutions Pty Ltd

Appendix 1

Drawdown and Recovery Data
(See attached File)



Cairns Regional Council Water & Waste
Laboratory Services
 8 MacNamara Street
 MANUNDA, QLD 4870

Tel: (07) 4044 8344
 Fax:
 email: laboratory@cairns.qld.gov.au

Certificate of Analysis

Final Report

Project No: 106127
Report ID: 40811
 Chillagoe 4klm Bore

Attention: Amy Yates
Client: Mareeba Shire Council
Address: Kowa St
 MAREEBA QLD 4880

Date Received: 21/09/2020 1:00pm
Date Issued: 07-Oct-2020

The sample(s) referred to in this report were analysed by the following method(s):

Analysis	Method	Laboratory	NATA Accredited
Anions	TPA280	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
Anions - Fluoride	TPA370	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
Colour	TPP020	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
ICPMS Metals - Total	TPC015	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
ICPOES Metals - Total	TPC 360	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
Langelier Index	calculation	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
Mercury	USEPA 245.7	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
EC, pH, Alkalinity, Turbidity	TPP030 / 050 / 010 / 090	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
Salinity	calculation	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
SAR by Calculation	calculation	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
Solids - Total Dissolved	TPP060	Cairns Regional Council Water & Waste (Accreditation # 14206)	✓
Organochlorine Pesticides (ult)	EP131A	Australian Laboratory Services (Accreditation # 825)	✓
Organophosphate Pesticides (ult)	EP234A	Australian Laboratory Services (Accreditation # 825)	✓

External Laboratory Analyses are included in the attached Report(s):

External Laboratory	External Lab's Report Number
Australian Laboratory Services	EB2025624

The result(s) in this report were authorised by:

Name	Title	Qualifications
Alice Michalenko	Scientific Officer (Chemistry)	B. Sc (Marine Sc / Zoology) (Hons) MRACI
Melissa Aalbers	Senior Scientist (Chemistry)	B. Sc. (Chemistry/Zoology) MRACI CChem
Mark Butler	Scientific Officer (Chemistry)	undertaking B. Sc.

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Page 1 of 6

Principal Contact for this Report:

Amanda Beecham
Laboratory Manager
 B. Biomed. Sc., MPHTM, MASM



14206
 Chemical &
 Biological
 Accredited for
 compliance with
 ISO / IEC 17025
 Testing



Client: Mareeba Shire Council

Project No: 106127

Report ID: 40811

Date Issued: 07-Oct-2020

Page 2 of 6

Chillagoe 4klm Bore

LRN: 891423

Date Sampled: 21-09-2020 7:15am

Chillagoe 4klm Bore

Received at Lab: 21-09-2020 01:01pm

Method	Analyte	Result	Guideline	LOR	Date Started
Organics					
891426	Organochlorine Pesticides (ult)	Aldrin	<0.010 µg/L		
	Organochlorine Pesticides (ult)	alpha-BHC	<0.010 µg/L		
	Organochlorine Pesticides (ult)	beta-BHC	<0.010 µg/L		
	Organochlorine Pesticides (ult)	delta-BHC	<0.010 µg/L		
	Organochlorine Pesticides (ult)	4,4'-DDD	<0.010 µg/L		
	Organochlorine Pesticides (ult)	4,4'-DDE	<0.010 µg/L		
	Organochlorine Pesticides (ult)	4,4'-DDT	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Sum of DDD + DDE + DDT	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Dieldrin	<0.010 µg/L		
	Organochlorine Pesticides (ult)	alpha-Endosulfan	<0.010 µg/L		
	Organochlorine Pesticides (ult)	beta-Endosulfan	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Endosulfan sulfate	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Endosulfan (sum)	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Endrin	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Endrin aldehyde	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Endrin ketone	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Heptachlor	<0.005 µg/L		
	Organochlorine Pesticides (ult)	Heptachlor epoxide	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Hexachlorobenzene (HCB)	<0.010 µg/L		
	Organochlorine Pesticides (ult)	gamma-BHC	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Methoxychlor	<0.010 µg/L		
	Organochlorine Pesticides (ult)	cis-Chlordane	<0.010 µg/L		
	Organochlorine Pesticides (ult)	trans-Chlordane	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Total Chlordane (sum)	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Oxychlordane	<0.010 µg/L		
	Organochlorine Pesticides (ult)	Sum of Aldrin + Dieldrin	<0.010 µg/L		
891426	Organophosphate Pesticides (ult)	Bromophos-ethyl	<0.10 µg/L		
	Organophosphate Pesticides (ult)	Chlorfenvinphos	<0.02 µg/L		
	Organophosphate Pesticides (ult)	Chlorpyrifos	<0.02 µg/L		
	Organophosphate Pesticides (ult)	Chlorpyrifos-methyl	<0.2 µg/L		
	Organophosphate Pesticides (ult)	Coumaphos	<0.01 µg/L		
	Organophosphate Pesticides (ult)	Demeton-O	<0.02 µg/L		

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Client: Mareeba Shire Council

Project No: 106127

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Date Issued: 07-Oct-2020

Page 3 of 6

Chillagoe 4klm Bore

LRN: 891423

Date Sampled: 21-09-2020 7:15am

Chillagoe 4klm Bore

Received at Lab: 21-09-2020 01:01pm

Method	Analyte	Result	Guideline	LOR	Date Started
891426 Organophosphate Pesticides (ult)	Demeton-O & Demeton-S	<0.02 µg/L			
Organophosphate Pesticides (ult)	Demeton-S	<0.02 µg/L			
Organophosphate Pesticides (ult)	Demeton-S-methyl	<0.02 µg/L			
Organophosphate Pesticides (ult)	Diazinon	<0.01 µg/L			
Organophosphate Pesticides (ult)	Dichlorvos	<0.20 µg/L			
Organophosphate Pesticides (ult)	Dimethoate	<0.02 µg/L			
Organophosphate Pesticides (ult)	Disulfoton	<0.05 µg/L			
Organophosphate Pesticides (ult)	EPN	<0.05 µg/L			
Organophosphate Pesticides (ult)	Ethion	<0.02 µg/L			
Organophosphate Pesticides (ult)	Ethoprophos	<0.01 µg/L			
Organophosphate Pesticides (ult)	Fenamiphos	<0.01 µg/L			
Organophosphate Pesticides (ult)	Fenchlorphos (Ronnel)	<10 µg/L			
Organophosphate Pesticides (ult)	Fenitrothion	<2 µg/L			
Organophosphate Pesticides (ult)	Fensulfothion	<0.01 µg/L			
Organophosphate Pesticides (ult)	Fenthion	<0.05 µg/L			
Organophosphate Pesticides (ult)	Malathion	<0.02 µg/L			
Organophosphate Pesticides (ult)	Mevinphos	<0.02 µg/L			
Organophosphate Pesticides (ult)	Monocrotophos	<0.02 µg/L			
Organophosphate Pesticides (ult)	Omethoate	<0.01 µg/L			
Organophosphate Pesticides (ult)	Parathion	<0.2 µg/L			
Organophosphate Pesticides (ult)	Parathion-methyl	<0.5 µg/L			
Organophosphate Pesticides (ult)	Phorate	<0.1 µg/L			
Organophosphate Pesticides (ult)	Profenofos	<0.01 µg/L			
Organophosphate Pesticides (ult)	Prothiofos	<0.1 µg/L			
Organophosphate Pesticides (ult)	Sulfotep	<0.005 µg/L			
Organophosphate Pesticides (ult)	Sulprofos	<0.05 µg/L			
Organophosphate Pesticides (ult)	Temephos	<0.02 µg/L			
Organophosphate Pesticides (ult)	Terbufos	<0.01 µg/L			
Organophosphate Pesticides (ult)	Tetrachlorvinphos	<0.01 µg/L			
Organophosphate Pesticides (ult)	Triazophos	<0.005 µg/L			
Organophosphate Pesticides (ult)	Trichlorfon	<0.02 µg/L			
Organophosphate Pesticides (ult)	Trichloronate	<0.5 µg/L			
Organophosphate Pesticides (ult)	Azinphos-methyl	<0.02 µg/L			
Organophosphate Pesticides (ult)	Azinphos-ethyl	<0.02 µg/L			

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Client: Mareeba Shire Council

