



AGENDA

Wednesday, 21 July 2021

Ordinary Council Meeting

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

Date: Wednesday, 21 July 2021

Time: 9:00am

Location: Council Chambers

Peter Franks
Chief Executive Officer

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- 1 MEMBERS IN ATTENDANCE**
- 2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**
- 3 BEREAVEMENTS/CONDOLENCES**
- 4 DECLARATION OF CONFLICTS OF INTEREST**
- 5 CONFIRMATION OF MINUTES**

Special Council Meeting - 16 June 2021
Ordinary Council Meeting - 16 June 2021
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

8 CORPORATE AND COMMUNITY SERVICES

8.1 BTM&S STANKOVICH PTY LTD - MATERIAL CHANGE OF USE - OFFICE AND WAREHOUSE - PART OF LOT 2 ON SP298298 & LOT 48 ON SP320488 - 2-8 KAROBEAN DRIVE AND MERINDAH CLOSE, MAREEBA - MCU/21/0006

Date Prepared: 5 July 2021

Author: Senior Planner

Attachments:

1. [Proposal Plans](#) ↓
2. [Submissions](#) ↓
3. [Applicant's response to submissions](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	BTM&S Stankovich Pty Ltd	ADDRESS	2-8 Karobean Drive and Merindah Close, Mareeba
DATE LODGED	8 April 2021	RPD	Part of Lot 2 on SP298298 and part of Lot 48 on SP320488
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Office and Warehouse		
FILE NO	MCU/21/0006	AREA	Metres & bounds area 752.5m2
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Lot 2 - BTM&S Holdings Pty Ltd Lot 48 - BTM&S Stankovich Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Six (6)		

EXECUTIVE SUMMARY

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

The application is impact assessable and six (6) properly made submissions were received in response to public notification of the application.

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

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

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	BTM&S Stankovich Pty Ltd	ADDRESS	2-8 Karobean Drive and Merindah Close, Mareeba
DATE LODGED	8 April 2021	RPD	Part of Lot 2 on SP298298 and part of Lot 48 on SP320488
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Office and Warehouse		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Office and Warehouse

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0639 DA01 B	Site Plan -Existing	Gregory G Terzi	Jan 2021
0639 DA02 B	Proposed Site Plan	Gregory G Terzi	Jan 2021
0639 DA03 B	Proposed Building Floor Plan	Gregory G Terzi	Jan 2021
0639 DA04 A	Elevations	Gregory G Terzi	Jan 2021

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

- to ensure compliance with the following conditions of approval.

2. Timing of Effect

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

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the commencement of the use, and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) 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 Where a forklift is used on site and fitted with an audible alarm, the volume of the audible alarm must be adjusted to ensure the audible alarm is not able to be heard outside of the boundary of approved area.
- 3.4.3 Loudspeakers of any kind must not be used in association with the approved use, unless in an emergency situation.

3.5 Air Conditioner & Building Plant Screening

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

All on site refuse storage area/s must 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.

3.7 Hours of Operation

The operating hours for the Office and Warehouse shall be between 7am and 6pm, Monday to Friday and between 7am - 1pm Saturday.

No operations are permitted on Sundays or Public Holidays.

4. Infrastructure Services and Standards

4.1 Access

Access to the approved use must be via the existing rear drive located within Lot 2 on SP298298.

4.2 Stormwater Drainage/Water Quality

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

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

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in generally in accordance with Drawing DA02 Issue B, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces, and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

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

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

4.4 Landscaping

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

4.4.2 Prior to the commencement of the approved use, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.

4.4.3 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.

4.4.4 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.

4.5 Acoustic Fencing

Prior to the commencement of the use, the applicant/developer must erect a solid 1.8 metre high, acoustic fence of neutral colour along the entire western, northern and eastern boundaries of the Metes and Bounds Area shown on Drawing DA01 Issue B.

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

4.6 Lighting

Where installed, external lighting must be designed and installed in accordance with AS4282 – *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

4.7 Water Supply

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

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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.8 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).

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges

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

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

(d) Compliance with applicable codes/policies

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

(e) Compliance with Acts and Regulations

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

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

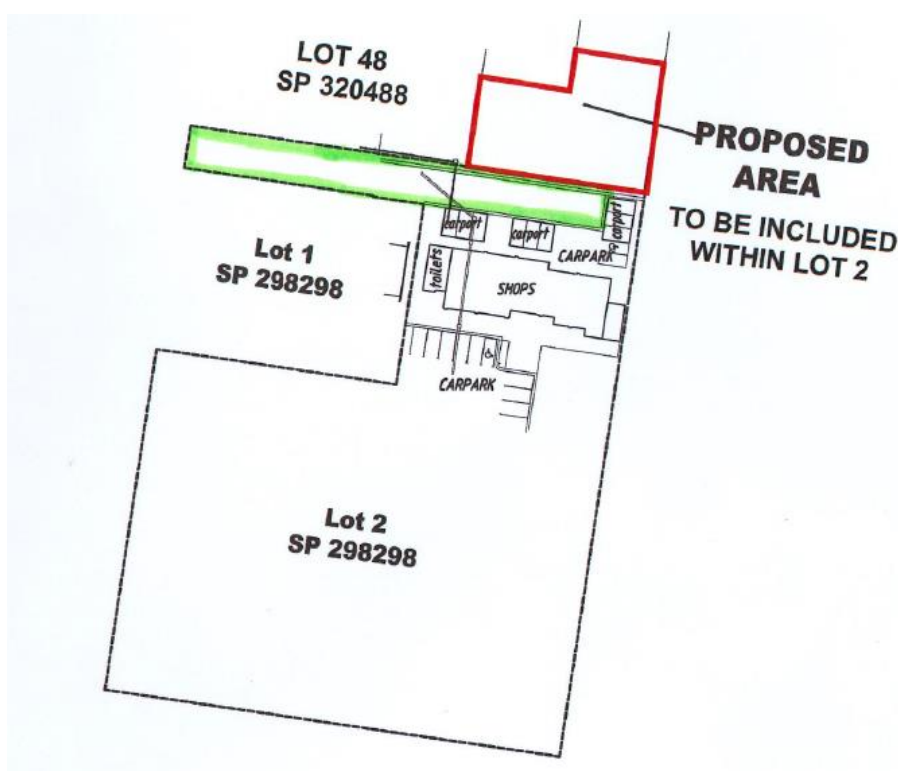
2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Charge Rate	Measure	Charge	Credit	Balance
		per m ² GFA	\$	\$	\$
Commercial (office)	\$98.00	50m ²	\$4,900.00	nil	\$4,900.00
Industry (warehouse)	\$35.00	161m ²	\$5,635.00	nil	\$5,635.00
TOTAL CURRENT AMOUNT OF CHARGE					\$10,535.00

THE SITE

The subject site is described as part of Lot 48 on SP320488 and part of Lot 2 on SP298298, situated at 2-8 Karoeban Drive and Merindah Close, Mareeba.

The development site encompasses a metes and bounds area of 752.5 m² within Lot 48 on SP320488. This area is highlighted in red below. Lot 2 on SP298298 is included for the purpose of access. The access covers a constructed driveway within Lot 2 and is highlighted in green below.



Lot 48 on SP320488 in its entirety is the balance area allotment of Merindah Close, with an area of 1.917 hectares and frontages to Merindah Close and Emerald End Road. Merindah Close will be extended as a future stage of Amaroo Estate with the proposed lot layout yielding approximately 25 additional residential lots.