Project No: 106127

Report ID: 40811

Date Issued: 07-Oct-2020

Page 4 of 6

Chillagoe 4klm Bore

LRN: 891423

Date Sampled: 21-09-2020 7:15am

Chillagoe 4klm Bore

Received at Lab: 21-09-2020 01:01pm

Method	Analyte	Result	Guideline	LOR	Date Started
891426 Organophosphate Pesticides (ult)	Carbofenthion	<0.02 µg/L			
Organophosphate Pesticides (ult)	Pirimiphos-ethyl	<0.01 µg/L			
Organophosphate Pesticides (ult)	Pirimiphos-methyl	<0.01 µg/L			
Metals					
891424 ICPOES Metals - Total	ICPOES Silicon	22 mg/ L SiO2		<0.2	24-09-2020
ICPOES Metals - Total	Calcium	150 mg/L		<0.1	24-09-2020
ICPOES Metals - Total	Magnesium	3.1 mg/L		<0.05	24-09-2020
ICPOES Metals - Total	Potassium	0.62 mg/L		<0.015	24-09-2020
ICPOES Metals - Total	Sodium	3.8 mg/L		<0.05	24-09-2020
ICPOES Metals - Total	Total Hardness	390 mg CaCO3 / L		<1	24-09-2020
891425 ICPMS Metals - Total	ICPMS Aluminium	0.015 mg/L		<0.015	22-09-2020
ICPMS Metals - Total	ICPMS Antimony	<0.001 mg/L		<0.001	22-09-2020
ICPMS Metals - Total	ICPMS Arsenic	0.0012 mg/L		<0.0002	22-09-2020
ICPMS Metals - Total	ICPMS Barium	0.039 mg/L		<0.002	22-09-2020
ICPMS Metals - Total	ICPMS Beryllium	0.0001 mg/L		<0.0001	22-09-2020
ICPMS Metals - Total	ICPMS Boron	<0.05 mg/L		<0.05	22-09-2020
ICPMS Metals - Total	ICPMS Cadmium	<0.0001 mg/L		<0.0001	22-09-2020
ICPMS Metals - Total	ICPMS Chromium	<0.0002 mg/L		<0.0002	22-09-2020
ICPMS Metals - Total	ICPMS Cobalt	<0.0005 mg/L		<0.0005	22-09-2020
ICPMS Metals - Total	ICPMS Copper	<0.001 mg/L		<0.001	22-09-2020
ICPMS Metals - Total	ICPMS Iron	0.023 mg/L		<0.008	22-09-2020
ICPMS Metals - Total	ICPMS Lead	<0.0005 mg/L		<0.0005	22-09-2020
ICPMS Metals - Total	ICPMS Manganese	0.0015 mg/L		<0.0002	22-09-2020
ICPMS Metals - Total	ICPMS Molybdenum	<0.0005 mg/L		<0.0005	22-09-2020
ICPMS Metals - Total	ICPMS Nickel	0.0005 mg/L		<0.0005	22-09-2020
ICPMS Metals - Total	ICPMS Selenium	<0.002 mg/L		<0.002	22-09-2020
ICPMS Metals - Total	ICPMS Silver	<0.0002 mg/L		<0.0002	22-09-2020
ICPMS Metals - Total	ICPMS Thallium	<0.0005 mg/L		<0.0005	22-09-2020
ICPMS Metals - Total	ICPMS Thorium	<0.002 mg/L		<0.002	22-09-2020
ICPMS Metals - Total	ICPMS Tin	<0.001 mg/L		<0.001	22-09-2020
ICPMS Metals - Total	ICPMS Titanium	<0.001 mg/L		<0.001	22-09-2020
ICPMS Metals - Total	ICPMS Uranium	0.0006 mg/L		<0.0001	22-09-2020
ICPMS Metals - Total	ICPMS Vanadium	0.0016 mg/L		<0.0001	22-09-2020

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Client: Mareeba Shire Council

Project No: 106127

Report ID: 40811

Date Issued: 07-Oct-2020

Page 5 of 6

Chillagoe 4klm Bore

LRN: 891423

Date Sampled: 21-09-2020 7:15am

Chillagoe 4klm Bore

Received at Lab: 21-09-2020 01:01pm

Method	Analyte	Result	Guideline	LOR	Date Started
891425 ICPMS Metals - Total	ICPMS Zinc	<0.008 mg/L		<0.008	22-09-2020
891425 Mercury		<0.06 µg/L		<0.06	30-09-2020
General Chemistry					
891423 Salinity		0.350 psu			
891424 Langelier Index	pHs @ 25 deg C	6.6			
891424 Langelier Index	Langliers Index	1.1			
891424 SAR by Calculation	Sodium Absorption Ratio	0.082 Units		0	
891424 Solids - Total Dissolved	Total Dissolved Solids	410 mg/L		<1	22-09-2020
Physical Properties					
891424 Colour	Apparent Colour	3.2 Pt/Co units		<1	21-09-2020
891424 EC, pH, Alkalinity, Turbidity	Electrical Conductance	720 µS/cm		<1	21-09-2020
891424 EC, pH, Alkalinity, Turbidity	pH	7.7		<0.1	21-09-2020
891424 EC, pH, Alkalinity, Turbidity	Total Alkalinity	370 mg CaCO ₃ / L		<1.5	21-09-2020
891424 EC, pH, Alkalinity, Turbidity	Turbidity	1.1 NTU		<0.1	21-09-2020
Nutrients and Anions					
891424 Anions	Sulphate	3.4 mg/L		<1	25-09-2020
891424 Anions	Chloride	4.4 mg/L		<0.5	25-09-2020
891424 Anions - Fluoride	Fluoride	0.08 mg/L		<0.02	25-09-2020

Explanatory Notes for this Project

Abbreviations Used

LRN = Laboratory Reference Number LOR = Limit of Reporting
Responsibility for sampling lies with the CUSTOMER. Samples analysed as received.

Samples/Container non-compliances:

None

Holding time breaches:

If applicable, samples for pH and/or chlorine that are not received within 15 minutes of sampling exceed holding times specified in the APHA (2017), which states these analyses should be analysed immediately; within 15 minutes.

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Client: **Mareeba Shire Council**

Project No: 106127

Report ID: 40811

Date Issued: **07-Oct-2020**

Page 6 of 6

Chillagoe 4km Bore

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9.13 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - OCTOBER 2020**Date Prepared:** 28 October 2020**Author:** Manager Water and Waste**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Water and Waste activities undertaken by the Infrastructure Services Department during the month of October 2020.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for October 2020.

BACKGROUND**Water and Wastewater Treatment:**

All treatment plants performing satisfactorily. Water demand has continued to increase for some schemes, except for Chillagoe which saw a decrease in consumption following advice to the residents on the need to conserve water due to having only one (1) of the two (2) existing reservoirs available while the new water reservoir is built.

Inflows through the wastewater treatment plants have remained steady with a slight drop on inflows at the Mareeba WWTP and slight increase at the Kuranda WWTP.

Routine environmental monitoring did not detect any exceedances of environmental discharge limits. No anomalies or reportable notifications were reported in relation to routine water quality testing conducted during October.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	11,010	1,059	285	617	160
Number of Connections	3,922	1,010	123	247	123
Average daily water consumption per connection (L)	2,807	1,048	2,317	2,498	1,301

* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	1,978	178
Number of Connections	3,507	348
Average daily inflow per connection (L)	564	511

Water and Wastewater Reticulation:

Council's water reticulation crew attended to an increased number of water main breaks and small water leaks, and average response times were within targets set out in Council's customer service standard for water services. The increase in the number of main breaks and leaks is expected at this time of year, with hot temperatures and low rainfall in October leading to the soil drying and contracting, pulling aged, brittle pipes out of alignment. An increase in main breaks is typically observed during extended shifts in the weather, such as from cool/wet to hot/dry, or vice versa.

Monthly statistics are tabled on the reticulation main breaks and sewerage main breaks and chokes.

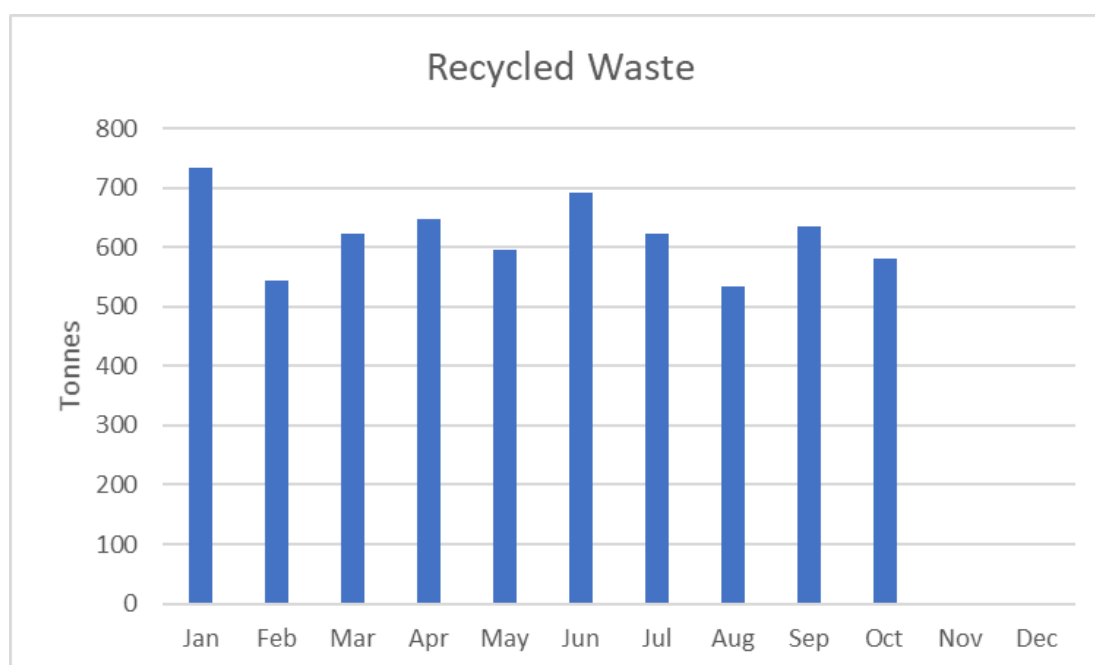
Water Mains	Jan 2020	Feb 2020	Mar 2020	April 2020	May 2020	June 2020	July 2020	Aug 2020	Sep 2020	Oct 2020
Water main breaks	4	9	11	10	8	8	6	4	4	10
Sewerage main breaks & chokes	3	3	5	4	4	2	4	3	1	3

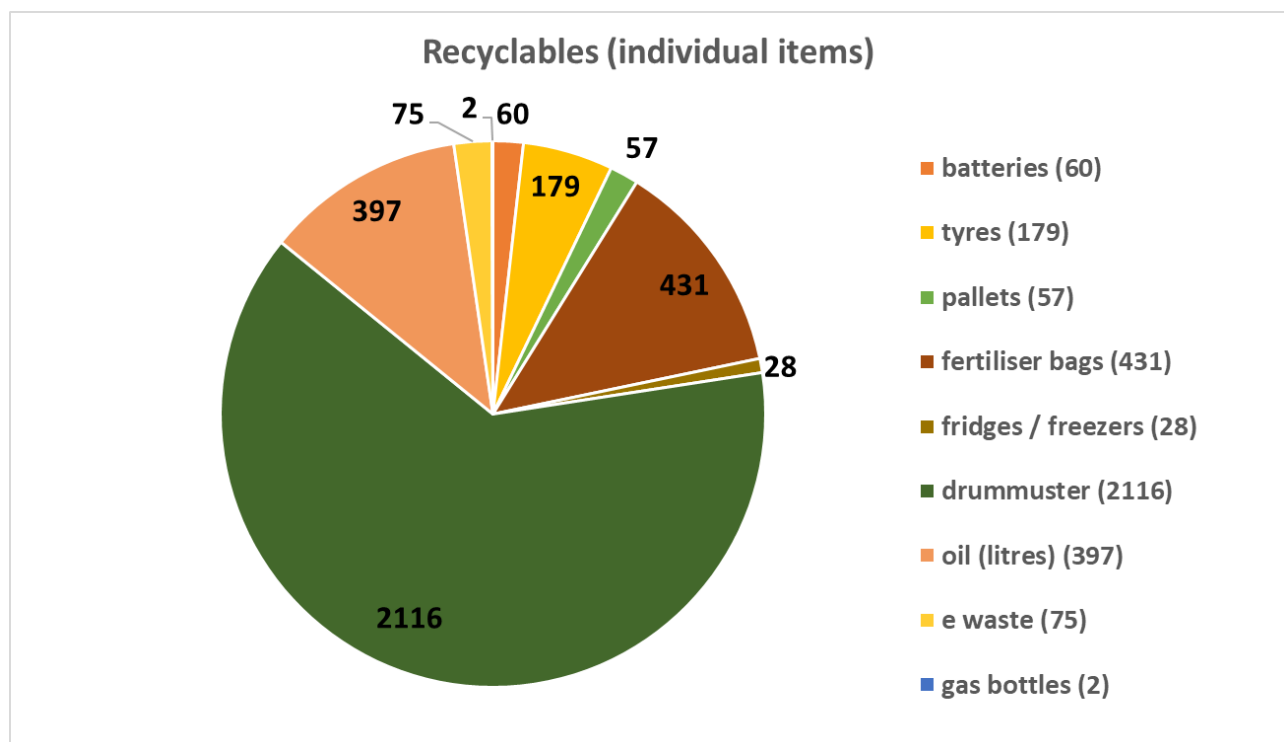
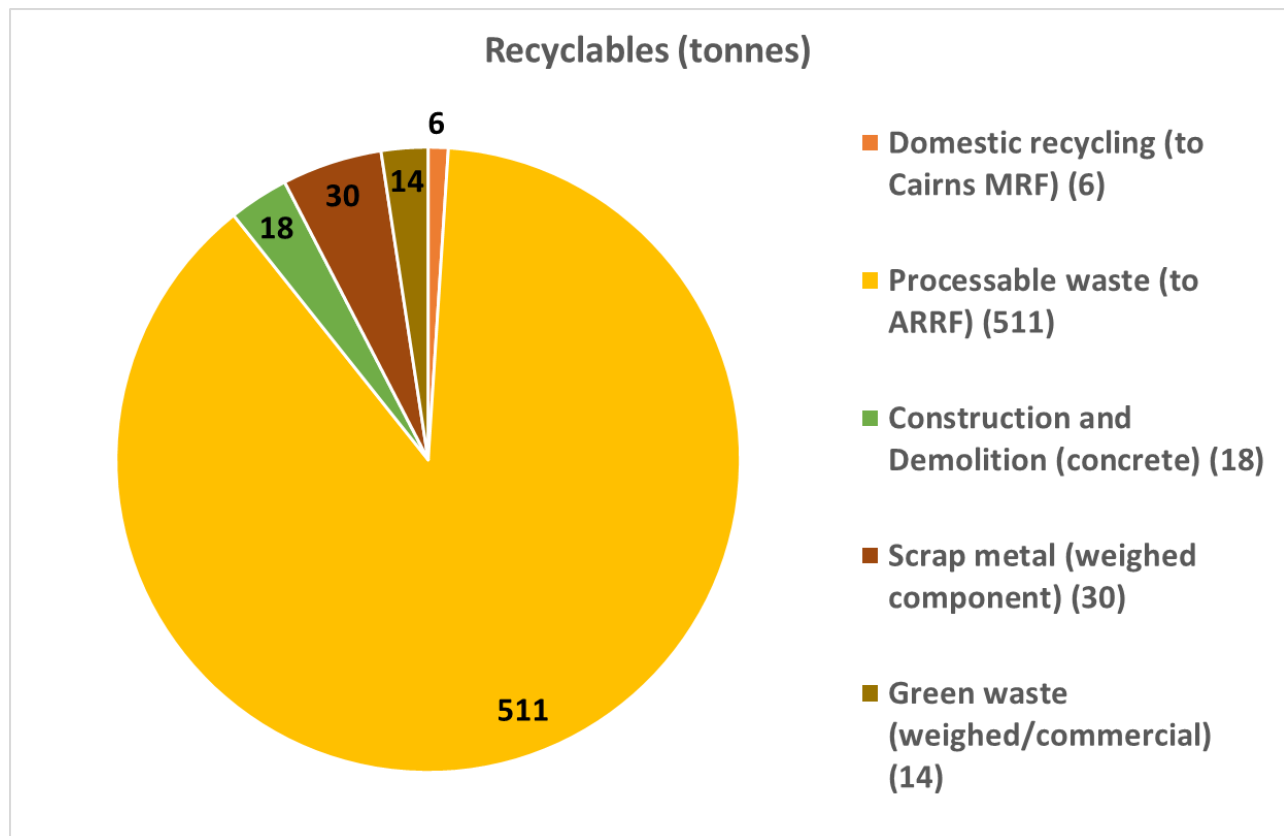
Waste Operations:

All transfer stations and Mareeba landfill are currently operational.