Lot 2 on SP298298 in its entirety contains existing shops and carparking which complement the adjoining Amaroo Medical Centre. Lot 2 on SP298298 has a total area of 8,299m², with frontages to Karoeban Drive and Hastie Road. Lot 2 on SP298298 has continuing development approval rights

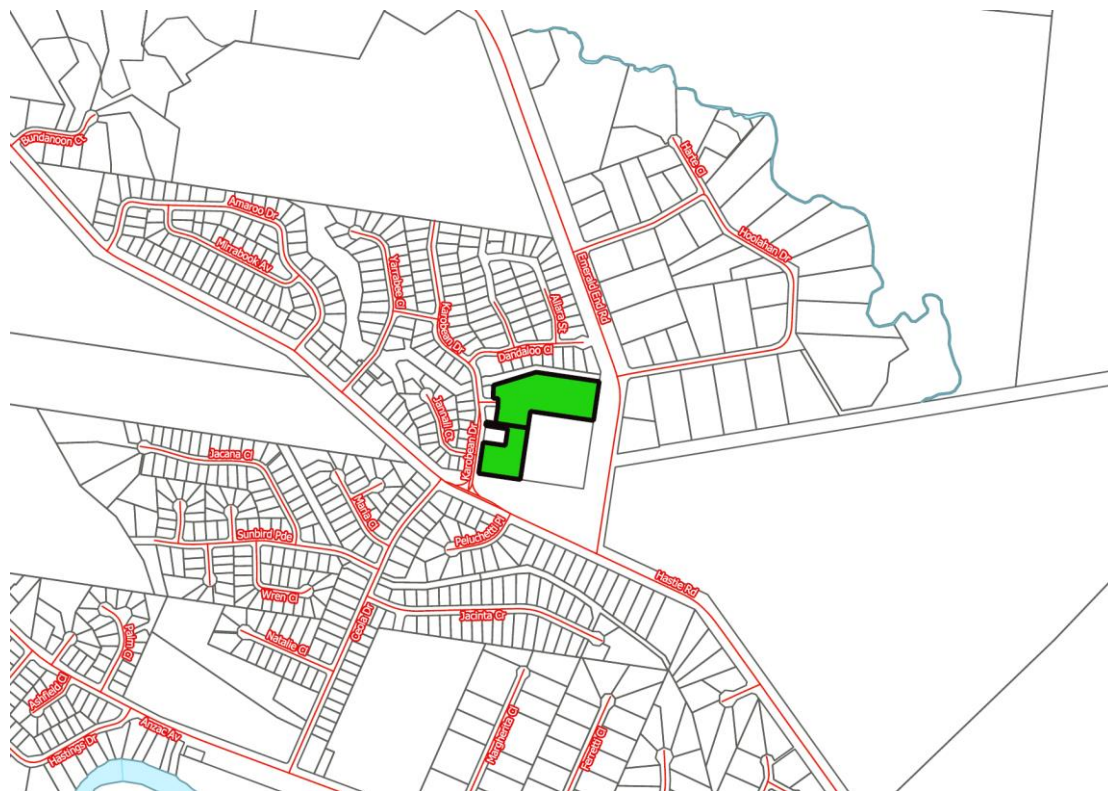
established under the Hastie Road Business Zone. Future development permitted under the Hastie Road Business Zone includes a neighbourhood scale convenience shop and café.

Both lots are flat, cleared of vegetation and serviced by all available urban infrastructure services.

Both lots are zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. All adjoining lots are also zoned Low Density Residential.



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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

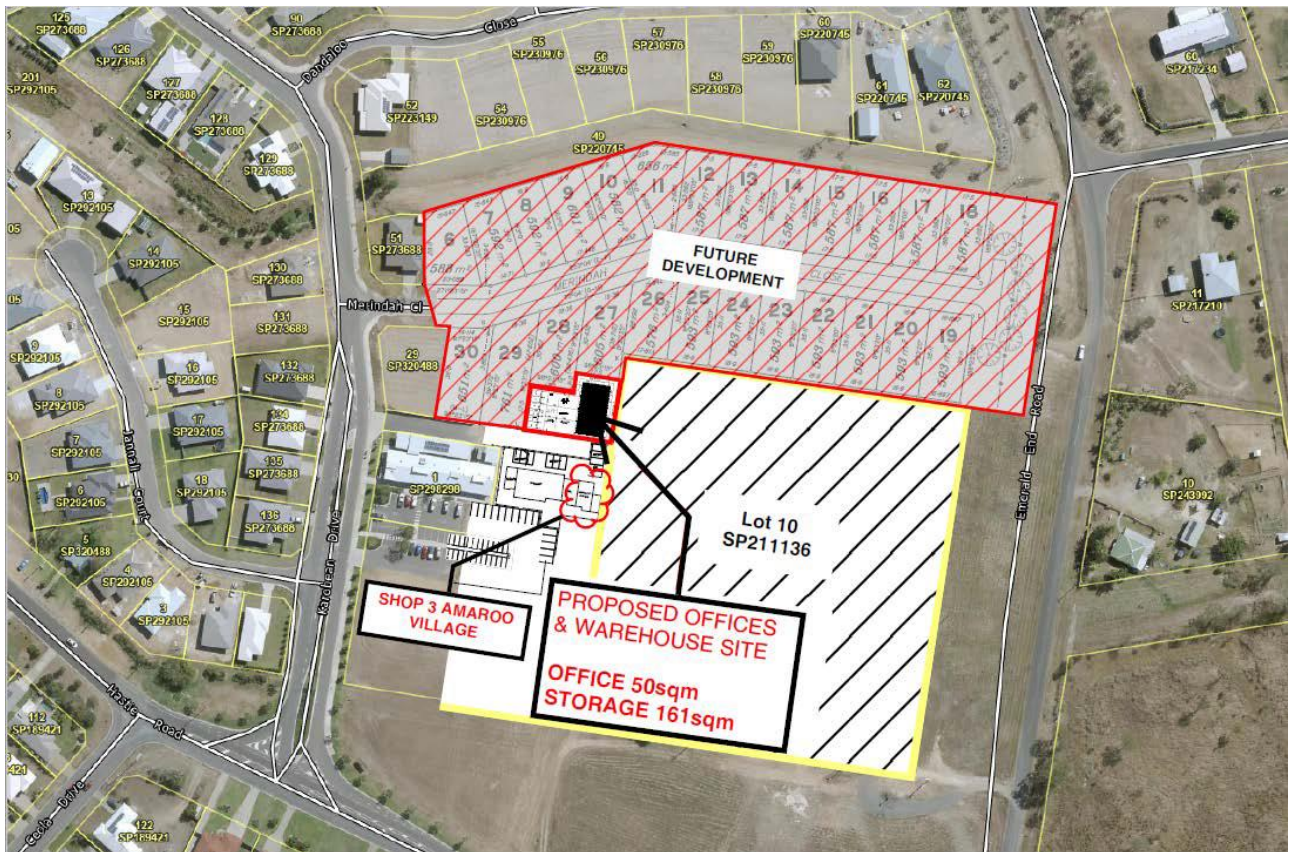
DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Office and Warehouse in accordance with the plans shown in **Attachment 1**.

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

The Application is for the construction of Offices and a Store to complement the existing administration of the BTM&S Group of Companies. Currently, only its Land Sales Office operate out of the Amaroo Business Precinct however, the Group plans to move all its administration arm to this site as well, hence the need for the expansion.

As shown in Figure 1 below, its shop front is existing at Shop 3 Amaroo Village, an area of about 63m² (housing the Sales Office, a Meeting Room and the future Accounts section), and behind this, the area which encompasses this Application, is for about 750 m² of land with a 237.5 m² building.