Recycling

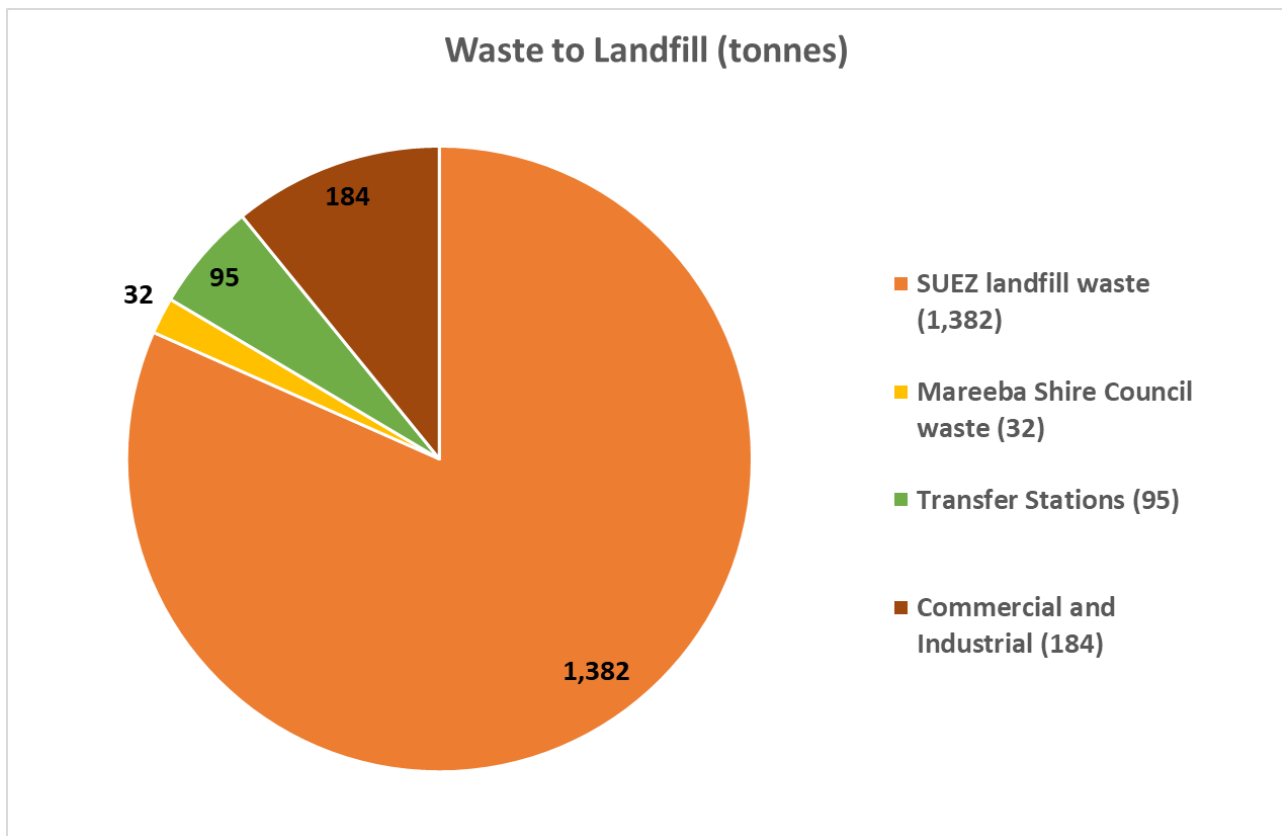
Waste material collected at each of the waste transfer stations are either deposited directly to the Mareeba landfill, recycled or transported to the SUEZ Advanced Resource Recovery Facility (ARRF) in Cairns for processing.





Waste to Mareeba Landfill

Waste directed to Mareeba Landfill is primarily residual waste from the SUEZ Advanced Resource Recovery Facility (ARRF) plant in Cairns, with minor quantities received from the waste transfer stations (Mareeba included), commercial and industrial waste, and waste that Mareeba Shire Council produces from its own activities.



Illegally Dumped Waste

Council received only one (1) illegally dumped tyre (less than one tonne) through Mareeba Waste Transfer Station during the month of October. No illegally dumped general waste was received.



RISK IMPLICATIONS**Environmental**

Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

The Environmental Authority amendment process is underway.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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.

9.14 BARRON RIVER CROCODILE SURVEY

Date Prepared: 27 October 2020

Author: Manager Works

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to present findings from two (2) crocodile surveys conducted in the Barron River and the Two Mile Creek/Lake Mitchell waterways.

RECOMMENDATION

That Mareeba Shire Council lobby relevant government departments to have the saltwater crocodiles (*crocodylus porosus*) removed from the Two Mile Creek and Lake Mitchell systems.

BACKGROUND**Barron River**

In August 2020, Top End Crocodile Service (TECS) conducted a survey of crocodile type and number in the Barron River from the bridge on Henry Hannam Drive at Mareeba to the Barron Falls at Kuranda. The survey was conducted during both night and day using a variety of methods including on-foot and kayak navigating, aerial observations and spotlighting.

The survey found small, isolated pockets of freshwater crocodiles (*crocodylus johnstoni*) inhabited this section of the Barron River but concluded that there was no evidence of saltwater crocodiles (*crocodylus porosus*) in this section of the Barron River. Freshwater crocodiles are typically found in inland rivers, creeks and dams, are generally quite shy and of less danger to humans and stock than saltwater crocodiles.

This was the first survey conducted on the upper Barron River and its catchments to identify the presence of crocodiles. The survey found that the population of freshwater crocodiles is small, with 11 individuals found in the Barron River and the Tinaroo Creek weir. TECS has advised that while it is a breeding population, survival rates of eggs and hatchlings would be incredibly low.

Two Mile Creek and Lake Mitchell

An earlier survey conducted by TECS along Two Mile Creek and Lake Mitchell from 2017 to August 2019 established the presence of saltwater crocodiles within that waterway system.

TECS is of the opinion that the population of crocodiles within Two Mile Creek and Lake Mitchell is an introduced or feral population and that historical evidence suggests that these crocodiles have only been observed in this waterway in the past few decades. TECS acknowledges that Two Mile Creek and Lake Mitchell are at the headwaters of the Mitchell River which flows west almost 700km to the Gulf of Carpentaria and that the native population of saltwater crocodiles has been recorded 300km inland. TECS has advised that natural barriers, such as rock escarpments and waterfalls should prevent saltwater crocodiles travelling further upstream and/or establishing sustainable populations past this point of the river.

TECS has advised that there are at least 22 individual saltwater crocodiles along the Two Mile Creek system and into Lake Mitchell, with a possibility for there to be between up to 45 individuals. Most of the saltwater crocodile population in this waterway appears to be smaller individuals between 40cm to 1.5 metres in length with the occasional mature crocodile. While no nests were observed during the survey to indicate that this population is breeding, the size of the population and age/maturity of the individuals suggests that it is possible that this population of saltwater crocodiles may be able to breed. TECS has advised that as time goes on and these saltwater crocodiles that currently inhabit Two Mile Creek and Lake Mitchell are not removed, it is likely that over the next 5- 10 years saltwater crocodiles could be breeding in these areas.

RISK IMPLICATIONS

Environmental

Under environmental legislation in Queensland, saltwater crocodiles are protected. The Department of Environment and Science (DES) Queensland Crocodile Management Plan is the overarching framework for the statewide management of public safety risks associated with crocodiles in Queensland.

LINK TO CORPORATE PLAN

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

It is proposed to lobby relevant government departments to have the saltwater crocodiles (*crocodylus porosus*) removed from the Two Mile Creek and Lake Mitchell systems.

9.15 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - OCTOBER 2020

Date Prepared: 9 November 2020

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 operational activities undertaken by Infrastructure Services during the month of October 2020.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of October 2020.

BACKGROUND**Transport Infrastructure**Road Maintenance Activities

During October unsealed road maintenance continued in the Kuranda area along with vegetation removal and bitumen patching activities in both the Kuranda and Mt Molloy/Julatten areas.

As the capital works program starts to close down for the calendar year ahead of the impending Christmas break and wet season, construction crews will be reassigned to the operational works backlog and reseal preparation.

Bridges and Major Culverts

The bridge crew resources have been allocated to construction of the John Doyle Bridge for the past five (5) months and only emergency maintenance has been undertaken on Council bridges and major culverts during this time. With the opening of the John Doyle Bridge on 30 October the bridge crew staff will now turn their attention to programmed inspections and maintenance of Council's bridges and major culverts throughout the Shire for the coming months.

TMR Routine Maintenance Performance Contract (RMPC)

RMPC activities in the northern area of the shire during the month of October concentrated on culvert inspections, rest area servicing and preparation works for asphalt pavement repairs that will commence in November. During the month Council was required to provide emergency traffic control for vehicle accidents on the Mulligan Highway, Mossman - Mt Molloy Road and the Mareeba - Dimbulah Road. Several grass fires adjacent to state-controlled roads also required traffic management services under RMPC due to smoke hazard.

In November, medium formation grades are programmed for the section of the Burke Developmental Road between Almaden and Chillagoe, and from Nolan's Creek to King Vol Mine.

Parks and Open Spaces

An initial review of operational activities, including engagement with staff has been commenced as part of development of the Parks and Open Spaces Strategy.

It has been identified that scheduled street sweeping, bin emptying, CBD footpath cleaning and public toilet servicing are critical operational activities for the section. Most of these tasks commence in the early hours of the morning and having adequate personnel familiar with the routine and areas to service ensures services levels can be maintained and provides supervisors the ability to change work schedules quickly. Training has commenced to increase existing officer's skillsets so backup can be provided within the Parks and Open Spaces section when annual leave or other absence affects staffing levels.

Land Protection

Prickle Trees, Caltrope and Rubbervine: During October TMR engaged the services of Land Protection staff to carry out weed reduction on the state controlled corridors within Mareeba Shire.

Feral Pig and Wild Dog Control: Council coordinated ten (10) pastoral holdings on the Lynd and Tate Rivers in a 1080 baiting program. The total area of land treated was 653,000 hectares.

Vehicle Clean Down and Inspection: Land Protection Officers are charged with the responsibility of certifying travelling vehicles to be clean of plant material, mud and weed seeds. A total of 31 vehicles travelling in a group heading to the west of Chillagoe were inspected and certified. These inspections revealed the seeds of Bathurst Burr in two (2) of the vehicles. This invasive plant of South and Central Queensland, as well as southern states pastoral regions is not yet established in the Northern Australia. This was a timely discovery and reinforces the message of vigilance.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

COVID-19 impacts in relation to closure and re-opening of facilities will be managed in line with Queensland Government restrictions.