This proposed building is tucked behind the rear of the existing building with access via an approx. 90m long private asphalt driveway from a kerbed and channelled road. This proposal is for Managers Offices, a Store and off-street parking with an area big enough for a small light rigid delivery vehicle to turn around.

Please note, there will not be enough room for an articulated semi-trailer to deliver items. The existing private road is accessed off the divided section of Karobean Drive and from an area of the development prior to entering the residential section proper. Other than staff and deliveries, visitors will attend to the existing office via the carpark at Shop 3 Amaroo Village.

The store section of the building, about 160 m² in size and built to the high standard of the existing buildings, is to be used as a secured covered area to compliment the administration arm of the group for items such as archives, sales signs etc, items needed for the running of the office and stock (similar to items purchased at say Repco or FNQ Filters and Parts both who operate in Mareeba’s main street) required for the running of the Groups land development, civil construction, and quarrying arms.

There are also other small and expensive items (machinery computers etc.) that the business needs to securely store and manage their release to employees and contractors such as diesel fitters etc. The delivery of items would mostly be via a delivery van or small light rigid truck, similar in size to the delivery of items to the adjacent chemists or any similar businesses in the Town Centre.

No items can logistically be delivered by semi-trailer as there is no access or turnaround capability for such a vehicle and logistically it makes economic sense for the Group to deliver these larger items (e.g., motors, crusher parts etc) directly to where they are needed at either a quarry or an engineering/mechanical workshop. It was never the intent to store these larger

items at this site and further, the store is only 160 m² and there is not enough room for the storage of larger items. Further, again, the store is only 160m² in size and is not big enough nor appropriate to be used for the housing or repair of large earthmoving or transport equipment.

In the unlikely event the Group decides to vacate the building and either lease or sell this commercial development, the scale of any business that may operate out of these premises would be limited by its size.

As shown below, the proposed development is separated from the Amaroo residences by undeveloped land owned by the Group. Also shown and labelled as "FUTURE DEVELOPMENT" is the Residential lot layout BTM&S Stankovich P/L proposes (and has currently lodged with Mareeba Shire Council a Town Planning Application for the same), for the englobo land. The existing residences are clearly separated from the proposal to add a small portion to the existing Amaroo Business Precinct.

Further, the Group believes it has to the best of its knowledge been open and transparent with the residences of Amaroo with its disclosure of its intentions, hence this proposal being lodged prior to the lodgement of the Subdivision currently in Council for the extension of Merindah Close.

Whilst the proposal will indeed increase traffic to the area, the traffic will be restricted to the existing Commercial Areas of the Amaroo Estate (Amaroo Village Business Precinct) providing limited impact, if any, on the surrounding Residential properties as per the existing Amaroo Village Business Precinct. The existing Road Network has been designed to cater for this and any additional increase and is considered acceptable and appropriate, providing for safe access without affecting the existing Residential Estate.

In relation to the Submissions regarding the increase in noise, the proposal has been designed to ensure that any vehicle will enter and exit the site in a forward gear, meaning that any delivery vehicles/trucks will enter the site and exit the site in a forward motion with only reversing to turn around onsite, of which the Proposal Plans lodged with the Town Planning Submission identified ample manoeuvring areas for this to occur. This results in any vehicle only have to minimally reverse to turn-around similar to any delivery vehicle already servicing the existing Amaroo Village Business Precinct.

*The proponents are currently investigating the availability of low frequency reversing electric forklifts to further demonstrate their commitment to providing a non-intrusive Use within the Amaroo Estate. This is further supported by the solid privacy fence screening that will be provided as a part of the currently proposed Reconfiguration and as demonstrated on the Proposal Plans within this Development Application. Their preliminary investigations have already discovered the following: Safe Work Australia's Code of Practice - Managing the risks of plant in the workplace, May 2018 and AS 2359.1:2019 – Powered industrial trucks, Part 1: General Requirements require an audible alarm to be used on plant if the plant is designed with an audible alarm, however that the alarm be clearly audible only in the hazard area. Consequently, an employer can legally use a forklift truck fitted with an audible alarm that is not able to be heard beyond the **immediate vicinity** of the forklift truck let alone the boundary of the workplace. In other words, we will adjust the volume of the audible alarm as required.*

It is understood that any Operating Hours will be provided within normal hours of Operations within Residential Areas and will be from 7am to 6 pm with deliveries not expected prior or after these times and will generally be expected within the normal working hours of the day. It is noted that these hours also coincide with the Operational Works Permit Approval that the Developers hold over the balance of the Amaroo Estate.

The proposal provides for six (6) parking spaces with the option for a PWD parking space if required. The sealed driveway also provides for vehicle manoeuvring areas for delivery vehicles. The site is accessed from the existing crossovers to the existing Road Network, being Karobean Drive and utilises the existing access driveway provided along the northern boundary of Lot 2 on SP298298.

The proposal will retain, maintain and enhance the existing Landscaping provided along the frontage of the site with the proposal continuing on the existing privacy fence to match in with the Amaroo Village Business Precinct.

REGIONAL PLAN DESIGNATION

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Residential Area
Zone:	Low density residential zone Lot 2 - Hastie Road business zone
Overlays:	<ul style="list-style-type: none"> • Airport environs overlay • Transport infrastructure overlay

Planning Scheme Definitions

The proposed use is defined as:

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples include</i>	<i>Column 4 Does not include the following examples</i>
Office	<p>Premises used for an administrative, secretarial or management service or the practice of a profession, whereon goods or materials are made, sold or hired and where the principal activity provides for one or more of the following:</p> <ul style="list-style-type: none"> • business or professional advice • service of goods that are not physically on the premises • office based administrative functions of an organisation. 	Bank, real estate agent, administration building	Home based business, home office, shop, outdoor sales
Warehouse	<p>Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.</p> <p>The use may include sale of goods by wholesale where ancillary to storage.</p> <p>The use does not include retail sales from the premises or industrial uses.</p>	Self-storage sheds	Hardware and trade supplies, outdoor sales, showroom, shop

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 strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.

The following is an assessment of the application against the relevant sections of the strategic framework:

3.3.2 Element—Activity centres network**3.3.2.1 Specific outcomes**

- (1) The scale of development in *activity centres* is consistent with their role and function within the defined hierarchy of *activity centres*, which consists of a *major regional activity centre*, a *village activity centre*, *rural activity centres* and *rural villages*.

Comment

The scale of the development proposed by this application is consistent with Mareeba's role as a major regional activity centre.

- (2) Centre activities are focussed in *major regional activity centres*, particularly development which draws on a wide catchment. Other *activity centres* promote local self-containment by facilitating a diverse range of services in support of local catchments and communities.

Comment

The development complies.

- (3) Other than small scale *industry areas*, commercial activities will not occur outside *centre areas* unless there is an overriding need in the public interest, there are no alternative sites in *centre areas*, there is no adverse impact on *centre areas* or the area surrounding the development and the site is readily accessible by a range of transport modes.

Comment

The scale of the development proposed by this application is small. It represents a sensible and compatible extension to the existing adjoining commercial development.

3.3.3 Element—Major regional activity centre**3.3.3.1 Specific outcomes**

- (1) The role and function of Mareeba as the *major regional activity centre* for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.

Comment

The proposed development does not compromise the role and function of Mareeba as the major regional activity centre for the Mareeba Shire.

- (2) Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.

Comment

The proposed development would comply.

3.3.7 Element—Residential areas and development

3.3.7.1 Specific outcomes

- (4) *Residential areas* contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.

Comment

The proposed development will not alter the predominant form of development within Amaroo Estate.

3.3.12 Element—Industry areas

3.3.12.1 Specific outcomes

- (6) The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.