FINANCIAL AND RESOURCE IMPLICATIONS

Operating

All operational works are funded by the section specific 2020/21 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

10 OFFICE OF THE CEO

10.1 LOCAL GOVERNMENT WASTE MANAGEMENT ADVISORY COMMITTEE MEETING

Date Prepared: 27 October 2020

Author: Chief Executive Officer

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council approval for Cr Wyatt to participate in the next Local Authority Waste Management Advisory Committee (LAWMAC) Meeting hosted by the Townsville City Council and scheduled for 19 and 20 November 2020.

RECOMMENDATION

That Council approves Cr Wyatt's participation in LAWMAC at Townsville City Council scheduled for 19 and 20 November 2020 and the consecutive quarterly LAWMAC meetings scheduled for 18- 19 February 2021; 20-21 May 2021; 19-20 August 2021; 18-19 November 2021 with venues yet to be confirmed.

BACKGROUND

The Local Government Waste Management Advisory Committee (LAWMAC) provides sustainable solutions through its regional forum and interactive participation across the LAWMAC regional on current and future Waste Management Practices and Technologies.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Yes

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Registration for the LAWMAC will be processed if approved by Council.

10.2 NOMINATION FOR LGAQ EXECUTIVE DISTRICT REPRESENTATIVE 2020-2024

Date Prepared: 6 November 2020

Author: Chief Executive Officer

Attachments: 1. Correspondence from LGAQ dated 26 October 2020 [↓](#)

EXECUTIVE SUMMARY

Correspondence has been received from LGAQ to elect an Executive District Representative for Far North (District 10) for the balance of the period 2020-2024.

RECOMMENDATION

That Council nominate Councillor Peter Scott for nomination as the candidate for the Far North LGAQ Executive position.

BACKGROUND

In accordance with Rule 5.4 (1)(h) of the Association's Constitution and Rules, nominations have been called for the Casual Vacancy – Election of Association's Executive Representative for District No 10 (FAR NORTH) for the balance of period 2020-2024.

RISK IMPLICATIONS

Nil

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.

IMPLEMENTATION/COMMUNICATION

LGAQ to be advised of the nomination if approved.



26 October 2020

DISTRICT NO. 10

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

Email: peter@msc.qld.gov.au

Dear Peter

**CASUAL VACANCY - ELECTION OF ASSOCIATION'S POLICY EXECUTIVE REPRESENTATIVE
FOR DISTRICT NO 10 (FAR NORTH)**

In accordance with Rule 5.4 (1)(h) of the Association's Constitution and Rules, nominations are hereby called for the Casual Vacancy – Election of Association's Executive Representative for District No 10 (FAR NORTH) for the balance of period 2020-2024.

The Far North councils which are current financial members of the Association are entitled to nominate candidates for election from amongst elected members of the councils within their District.

- | | |
|---------------|--|
| Attachment 1: | The councils within District 10 (Far North)
The votes exercised by each council |
| Attachment 2: | |
| Attachment 2A | Policy Executive Members Information Schedule |
| Attachment 2B | Corporate Government Charter |
| Attachment 2C | Policy Executive Fees |
| Attachment 2D | Policy Executive Member Details |
| Attachment 3: | Nomination Form for your District - <u>Complete and return</u> |

Please Note:

- Nominations close at 5pm on Wednesday, 18 November 2020**, and must be received by the Chief Executive Officer by that time.
- A Ballot Paper (if necessary) will be sent to you immediately upon the close of nominations.

If you have any queries, please do not hesitate to call me.
Yours sincerely

Greg Hallam AM
CHIEF EXECUTIVE OFFICER
encl.

P 07 3000 2222
F 07 3252 4473
W www.lgaq.asn.au

Local Government House
25 Evelyn Street
Newstead Qld 4006

PO Box 2230
Fortitude Valley BC
Qld 4006

Local Government Association Of Queensland Ltd.
ABN 11 010 883 293 ACN 142 783 917

Attachment 1

DISTRICT NO .10 - (Far North)

<u>COUNCIL</u>		<u>VOTES</u>
Cairns		6
Cassowary		2
Cook		2
Douglas		2
Mareeba		2
Tablelands		2
Torres Shire		2
		18



ATTACHMENT 2A

POLICY EXECUTIVE MEMBERS INFORMATION SCHEDULE**MEETING OBLIGATIONS**

The Executive currently has six (6) regular meetings each year, however this frequency can be varied by the Policy Executive. With the exception of one regional meeting and the meeting which precedes the Annual Conference, the Policy Executive meets at Local Government House in Brisbane. The dates are as follows:

Policy Executive Dates 2020

7-Feb-20	8:30am to 3:00pm	Policy Executive Meeting	LGAQ House	Boardroom
17-Apr-20	8:30am to 3:00pm	Policy Executive Meeting	LGAQ House	Boardroom
25-Jun-20	8:30am to 4:00pm	Induction for New Members	LGAQ House	Boardroom/Bralga/Orchid
	6:00pm	Dinner	TBC	TBC
26-Jun-20	8:30am to 3:00pm	Policy Executive Meeting	LGAQ House	Boardroom
14-Aug-20	8:30am to 3:00pm	Policy Executive Meeting	LGAQ House	Boardroom
18-Oct-20	TBC	Policy Executive Meeting	Gold Coast	TBC
11-Dec-20	8:30am to 3:00pm	Policy Executive Meeting	LGAQ House	Boardroom

Special Meetings may be called as required. Meetings by way of telephone hook-up may also be held.

Policy Executive Members may also be appointed to represent the Association on statutory boards and committees as well as ad hoc bodies. These appointments are made by the Policy Executive following consultation with member councils.

Members elected at this time take up their positions in **June 2020**, and subject to the Rules, hold office until **June 2024**.

26 October 2020

Attachment 2B

CORPORATE GOVERNANCE CHARTER

January 2020



1 Background

The purpose of the Local Government Association of Queensland (LGAQ) is to be the peak body for local government in Queensland with a vision of strong and effective local government. Our mission is to strengthen the ability and performance of local government to better serve the community.

This Corporate Governance Charter defines the role, responsibilities and authorities of the Policy Executive and the Board of the LGAQ, along with the role and function of individual Executive Representatives and Directors.

LGAQ is committed to effective governance practices which reflect accountability, transparency, and professional integrity within an inclusive framework based on trust and intellectual honesty.

The LGAQ Board and Policy Executive have previously resolved to adopt a number of corporate objectives including:

- ✖ Establish a leadership reputation for advocacy & representation
- ✖ Establish a leadership reputation for integrity (trusted and authoritative)

Furthermore, the Board and Policy Executive have also resolved to adopt the corporate values of: **Accountable; Trusted; Empowered.**

Together these elements provide the foundation for the Association's policy initiatives and activities.

This Charter is intended to assist the Policy Executive and Board by:

- ✖ Providing clear guidelines on roles, responsibilities and relationships of the Policy Executive, Board, Directors and Executive Representatives;
- ✖ Identifying key principles for effective corporate governance to allow "best practice" performance;
- ✖ Ensuring appropriate accountability of the Policy Executive and Board to LGAQ members;
- ✖ Ensuring that the link between the Association's corporate objectives and values and the activities of members of the Board and Policy Executive is identified and understood.

The Charter also provides valuable information for new Directors and Executive Representatives, facilitating the induction process. As stipulated in the LGAQ Constitution (Rule 6.7(17)), Directors and Executive Representatives are required to comply with this Charter.

2 Corporate Governance Principles and Structure

Within the private sector, corporate governance is regarded as the system by which companies are directed and managed. It influences how the objectives of the company are set and achieved, how risk is monitored and assessed, and how performance is optimised. Good corporate governance structures encourage companies to create value (through entrepreneurship, innovation, development and exploration) and provide accountability and control systems commensurate with the risks involved.

Corporate Governance for LGAQ is broadly defined as the processes used to represent member interests, including the way in which decisions are made on policies and strategies and how these are actioned to obtain an optimal return for members as the key stakeholders of the Organisation.

Corporate Governance arrangements for LGAQ include:

- ✖ The role of Annual Conference;
- ✖ The election of Executive Representatives;
- ✖ The role of the Policy Executive;
- ✖ The role of the President of the Board ("President");
- ✖ The role of the Board;
- ✖ The role of the CEO.

Whilst Directors and Executive Representatives are encouraged to refer to the Constitution of LGAQ for details of the role of Annual Conference, the composition and election of the Policy Executive and Board, the powers and duties of the Policy Executive and Board, and the powers and functions of the CEO and other officers, the following is a brief summary of the key points.

LGAQ's Annual General Meeting of member councils (Annual Conference) is the Association's supreme decision-making body responsible for setting the overall policy direction of LGAQ and electing the President (Rule 6.3 of the Constitution). In a separate process, LGAQ's member councils elect 15 District Representatives (Rule 5.1 of the Constitution) who, together with the President, form the Association's Policy Executive. The President is the only member of the Policy Executive who does not represent a district.

The Policy Executive is responsible for: appointing three Directors to join the LGAQ President in forming the LGAQ Board; appointing the CEO; approving the annual budget of the Organisation; and determining the Association's policy on behalf of member councils (in line with the overall direction set at Annual Conference). The Policy Executive may delegate any of its powers to a Committee appointed out of its number (Rule 5.13 of the Constitution).

The LGAQ Board is responsible for the operation of the business of the company (Rule 6.7 of the Constitution). It is authorised to exercise all of the Organisation's powers that are not required to be exercised by Annual Conference. The Board is responsible for adopting a strategic plan before the end of each financial year. The Board may delegate any of its powers to a Committee appointed out of its number (Rule 6.15 of the Constitution).

The President is the highest elected official of LGAQ and chairs General Meetings, including the Annual General Meeting, and meetings of the Board and Policy Executive.

The CEO is responsible for day-to-day management of the Organisation, subject to the Board's instructions (Rule 6.7 of the Constitution). The CEO's powers may only be exercised after full consultation with the President; and the President must be kept fully informed on an ongoing basis of all action taken pursuant to the CEO's powers. Consistent with normal corporate practices, the President and CEO are the official spokespersons for the Board, Policy Executive and LGAQ.

3 Director Role

The general qualification for becoming and remaining a Director is outlined in Rule 6.1 of the Constitution.

The powers and duties of the Directors are spelt out in detail in Rule 6.7 of the Constitution. In summary, the Directors:

- ✖ Are responsible for setting the strategic direction and monitoring of the business;
- ✖ Must adopt an annual strategic plan for the Association and ensure that LGAQ conducts its business in accordance with it;
- ✖ Are not directly involved in the day-to-day management of the Organisation but issue the CEO with instructions for the day-to-day management;
- ✖ Make decisions that are not items of day-to-day management of the Organisation;
- ✖ Must ensure that LGAQ maintains its property in good working order and condition, complies with all agreements to which it is a party, pays its debts as and when they fall due, maintains relevant insurance, complies with the requirements of all relevant legislation, maintains books and records, etc.;
- ✖ Have oversight of the financial management of LGAQ and are responsible for major financial decisions (although the annual budget is approved by the Policy Executive)
- ✖ May grant a power of attorney.;

As Directors are appointed out of the ranks of the Policy Executive, a Director must have the skills and the time to be able to perform both roles.

To effectively perform their role, a Director requires:

- ✖ Competency in modern corporate and financial management standards and practices;
- ✖ An ability to provide a holistic focus on local government issues;
- ✖ An ability to put the interests of their own council behind those of the Association;
- ✖ Capacity to devote sufficient time to both Board and Policy Executive responsibilities;
- ✖ Legitimacy and confidence in the eyes of members and fellow Executive Representatives;
- ✖ Ability to exercise objective judgement on corporate affairs independent from management;
- ✖ Access to accurate, relevant and timely information.

A Director has a duty to:

- ✖ Act consistently in the best interests of LGAQ as a whole;
- ✖ Act honestly and in good faith;
- ✖ Not gain advantage by improper use of their position;
- ✖ Not misuse information;
- ✖ Act with due care and diligence;
- ✖ Disclose real or perceived conflicts between personal interests, or the interests of any associated person, and the interests of LGAQ to the other Directors in accordance with the LGAQ Conflict of Interest Policy
- ✖ Not allow such interests to conflict with the interests of LGAQ.

A Director has no individual authority to participate in the day-to-day management of LGAQ, including making any representations or agreements with member councils, suppliers, customers, employees or other parties or organisations.

Directors are expected to regularly attend Board, Policy Executive, Committee and other meetings organised as part of the Director role. According to Rule 6.1(5) of the Constitution, a Director vacates that office at the conclusion of the third consecutive Board meetings that the person has failed to attend, without the Board's leave.

Directors are supported in their role by secretariat services provided by LGAQ.

4 Conduct of Board meetings

A Board meeting is the main opportunity for a Director to:

- ✖ Obtain and exchange information with the senior management team;
- ✖ Obtain and exchange information with each other;
- ✖ Make decisions.

A Director shall, in good faith, behave in a manner that is consistent with generally accepted procedures for the conduct of meetings. This will include, but not be limited to:

- ✖ Behaving in a business-like manner;
- ✖ Acting in accordance with policy resolutions of the Association;
- ✖ Addressing issues in a courteous manner;
- ✖ Using judgement, common sense and tact when discussing issues;
- ✖ Avoiding distractive behaviour such as email, text, chatter and irrelevant remarks during meetings;
- ✖ Ensuring that others are afforded a reasonable opportunity to put forward their views.

5 Review of Board's Effectiveness and Training Needs of Director

The President shall conduct a biennial review of the Board's effectiveness, one year and three years into the Board's term. As part of the review, the President shall consult with each Director separately. The review thus provides an opportunity for each Director to discuss any concerns about the Board's operation with the President. A report on the review must be prepared and submitted to the Policy Executive for consideration.

Directors are encouraged to raise any request or need for independent expert advice, training or guidance with the President at any time. Furthermore, the President shall discuss Directors' training and professional development needs during the biennial review of the Board's effectiveness and pass any needs identified to the secretariat for action.

6 Executive Representative Role

The General Qualification for becoming and remaining an Executive Representative is outlined in Rule 5.2 of the Constitution.

To be able to fulfill its role, it is important that the Policy Executive incorporates a breadth of experience. This requires capacity to present an appropriate balance of district, member-wide and external viewpoints.

The primary responsibility of an Executive Representative is to LGAQ members as a whole. In fulfilling this responsibility, an Executive Representative should, where appropriate, have regard to the interests of all stakeholders, both internal and external. Policy Executive decisions will be distributed in the public realm unless the Policy Executive makes an express decision to keep the matter confidential.

An Executive Representative therefore requires an extensive knowledge of and connection to local government related issues. It is expected that an Executive Representative will develop an appreciation of the scope, policy and activities of the Association.

The key roles of an Executive Representative can be broadly defined as:

- ✘ Representing the overall interests of local government within Queensland;
- ✘ Representing each district's interests on the Policy Executive;
- ✘ Contributing to Policy Executive decision-making;
- ✘ Assisting in relationships between councils at a district and regional level.

In representing, liaising with and informing member councils at a district level, the reasonable expectation of an Executive Representative as the District Representative is that they will:

- ✘ Attend and represent LGAQ at meetings of regional groupings of councils, such as District LGAs and/or ROCs (and/or, where appropriate, other relevant bodies such as Regional Road Groups and RDA Committees);
- ✘ Undertake direct communication with member councils within their electoral district including on key issues and matters before the Policy Executive for consideration;
- ✘ Develop a full understanding of the scope and scale of the activities of the Association to enable referral of member councils to relevant solutions and support services;
- ✘ Familiarise themselves with and provide input into LGAQ segment1 plans and segment activities relevant to the councils within their district.

In order to be an effective District Representative, an Executive Representative is expected to engage in a process of two-way representation, i.e. reporting regional advocacy issues and council support needs and opportunities to the Policy Executive and reporting outcomes back to the district. Executive Representatives are instrumental in ensuring transparent and inclusive LGAQ decision-making on policy positions by feeding views from members in their district into the decision-making process and communicating the rationale behind the decision-making back to members.

It is up to each Executive Representative to identify and develop appropriate methods of engagement with the councils in their district. Where active District LGAs or ROCs exist, the meetings of these groupings provide an established platform for regional engagement in relation to LGAQ policy-making. Attending meetings of other regional groupings involving councils, such as Regional Road Groups or RDAs, may also be an option. Executive Representatives should also undertake

regular one-on-one engagement with individual councils in their district.

In recognition of the workload involved, Executive Representatives receive appropriate support from LGAQ in the conduct of their duties as District Representatives. Executive Representatives are supported by senior LGAQ officers who, whenever possible, accompany Executive Representatives to ROC and other regional meetings. LGAQ also has a Policy Executive Support Coordinator who acts as the central point of contact and clearing house for all communications material, information and enquiries related to Policy Executive activities and who coordinates and arranges attendance of Executive Representatives and senior LGAQ staff at meetings of regional groupings of councils.

There will also be a CEO Reference Group comprising the CEOs of Executive Representatives. This group will both support Executive Representatives and provide strategic advice and input to LGAQ. It is important that elected members who are considering nominating for the Policy Executive understand that their involvement on the Policy Executive will be supported by participation of their CEO in the CEO Reference Group.

To effectively perform their role, an Executive Representative requires:

- ✘ An ability to provide a holistic focus on local government issues;
- ✘ An ability to put the interests of their own council behind those of their electoral district and those of the Association;
- ✘ Capacity to devote sufficient time to Policy Executive responsibilities;
- ✘ Legitimacy and confidence in the eyes of members;
- ✘ Ability to exercise objective judgement on corporate affairs independent from management;
- ✘ Access to accurate, relevant and timely information.

An Executive Representative has a duty to:

- ✖ Act consistently in the best interests of LGAQ as a whole;
- ✖ Act honestly and in good faith;
- ✖ Not gain advantage by improper use of their position;
- ✖ Not misuse information;
- ✖ Act with due care and diligence;
- ✖ Disclose real or perceived conflicts between personal interests, or the interests of any associated person, and the interests of LGAQ to the other Executive Representatives in accordance with the LGAQ Conflict of Interest Policy;
- ✖ Not allow such interests to conflict with the interests of LGAQ

An Executive Representative has no individual authority to participate in the day-to-day management of LGAQ, including making any representations or agreements with member councils, suppliers, customers, employees or other parties or organisations.