Comment

The development includes a warehouse aspect which is categorised as an industrial activity. The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses.

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

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

Comment

The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses.

The development will also be conditioned to minimise potential noise impacts.

3.7.6 Element—Retail and commercial development

3.7.6.1 Specific outcomes

- (1) Commercial development will be facilitated by:
- (a) consolidation and co-location of centre activities in existing *centre areas*;
 - (b) identification of space adjacent to *centre areas* to cater for the expansion of commercial activities;

- (c) infrastructure provision in areas identified as able to cater for new commercial development;
- (d) maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.

Comment

The site is adjacent to, and will complement, an established centre area.

3.7.8 Element—Industry

3.7.8.1 Specific outcomes

- (5) The health, safety, wellbeing and amenity of the community is protected from unacceptable impacts associated with hazardous materials, noise, pollution and odour.

Comment

The development includes a warehouse aspect which is categorised as an industrial activity. The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses

Relevant Developments Codes

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

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.2 Commercial activities code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Low density residential zone code	The application complies with applicable acceptable outcomes apart from the following: <ul style="list-style-type: none"> ▪ AO6 The development has demonstrated compliance with or been conditioned to meet the higher order performance outcomes in each case. Refer to planning discussion section of report.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Commercial activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes 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 to be designed and constructed in accordance with FNQROC Development Manual Standards.

(E) Adopted Infrastructure Charges Notice

The Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 1) 2021 - Table 1 establishes the following charge rates applicable to the separate aspects of the development:

- Warehouse - \$35.00 per square metre of GFA
- Office - \$98.00 per square metre of GFA

The charge applicable to each aspect of the development is as follows:

- Warehouse - 161m² x \$35.00/m² = \$5,635.00
- Office - 50m² x \$98.00/m² = \$4,900.00

The total charge applicable to the development under Adopted Infrastructure Charges Resolution (No. 1) 2021 is **\$10,535.00**.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

N/A

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 12 May 2021 to 4 June 2021. The applicant submitted the notice of compliance on 8 June 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Six (6) properly made submissions were received and all of those objected to the proposed development.

The grounds for objection are summarised and commented on below:

Grounds for objection	Comment
<p>It is unclear as to what the warehouse and parking will be used for. Council should request further information from the developer.</p>	<p>Council officers agree that the initial development description could have provided more certainty regarding the intended use of the warehouse.</p> <p>This lack of certainty is a common theme across most submissions.</p> <p>In response to the submissions, the applicant has provided a detailed description of the nature of the intended use. This detailed description has been included as part of the Description of Proposed Development section of this report.</p> <p>Based on the detailed description, it has been made clear that the development will:</p> <ul style="list-style-type: none"> Not house or repair large earthmoving or transport equipment; Not be serviced by semi-trailers, allowing all vehicles to enter the site and turn around on site; House archives, sales signs and small items used in the running of the neighbouring sales office and construction business; Involve the delivery of small items by delivery van or small light rigid truck. <p>Council officers consider the development as outlined in the detailed description to be small scale and will be unlikely to have any ongoing conflict with nearby residential land uses.</p>
<p>Development should be located in industrial area, not residential area. Not in keeping with the residential estate, visually unattractive.</p>	<p>The development is small scale and is intended to support the adjoining sales office and ongoing development of Amaroo Estate. The development has been sited so as to function as an ongoing part of the adjoining commercial centre.</p> <p>The design of the proposed building is intended to maintain the established character of the adjoining Amaroo Medical Centre complex.</p> <p>In this regard, the buildings will be constructed from concrete block, externally rendered, painted and include decorative cladding elements along the upper walls.</p>
<p>Development does not offer a retail business, therefore doesn't benefit local residents.</p>	<p>The development will support the adjoining sales office and ongoing Amaroo Estate development.</p> <p>This offers a service to those future residents wanting to move into Amaroo Estate.</p>

Covenants for Amaroo Estate required buildings to meet a set standard.	Noted. Council officers believe that the design of the proposed development achieves a high standard.
The proposed development will devalue land and lead to a loss of 'prestige'.	This is not a planning consideration.
Heavy vehicles and delivery trucks may be accessing the site for many years. The proposed plans show three truck bays and no turn around area. Impacts from the storage of heavy vehicles.	The applicant has clarified that heavy vehicles will not access the development. Deliveries will be via van or small light rigid truck. Vehicles accessing the site will be able to enter and exit in forward gear.
Concerned about noise from reversing trucks and reversing beepers/alarms.	The development will be conditioned to restrict hours of operation standard business hours. The applicant advises that reverse beepers/alarms will have adjustable volumes and will be turned down so that they are not audible outside the approved area.

Submitters

Name of Principal submitter	Address
1. B & T Alifraco	PO Box 998, Mareeba QLD 4880
2. F & J Birkbeck	16 Jannali Court, Mareeba QLD 4880
3. M & A Sharples	13 Karobean Drive, Mareeba QLD 4880
4. T Thies	Tara_lilly_95@hotmail.com
5. W & J Ryan	14 Jannali Court, Mareeba QLD 4880
6. Y Wildman	9 Karobean Drive, Mareeba QLD 4880

PLANNING DISCUSSION

Compliance with Performance Outcomes PO6, PO7, PO8 and PO9 of the Low Density Residential Zone Code is discussed below:

PO6

Building facades are appropriately designed to:

- (a) include visual interest and architectural variation;*
- (b) maintain and enhance the character of the surrounds;*
- (c) provide opportunities for casual surveillance;*
- (d) include a human scale; and*
- (e) encourage occupation of outdoor space.*

A06

Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.

Comment

The design of the proposed building is intended to maintain the established character of the adjoining Amaroo Medical Centre complex.

In this regard, the buildings will be constructed from concrete block, externally rendered, painted and include decorative cladding elements along the upper walls.

The proposed building design satisfies PO6.

PO7

Development complements and integrates with the established built character of the Low density residential zone, having regard to:

- (a) roof form and pitch;*
- (b) eaves and awnings;*
- (c) building materials, colours and textures; and*
- (d) window and door size and location.*

A07

No acceptable outcome is provided.

Comment

The design of the proposed building is intended to maintain the established character of the adjoining Amaroo Medical Centre complex.

In this regard, the buildings will be constructed from concrete block, externally rendered, painted and include decorative cladding elements along the upper walls.

The proposed building design satisfies PO7.

PO8

Non-residential development is only located in new residential areas and:

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

A08

No acceptable outcome is provided.

Comment

The application is for non-residential development. The subject land is located in a new/developing residential area.

The proposed scale is consistent with the established adjoining business centre and is not inconsistent with the scale of nearby dwelling houses and outbuildings.

The development will support the applicant's ongoing development of Amaroo Estate and the applicant's sales office in neighbouring Shop 3, Amaroo Village. The scale of the use and the proposed hours of operation will not adversely impact on nearby residential uses.

The proposed development will not impact on other non-residential developments in the shire.

The development satisfies PO8.

PO9

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

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

AO9

No acceptable outcome is provided.

Comment

The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses.

Heavy vehicles/semi-trailers will not be accessing the site. No advertising signs have been proposed.

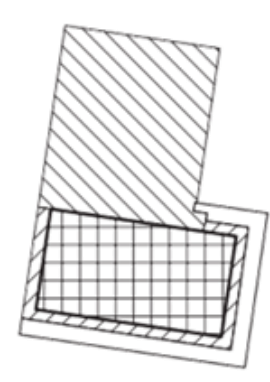
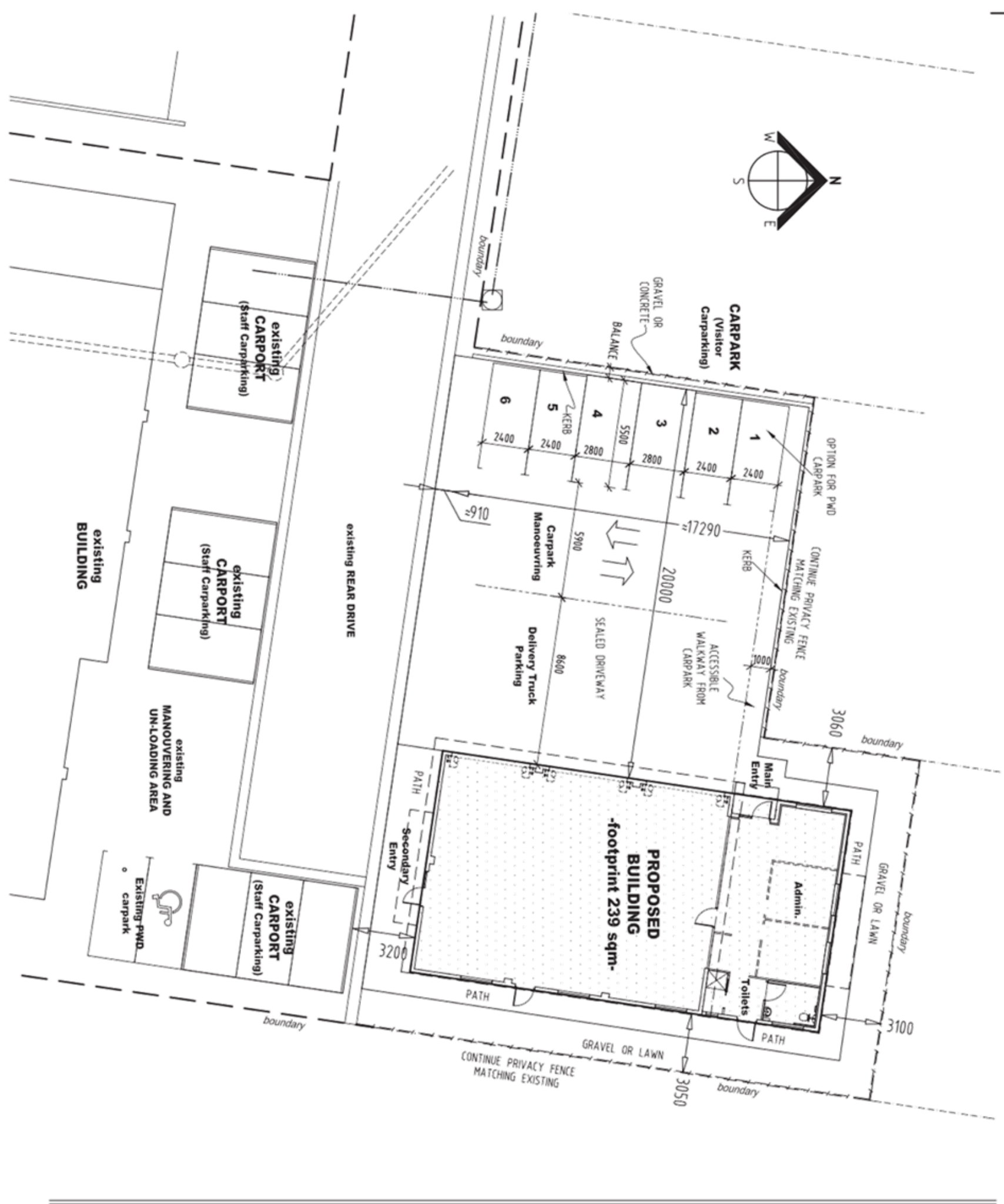
Visual amenity and privacy will be maintained through the design of the proposed building and new screen fencing. External lighting will be conditioned to comply.

The development is not likely to result in odour or other emissions.

The development will be conditioned to comply with PO9.

PROPOSED SITE PLAN

(1:200 ON A3)

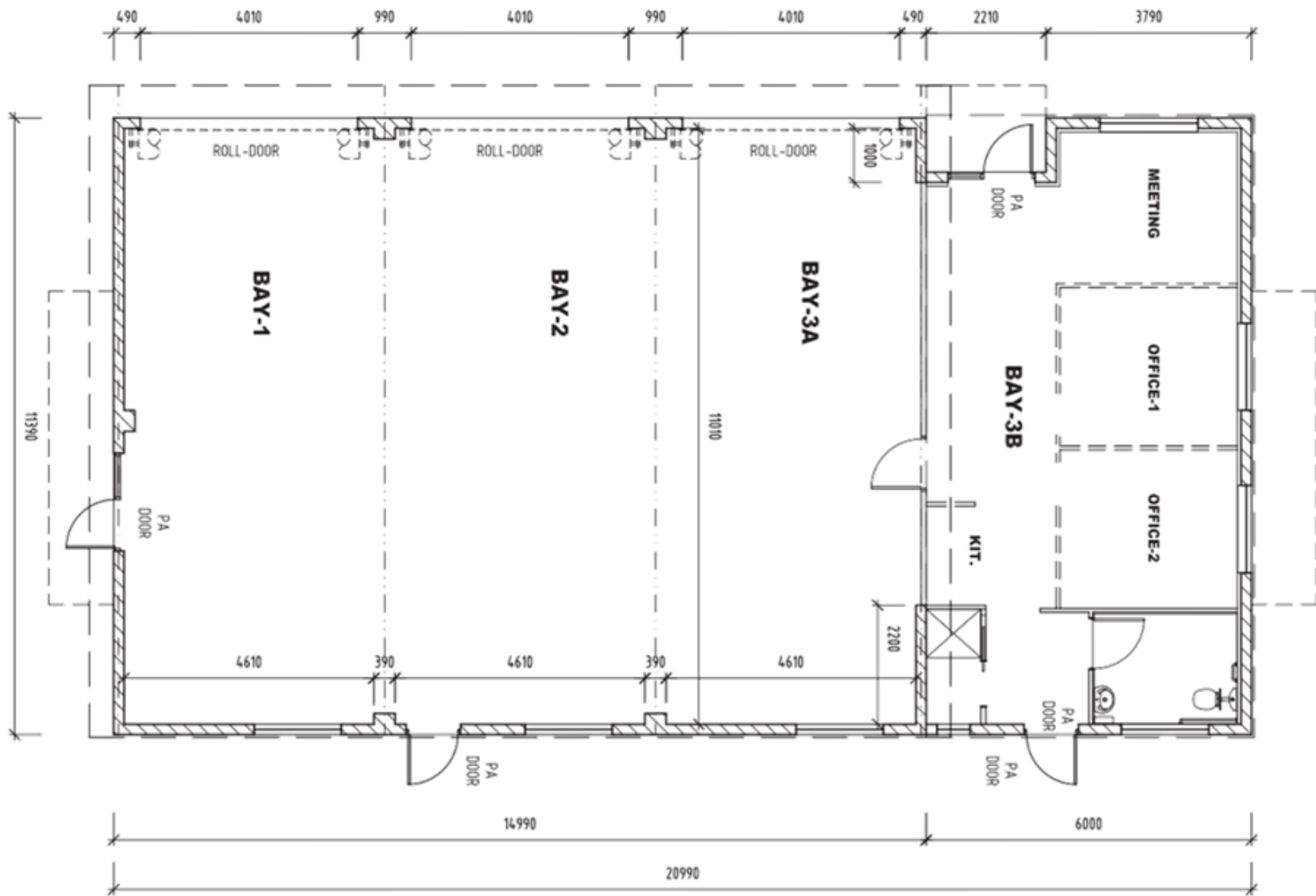


PLANNING SCHEME INFO.