Executive Representatives are expected to regularly attend Policy Executive, Committee and other meetings organised as part of the Policy Executive role. According to Rule 5.2(2)(d) of the Constitution, an Executive Representative vacates that office immediately upon the conclusion of the third consecutive Policy Executive meeting that the Executive Representative has failed to attend, without the Policy Executive's leave.

7 Conduct of Policy Executive Meetings

The General Qualification for becoming and remaining an Executive Representative is outlined in Rule 5.2 of the Constitution.

To be able to fulfill its role, it is important that the Policy Executive incorporates a breadth of experience. This requires capacity to present an appropriate balance of district, member-wide and external viewpoints.

The primary responsibility of an Executive Representative is to LGAQ members as a whole. In fulfilling this responsibility, an Executive Representative should, where appropriate, have regard to the interests of all stakeholders, both internal and external. Policy Executive decisions will be distributed in the public realm unless the Policy Executive makes an express decision to keep the matter confidential.

An Executive Representative therefore requires an extensive knowledge of and connection to local government related issues. It is expected that an Executive Representative will develop an appreciation of the scope, policy and activities of the Association.

An Executive Representative shall, in good faith, behave in a manner that is consistent with generally accepted procedures for the conduct of meetings. This will include, but not be limited to:

- ✖ Behaving in a business-like manner;
- ✖ Acting in accordance with policy resolutions of the Association;
- ✖ Addressing issues in a courteous manner;
- ✖ Using judgement, common sense and tact when discussing issues;
- ✖ Minimising distractive behaviour such as email, text, chatter and irrelevant remarks during meetings;
- ✖ Ensuring that others are afforded a reasonable opportunity to put forward their views.

Unless prevented by extenuating circumstances, Executive Representatives are expected to attend Policy Executive meetings for the full duration of the meeting.

Executive Representatives should be forthright in Policy Executive meetings and have a right to question, request information, raise an issue, fully canvass all aspects of any policy issue confronting LGAQ and to cast their vote on any resolution according to their own judgment.

Outside Policy Executive meetings, an Executive Representative will support the spirit of all Policy Executive decisions in discussions with member councils, staff and other parties when acting in their capacity as an Executive Representative. Executive Representatives are expected to advocate the position of their district constituency at Policy Executive meetings and the position of LGAQ back to their district constituency. However, as mentioned earlier, the President and CEO are the official public spokespersons for the Policy Executive and LGAQ.

8 Ethical Practices

Directors and Executive Representatives will, at all times in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to the Organisation.

Directors and Executive Representatives must also refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Directors and Executive Representatives must not use Association information for any personal gain for themselves or their immediate families or in any manner that would be contrary to law or detrimental to the welfare and goodwill of the Association.

Further, Directors and Executive Representatives must not publicly comment on matters relative to activities of the Board or Policy Executive, other than as authorised by the Board or Policy Executive.

Finally, Directors and Executive Representatives must not engage in conduct, whether in the course of undertaking LGAQ business or otherwise, tending to bring the LGAQ or local government in the State of Queensland into disrepute or to cause damage to the public standing and reputation of either of them.

9 Code of Conduct

LGAQ has adopted “The way we do business”, a code of conduct and service standards for the Association’s employees. Although not LGAQ employees, Directors and Executive Representatives are encouraged to familiarise themselves with this document and, in light of the leadership role and responsibility of the Board, lead by example in following it.

10 Use of Social Media



What is social media?

Social media is the use of on-line or internet based technologies to communicate interactively with other people. There are several well-known internet sites which are used for social media, including but not limited to, Facebook, Twitter and LinkedIn.

The LGAQ and social media

The LGAQ embraces the use of social media for the promotion, development and delivery of services and that of its members.

LGAQ encourages all Directors and Executive Representatives to communicate online in many ways, such as through social media, professional networking sites, blogs and personal web sites. However, all Directors and Executive Representatives need to use good judgment about what material appears online, and in what context.

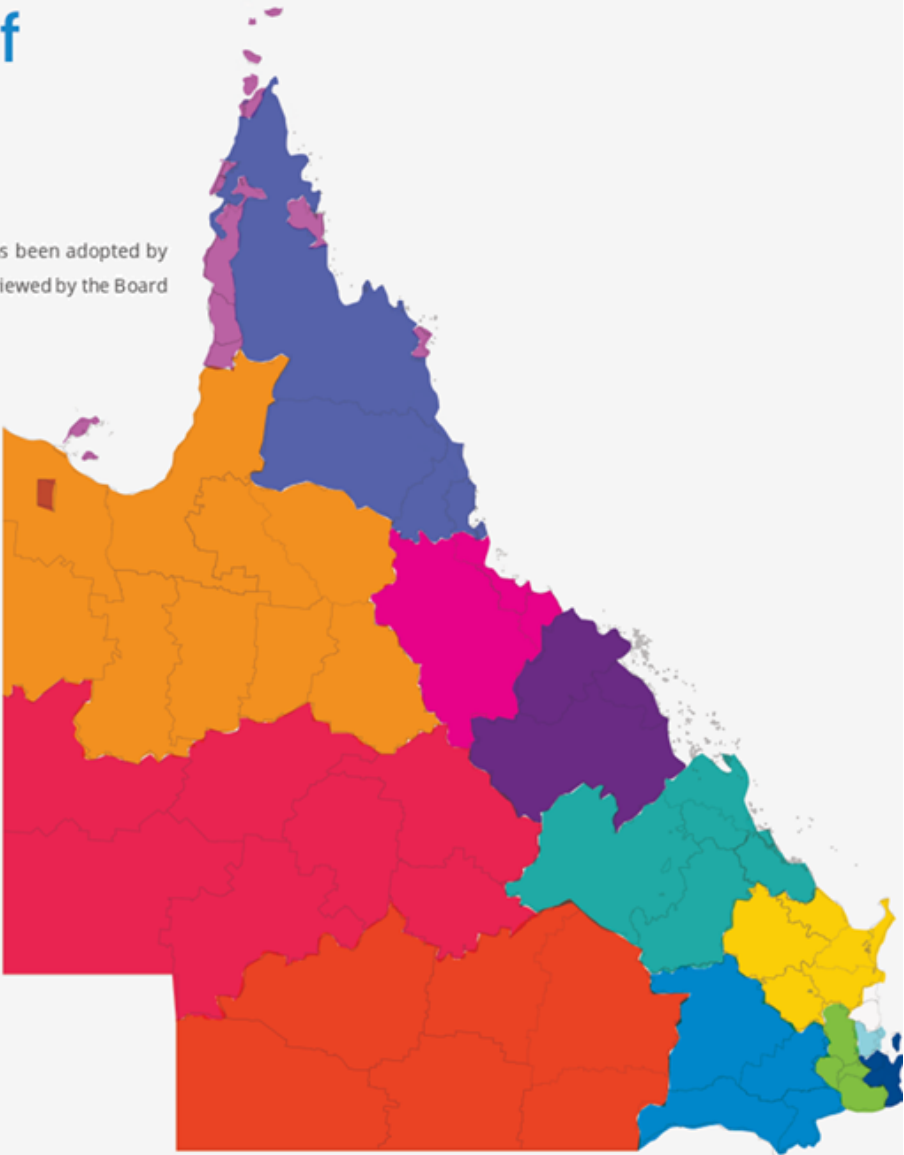
Information published on social media sites by Directors and Executive Representatives

Directors and Executive Representatives must behave in a manner which promotes and protects the interests of LGAQ. Directors and Executive Representatives must not publish information on social media which:

- ✗ In any way disparages or harms LGAQ’s business or reputation;
- ✗ Disparages or personally criticises fellow Directors, Executive Representatives or LGAQ employees;
- ✗ Includes any information which may offend or embarrass fellow Directors, Executive Representatives or LGAQ employees;
- ✗ Contains defamatory statements in relation to fellow Directors, Executive Representatives, LGAQ employees, elected representatives of members or employees of members;
- ✗ Breaches a Directors’ or Executive Representatives’ obligations to keep information confidential
- ✗ Breaches a Directors’ or Executive Representatives’ obligations with respect to Anti-Discrimination, Sexual Harassment or Bullying;
- ✗ Could be perceived as representing the viewpoint or official position of LGAQ on any issue, in circumstances where the Director or Executive Representative has no LGAQ authority to publish that information on the LGAQ’s behalf.

11 Review of Charter

This Corporate Governance Charter has been adopted by the LGAQ Board and will be formally reviewed by the Board on an annual basis.