- (approx. sqm)
- PROPERTY SITE BREAK DOWN:
total site area = 7525 sqm (100%)
 - IMPERVIOUS AREAS (total xxx sqm)
• proposed BUILDING = 239 sqm (32 % of site)
 - proposed CARPARK AND ASSOCIATED DRIVEWAYS = 362 sqm (48 % of site)
 - proposed OPEN AREAS SURROUNDING BUILDING = 65 sqm (9 % of site)
 - NON-IMPERVIOUS AREAS
• proposed LAWN OR GRAVEL = 86 sqm (11 % of site)

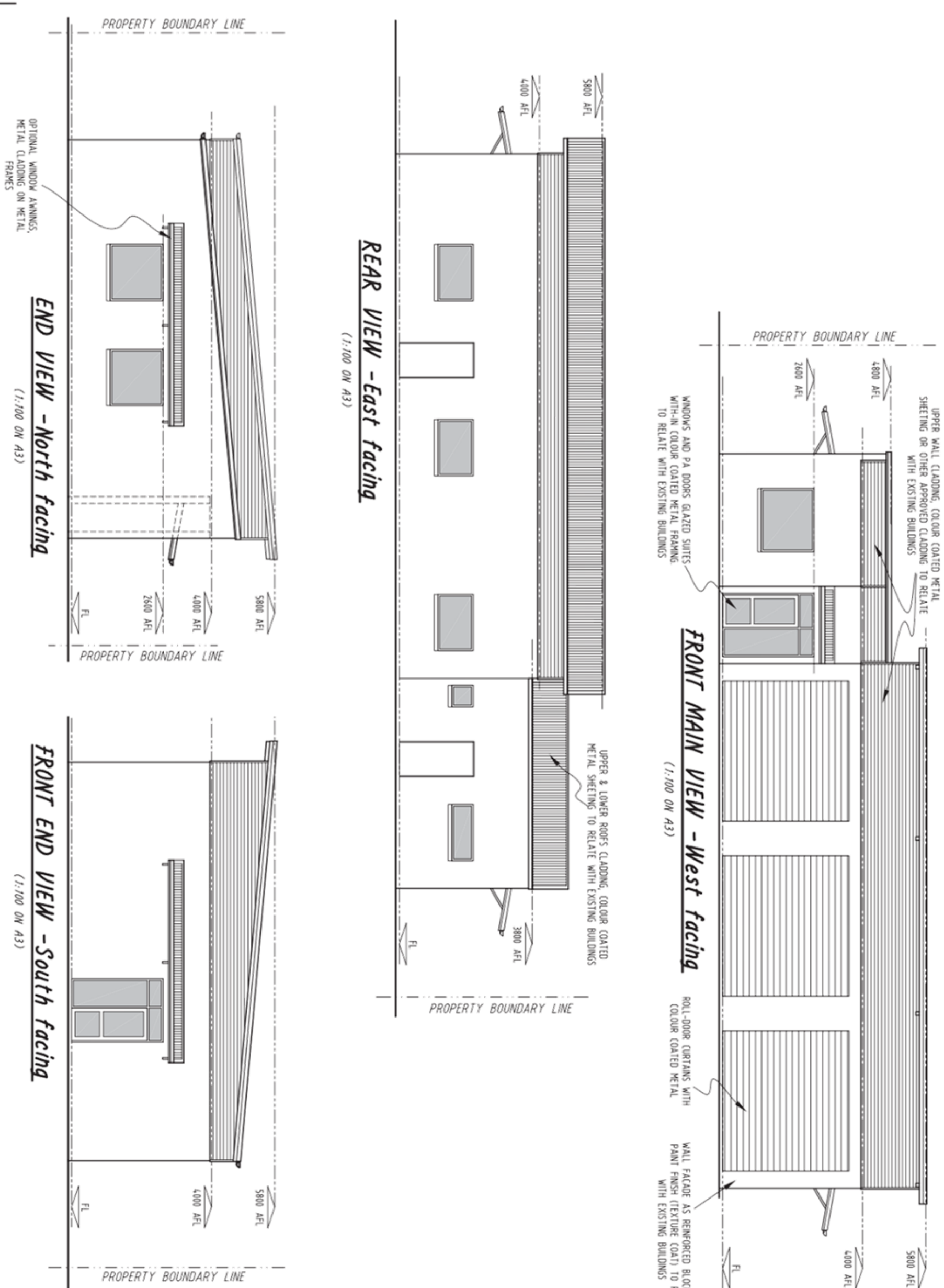
PROPOSED BUILDING (GFA) GROSS FLOOR AREA:
• 239 sqm
(EXCLUDES VEHICLE MANOUVERING AREA - NIL SQM)

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND		
GREGORY G TERZI Associate Diploma Architectural Technology Building Design & Drafting		
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-		
PROJECT:	DATE: JAN 2021	
KAROBEAN VILLAGE SHOPPING CENTRE MAREEBA 4880	SCALE: AS SHOWN ON 'A3' SHEET	
	DRAWING TITLE:	PROPOSED SITE PLAN
PROPOSED BUILDING	JOB NO. 0639	SHEET No. DA 02 ISSUE B



Proposed Building - FLOOR PLAN
(1:100 ON A3)

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND		
GREGORY G TERZI Associate Diploma Architectural Technology Building Design & Drafting		
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-		
PROJECT:	DATE:	JAN 2021
KAROBEAN VILLAGE SHOPPING CENTRE MAREEBA 4880	SCALE:	AS SHOWN ON 'A3' SHEET
	DRAWING TITLE:	PROPOSED BUILDING FLOOR PLAN
PROPOSED BUILDING	JOB NO.	SHEET No.
	0639	DA 03
		ISSUE
		B



PROJECT: KAROBEAN VILLAGE SHOPPING CENTRE MAREEBA 4880	DATE: JAN 2021 SCALE: AS SHOWN ON 'A3' SHEET DRAWING TITLE: ELEVATIONS
PROPOSED BUILDING	JOB NO. 0639 SHEET No. DA 04 ISSUE A

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND
GREGORY G TERZI Associate Diploma Architectural Technology **Building Design & Drafting**
 -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-



15th May 2021
CEO - Mareeba Shire Council
PO Box 154
Mareeba Qld 4880

Dear Sir

**APPLICATION FOR A MATERIAL CHANGE OF USE – OFFICE AND WAREHOUSE
LOT 48 ON SP320488 AND LOT 2 ON SP298298, MERINDAH CLOSE AND
KAROBEAN DRIVE,
MAREEBA.**

Reference: MCU/21/0006

I am writing to oppose the above application submitted by BTM & S Stankovich Pty Ltd.

My husband & I purchased our block of land on the corner of Karobean Drive & Merindah Close late last year; a residential block in a residential neighbourhood. We were advised that Merindah Close would be developed in the future to provide additional blocks for residential use.

The idea of a Commercial Property, an Office & Warehouse, being constructed in this location makes no sense at all. There is a purpose built Industrial area that would be perfectly suited for this type of development situated North of Mareeba.

The existing Amaroo Medical Centre & neighbouring Pharmacy compliment the growing population of Mareeba & is also highly supported by Mareeba locals. My understanding is that the proposed Office & Warehouse construction does not offer a retail business therefore, how does this benefit anyone that resides at Amaroo?

Covenants were attached to our Contract of Sale which are supposed to protect the residents & their investment in this Estate, to ensure that all buildings meet a certain standard. There is plenty of vacant land that in Mareeba that do not have Covenants in place, and these blocks are less expensive for a reason. People choose this area to buy/build as it is marketed as Prestige. There is even a current advertisement on Radio 4AM to support this statement.

We fear that this proposed development will devalue the land and established homes at Amaroo which would ruin the reputation of this Prestige area. Valuations in Amaroo have been climbing significantly over the past 12 months and I would have thought that it would be important to keep this momentum going to support future sales in the area.

If BTM & S Pty Ltd were asking to construct a building for a retail corner store or coffee shop, something that would benefit the residents, then we would have absolutely no objection.

What they are proposing to Construct has no benefit to anyone else except BTM & S.

Regards

Bruno & Tania Alifracco

12 May, 2021

Bruno & Tania Alifracco
PO Box 998
MAREEBA QLD 4880



17 Barron View Drive
Freshwater QLD 4870

Dear Sir/Madam,

RE: PUBLIC NOTICE OF DEVELOPMENT APPLICATION.

In accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules you are hereby notified that a Development Application has been lodged with the Mareeba Shire Council. The following is provided to you in accordance with the *Planning Act 2016*.

Proposed Development

Make a submission from
12/05/2021 to 04/06/2021

**Material Change of Use –
Office and Warehouse**

Where: Karobean Drive and Merindah
Close, Mareeba

On: Lot 2 on SP298298 and Part Lot 48
on SP320488

Approval Sought: Development Permit
Application Ref: MCU/21/0006

**You may obtain a copy of the
application and make a
submission to:**

Mareeba Shire Council
PO Box 154, MAREEBA, QLD, 4880
info@msc.qld.gov.au
1300 308 461
www.msc.qld.gov.au

Public notification requirements are in
accordance with the *Planning Act 2016*

Yours faithfully,

MATT ANDREJIC
For BTM & S Stankovich Pty Ltd.

From: "Fred Birkbeck" <freddysolar@yahoo.com.au>
Sent: Fri, 21 May 2021 11:36:09 +1000
To: "Info (Shared)" <info@msc.qld.gov.au>
Subject: Proposed Development Application Reference MCU/21/0006

Attention: Planning Officer and relevant Councillors

We are concerned that the proposed development of an Office and Warehouse on Lot 2, SP298298 and Lot 48, SP320488 (on Karobean drive/Merindah Close) is not in keeping with the suburban area development, close by Medical Centre and possible expansion of future shopping complex.

We have inspected the development application and are wary of what the warehouse and associated parking will be used for as the application does not cover this factor in detail.

As future housing development over many years may continue in the Amaroo Estate area, heavy machinery and delivery trucks may frequent the site and create problems with the proposed (Merindah Close) multiple housing development (which is likely to have many children and many vehicles using nearby areas and streets).

Without specific knowledge of warehouse content and truck/machinery movements we consider Council should request additional detail from the developers before due consideration is applied to the application. If satisfactory information is not supplied then we consider Council should not approve the application.

Our concern is that the development may lower the existing character of the Amaroo housing/shopping precinct.

Yours faithfully,

Fred & Jeanette Birkbeck
16 Jannali Court,
Amaroo Estate,
Mareeba QLD 4880
Tel: 0412 592 596



Merlin & Amy Sharples
13 Karobean Drive
Mareeba 4880

(Mareeba Shire Council)

Re – Application MCU/21/0006- change of zoning to allow construction of an office and warehouse on cnr (?) Karobean Drive and Merindah Close in the Amaroo estate.

We wish to lodge the strongest possible opposition to the proposed development which is in close proximity to our residence. We have been here just over 2 months; having moved up from Victoria. It took a couple of trips up through Queensland looking around to decide to settle in Mareeba; and were guided in our choice by the fact Amaroo estate had development covenants relating to land use etc which gave a prospective purchaser some assurance that the type of development now proposed would not be permitted so as to allow a peaceful occupation of their property.

There are a number of issues; the chief of which is there is no indication of the usage such a building would be put; has the developer a specific use in mind or are they simply intending to construct the building and then seek a tenant and we may well end up with some noxious or noisy type of industry in the middle of what was to be a quiet residential area.

And this could be the proverbial 'thin edge'; there is as yet undeveloped land zoned residential adjacent to the proposal; if the wrong type of development starts up it will put future buyers off from that land and by default the whole will become industrialised and destroy property values of those here now (remembering they came here thinking their values would be protected by covenant)

Another issue is the fact that the plans shown on the public display are a little vague in that they do not clearly show the future direction of Merindah Close; it could be read that the close is to "deadend" at the front gate of the new development with no turning circle; if not that provision is to be made for trucks to turn around. The proposed building plan shows three truck bays, pantec sized, at the front but not the back so they will have to back out somewhere.

Noise pollution is a factor now with reversing trucks; with forklifts presumably attending to loading and unloading with their infuriating reversing horns; and with the increase in traffic in general. Safety factors come in to play as well the light traffic presently on these streets make them fairly safe for kids on scooters and the like; and for pedestrians in general.

It would be a retrograde step to allow this development. It hard to understand why it should be proposed; as the attraction of residential lots continues to be strong in this area and there must be other areas more suited to development for warehousing,

What else!

M Sharples
3.6.21
for M & A Sharples

From: "Taralee Thies" <tara_lilly_95@hotmail.com>
Sent: Thu, 3 Jun 2021 22:12:48 +1000
To: "Info (Shared)" <info@msc.qld.gov.au>
Subject: Mareeba Shire Council Re: Application MCU/21/0006
Attachments: Mareeba Shire Council Re Application MCU 21 0006 Taralee.pdf

Hi,
Please find attached my letter of objection in regards to Application MCU/21/0006
Thanks
Taralee

Document Set ID: 3961164
Version: 1 Version Date: 04/06/2021

Mareeba Shire Council
Re: Application MCU/21/0006 Proposed Development

To whom it may concern,

I submit this letter opposed to the development of the Office and Warehouse situated at Karoeban Drive & Merindah Close Mareeba QLD 4880.

Late last year I purchased my first block of land located in the growing residential area of Amaroo Estate. One of the main selling points of purchasing in this area was the family friendly area, quiet traffic and lovely scenery.

When purchasing my block of land which is situated on Dandaloo Close and backs on to the proposed development area, I was informed of further residential development as well of the possible addition of a small shopping centre to the already constructed Medical Centre. These developments not only make sense for the area but also are warranted additions, the proposed development however does not - I fail to see how by adding a warehouse and offices that any value can be added to the area, not only for future resell purposes but it would also detract from the visual effect of the neighbourhood.

Currently the area of Amaroo attracts many young families, pet owners and fitness fanatics throughout the day; this is greatly due to the quiet roads, and tranquil surroundings. The addition of a warehouse which will house machinery, trucks and forklifts along the many loud noises that they bring would only take away the peacefulness and serenity of the neighbourhood.

I strongly object to this development and do not believe that it would benefit the neighbourhood in any way shape or form.

Yours Sincerely
Taralee Thies

From: "Julie Ryan" <jimnjulie1@bigpond.com>
Sent: Thu, 27 May 2021 12:04:30 +1000
To: "Info (Shared)" <info@msc.qld.gov.au>
Subject: Fwd: Development Application Merindah Close

Sent from my iPhone

Begin forwarded message:

From: Julie Ryan <jimnjulie1@bigpond.com>
Date: 27 May 2021 at 11:40:16 am AEST
To: info@msc.qld.gov.au
Subject: Development Application Merindah Close

We would like to object to the proposed development application, reference MCU/21/0006 Karobean Drive Merindah Close.
The location of the proposed warehouse is a residential area. Industrial buildings should be kept in industrial subdivisions.
This development has the potential of impacting residents with increased heavy vehicle traffic, noise levels, reduced house values and would be visually unattractive.