Legend Key

- | | | | |
|------------------|------------|-------------|-------------|
| District 1 | District 3 | District 7 | District 11 |
| District 2 North | District 4 | District 8 | District 12 |
| District 2 South | District 5 | District 9 | |
| District 2 West | District 6 | District 10 | |



For all enquiries, call or text our
Members' Hotline on 1300 542 700

Local Government House
25 Evelyn St, Newstead QLD 4006

**Local Government Association
of Queensland**

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www.lgaq.asn.au



ATTACHMENT 2C

FEES, REIMBURSEMENTS AND INSURANCE

The current payments to Policy Executive Members attending Policy Executive and Committee Meetings and other approved meetings, for which payment is not made by the outside board, committee or body, are as follows:

Daily Allowance	\$491.00
Accommodation	\$271.00

Travel Costs – Actual airfare (economy class), and/or motor vehicle expenses at current ATO rate ie 68c a kilometre, and/or actual taxi fares, and/or actual parking fees.

These rates are reviewed each year in the Budget in May. Payment of fees and reimbursements is usually made at the meeting attended upon completion of a claim form.

A personal accident insurance scheme operates for all Policy Executive Members whilst travelling or involved in Association activity.

26 October 2020

POLICY EXECUTIVE MEMBER CONTACT DETAILS

District:

Name:

Council:

Mailing Address:

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.....

Work Phone:

Mobile:

Work Fax No:

Work Email:

HOME CONTACTS

Home Address:

.....

Home Phone:

PA DETAILS

Work Phone:

Work Email:

ASSOCIATION POLICY EXECUTIVE 2020 - 2024

NOMINATION FORM

DISTRICT NO.10

The Mareeba Shire Council hereby nominates Cr.

To represent District Number 10 on the Association's Policy Executive in accordance with Rule 5.4(1)(h) of the Constitution and Rules of the Association for the balance of the term 2020 - 2024

Dated this day of 2020

.....
CHIEF EXECUTIVE OFFICER
Mareeba Shire Council

I hereby accept this nomination

Please complete and return to the Returning Officer as soon as possible, but **NO LATER THAN 5.00PM WEDNESDAY, 18 NOVEMBER 2020.**

EMAIL: returning_officer@lgaq.asn.au
RETURNING OFFICER: MR GJ HALLAM AM
RETURNING OFFICER
LOCAL GOVERNMENT ASSOCIATION OF QLD LTD
PO BOX 2230, FORTITUDE VALLEY BC QLD 4006

N.B. FAXED BALLOTS WILL NOT BE ACCEPTED. EMAIL, REGISTERED POST OR BY HAND ONLY.

10.3 APPOINTMENT OF GREAT WHEELBARROW RACE ADVISORY COMMITTEE MEMBERS

Date Prepared: 10 November 2020
Author: Corporate Communications Officer
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to endorse the members of the Wheelbarrow Race Advisory Committee.

The previous Great Wheelbarrow Race Advisory Committee membership were appointed at Council's meeting held on 18 July 2018. As a result of the adoption of a new charter a call for nominations for committee membership has been undertaken.

Council appointed Councillor Lachlan Bensted as the Chair of the Advisory Committee at an ordinary Council meeting on 20 May 2020. Deputy Mayor Kevin Davies was appointed Proxy of the Committee.

RECOMMENDATION

That Council:

1. Notes the appointment of Councillor Lachlan Bensted as the Chair and Deputy Mayor Kevin Davies as his proxy; and
2. Appoints the following additional members of the Great Wheelbarrow Race Advisory Committee:

Robert Miller

Natasha Srhoj

Terry Roos

Deborah Qazim

Charlton Best

Billie Fincham

Jonathan Bell

BACKGROUND

The Great Wheelbarrow Race Advisory Committee is established as an advisory committee of the Mareeba Shire Council (Local Government Act 2009) and exists for the purpose of organising the annual Great Wheelbarrow Race event. The Corporate Communications Officer is the responsible officer for the implementation of the event.

Council appointed Councillor Lachlan Bensted as the Chair of the Advisory Committee at an ordinary Council meeting on 20 May 2020. Deputy Mayor Kevin Davies was appointed Proxy of the Committee.

At an ordinary Council meeting on 14 October 2020, Council adopted a Charter for the Great Wheelbarrow Race Advisory Committee. The Charter sets out the roles and responsibilities of the Committee in the interest of probity, assurance and good governance.

Council called for expressions of interest from community representatives to join the Advisory Committee. Following the nomination process, it is recommended that the following community representatives be appointed as committee members of the Great Wheelbarrow Race Advisory Committee for a period of four (4) years with an option to extend for one (1) year.

- Robert Miller
- Natasha Srhoj
- Terry Roos
- Deborah Qazim
- Charlton Best
- Billie Fincham
- Jonathan Bell

One (1) nomination from a member of staff was received, however under the Committee Charter the Advisory Committee must not include Council officers or contractors. The Chair of the Committee may invite Council officers to attend Committee meetings as and when requested to assist the Committee.

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.

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

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

14 FOR INFORMATION

14.1 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF OCTOBER 2020
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Date Prepared: 3 November 2020

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for October 2020

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
RAL/20/0015	08/10/2020	R & R Lamomaca C/- U&I Town Plan 235 Kenneally Road Mareeba	Lot 14 on SP202891	ROL (1 into 2 Lots)	In public notification stage
RAL/20/0016	20/10/2020	Jill Spackman Emerald End Road & Country Road, Mareeba	Lot 100 on SP188083, Lot 23 on SP219118 & Lot 24 on SP287196	ROL - Boundary Realignment	Decision Notice issued 30 October 2020
RAL/20/0017	21/10/2020	Michele Thiel 55 Masons Road & Platypus Close, Kuranda	Lot 15 on RP846877 & Lot 4 on RP892267	ROL - Boundary Realignment	In Decision stage
OPW/20/0004	13/10/2020	BTM & S Stankovich Pty Ltd C/- Freshwater Planning Pty Ltd Amaroo Drive, Mareeba	Lot 114 on SP265014	Operational Works for RAL/20/0006 - Amaroo Stages 11 & 12	In confirmation stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/20/0008	06/10/2020	B, K, M & T Stankovich and S & M Musumeci C/- Freshwater Planning Pty Ltd	Stankovich Road, Mutchilba	Lot 41 on SP188672	ROL (1 into 4 lots)
RAL/20/0013	06/10/2020	WR & R Blundell	Collins Weir Road, Mutchilba	Lot 163 on RP843529, Lot 441 on HG760 & Lot 487 on HG630	ROL Access Easement

October 2020 (Regional Land Use Planning)

RAL/20/0011	19/10/2020	P Meraviglia	27 Middlemiss Street, Mareeba	Lot 1 on RP744888	ROL (1 into 2 lots)
RAL/20/0010	20/10/2020	M & D Gostelow	114 Mines Road, Mareeba	Lot 2 on RP736579	ROL (1 into 2 lots)
RAL/20/0016	29/10/2020	Jill Spackman	Emerald End Road and Country Road, Mareeba	Lot 23 on SP219118, Lot 24 on SP287196 and Lot 100 on SP188083	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/20/0012	12/10/2020	T Chapman Emergent Building Approvals	130 Kanervo Road, Koah	Lot 21 on SP175440	Referral agency response for building works assessable against the Mareeba Shire Council Planning Scheme 2016 - Flood Hazard Overlay Code, and Hill and Slope Overlay Code
CAR/20/0013	27/10/2020	Omni Builders C/- The Building Approval Company	5 Platypus Close, Kuranda	Lot 3 on SP165802	Referral agency response for material change of use - dwelling house and secondary dwelling assessable against the Residential dwelling house and outbuilding overlay code

October 2020 (Regional Land Use Planning)

CAR/20/0014	29/10/2020	John Grothues C/- Emergent Building Approvals	120 McGrath Road, Mareeba	Lot 3 on SP243575	Referral agency response for building works assessable against the Mareeba Shire Council Planning Scheme 2016 - Flood Hazard Overlay Code
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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/16/0019	22/10/2020	Rodeo Acres Pty Ltd	Mareeba- Dimbulah Road, Mareeba	LOTS 5, 7 & 100 ON SP323203 AND EASEMENTS D & F IN LOT 100, EASEMENT E IN LOT 5 AND EASEMENT G IN LOT 7 (CANCELLING LOT 100 ON SP320520)	2 New Lots
RAL/20/0007	27/10/2020	L Murray & S Goldfinch	Salisbury Drive, Julatten	LOTS 39 & 40 ON SP321493 (CANCELLING LOTS 39 & 40 on SP124051)	2 New Lots
REC/07/0043	12/10/2020	Sibi Girgenti Holdings Pty Ltd	Antonio Drive & Sebastiano Close, Mareeba	LOTS 207, 240, 241 & 300 ON SP320485 (CANCELLING LOT 300 ON SP311032)	3 New Lots
REC/07/0052	2/10/2020	Hockey Machinery Sales Pty Ltd	Godwin Drive, Mareeba	LOT 42 & 99 ON SP320941 (CANCELLING LOT 99 ON SP320935)	1 New Lot
REC/07/0052	1/10/2020	Hockey Machinery Sales Pty Ltd	Summer Street, Mareeba	LOT 46 & 99 ON SP320935 (CANCELLING LOT 99 ON SP320934)	1 New Lot

October 2020 (Regional Land Use Planning)