Regards
William and Julie Ryan
14 Jannali Court Mareeba
0428932652
Sent from my iPhone

From: "Taralee Thies" <tara_lilly_95@hotmail.com>
Sent: Sun, 30 May 2021 18:42:11 +1000
To: "Info (Shared)" <info@msc.qld.gov.au>
Subject: Re: Application MCU/21/0006
Attachments: Mareeba Shire Council - Re Application MCU 21 0006.pdf

Please find attached my submission Re: Application MCU/21/0006
Kind Regards
Yvonne Wildman

Document Set ID: 3957650
Version: 1 Version Date: 31/05/2021

Mareeba Shire Council

Re: Application MCU/21/0006 - To allow the construction of a warehouse in the zoned residential area beside and behind the Amaroo Medical Clinic.

To the deciding members of council, please note that I strongly oppose this development which is situated directly in front of and very close to my home. Six years ago when my late husband and I bought our block of land, we were assured that the area near our home would be perfect for aged people, as it was near the Amaroo Medical Clinic, a small shopping centre (yet to be built) and except for road traffic would be a quiet area.

Ours was one of the first homes built in this area, and we had to endure the process of land clearing, dust and noise over these past years, this I understood as it was necessary for the development of the Amaroo Residential Area, but I fail to see that I should have to put up with incessant noise from turning trucks just in front of my home and even worse the irritating beeping of forklifts and other machinery all day long.

Not only has the developer already benefited from the sales of these residential blocks but they would be the only one to benefit from an approval of the council's behalf, surely the people who bought their blocks of land in good faith have some rights; after all an elected council should be there to protect small land owner's as well as developers.

I personally feel that this development will reduce the value of all surrounding properties, and even if this warehouse does go ahead what guarantee do we have that when the developers business is finished that they won't sell to another company dealing with *(who knows what)* and what noise we will have to put up with.

It goes without saying that once you alter the law for one person, what is stoping others from wanting the same, and before long we could have multiple warehouses within a residential area. I feel that this development is only to satisfy the developer's needs for a short time but we would then have to live with the repercussions' for the rest of our lives.

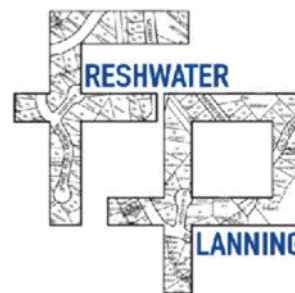
Amaroo estate is a beautiful, family friendly area that is held to high regard and quality within Mareeba, by allowing a large commercial warehouse to be built, think about the effects that it would have on the overall appearance, no longer filled with new family homes, and a small convenient medical and shopping area but a large eyesore of a warehouse.

I urge the members of council to thoroughly think about this decision, and take into consideration how you would feel if this was happening in your neighbourhood.

Yours faithfully

Yvonne Wildman
9 Karobean Drive

Your Ref: MCU/21/0006
Our Ref: F21/04



29 June, 2021

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

Brian Millard
Regional Planning Group

Dear Sir,

**RE: RESPONSE TO PUBLIC NOTIFICATION SUBMISSIONS
APPLICATION FOR A MATERIAL CHANGE OF USE – OFFICE AND WAREHOUSE
LOT 48 ON SP320488 AND LOT 2 ON SP298298, MERINDAH CLOSE AND KAROBEAN DRIVE,
MAREEBA. DEVELOPMENT APPLICATION MCU/21/0006.**

The following is provided in Response to the Public Notification Submissions received in relation to the Development Application MCU/21/0006 located on Merindah Close and Karobean Drive, Mareeba during the Public Notification Period.

In relation to the received Submissions, they were generally similar in items of concerns and the following has been provided in summary to the Town Planning Concerns with regards to the Submissions. This Response will not address Items not considered to be Town Planning Concerns, for examples 'development putting off buyers' and 'devaluing the land' as these are unfounded and opinionated only.

After reviewing the received Submissions, the proponent has provided the following information in Response:

The Application is for the construction of Offices and a Store to complement the existing administration of the BTM&S Group of Companies. Currently, only its Land Sales Office operate out of the Amaroo Business Precinct however, the Group plans to move all its administration arm to this site as well, hence the need for the expansion. As shown in Figure 1 below, its shop front is existing at Shop 3 Amaroo Village, an area of about 63m² (housing the Sales Office, a Meeting Room and the future Accounts section), and behind this, the area which encompasses this Application, is for about 750 m² of land with a 237.5 m² building. This proposed building is tucked in behind the rear of the existing building with access via an approx. 90m long private asphalt driveway from a kerbed and channelled road. This proposal is for Managers Offices, a Store and off-street parking with an area big enough for a small light rigid delivery vehicle to turn around. Please note, there will not be enough room for an articulated semi-trailer to deliver items. The existing private road is accessed off the divided section of Karobean Drive and from an area of the development prior to entering the residential section proper. Other than staff and deliveries, visitors will attend to the existing office via the carpark at Shop 3 Amaroo Village.

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

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

The store section of the building, about 160 m² in size and built to the high standard of the existing buildings, is to be used as a secured covered area to compliment the administration arm of the group for items such as archives, sales signs etc, items needed for the running of the office and stock (similar to items purchased at say Repco or FNQ Filters and Parts both who operate in Mareeba’s main street) required for the running of the Groups land development, civil construction, and quarrying arms. There are also other small and expensive items (machinery computers etc.) that the business needs to securely store and manage their release to employees and contractors such as diesel fitters etc. The delivery of items would mostly be via a delivery van or small light rigid truck, similar in size to the delivery of items to the adjacent chemists or any similar businesses in the Town Centre. No items can logistically be delivered by semi-trailer as there is no access or turnaround capability for such a vehicle and logistically it makes economic sense for the Group to deliver these larger items (e.g., motors, crusher parts etc) directly to where they are needed at either a quarry or an engineering/mechanical workshop. It was never the intent to store these larger items at this site and further, the store is only 160 m² and there is not enough room for the storage of larger items. Further, again, the store is only 160m² in size and is not big enough nor appropriate to be used for the housing or repair of large earthmoving or transport equipment.

To give context of the size of the proposed store, listed below are 10 back yard Residential sheds that are similar in sized and built in the Amaroo Residential Estate prior to about 2019. The areas are approximate and were measured on Queensland Globe.

Lot 107 on SP289721	Bundanoon Ct	160 m ²
Lot 20 on SP261225	Yarrabee Cl	130 m ²
Lot 127 on SP273688	Karobean Dr	120 m ²
Lot 12 on SP292105	Jannali Ct	135 m ²
Lot 6 on SP213034	Yarrabee Cl	200 m ²
Lot 11 on SP271379	Yarrabee Cl	110 m ²
Lot 103 on SP247844	Bundanoon Ct	260 m ²
Lot 112 on SP247851	Hastie Rd	150 m ²
Lot 26 on SP265014	Ponto’s Pl	160 m ²
Lot 104 on S247851	Bundanoon Ct	140 m ² .

Notably, the resident and owner of one of the above residential sheds made a Submission to this Application giving the impression there is some confusion by the public in relation to the size and use of the proposed development. Further, it appears at least two of the properties listed are operating businesses out of their Sheds located amongst Residential property and accessed via Residential streets. In the unlikely event the Group decides to vacate the building and either lease or sell this commercial development, the scale of any business that may operate out of these premises would be limited by its size and would be similar in impact to these two (2) existing businesses operating from the Amaroo Residential area.

As shown below, the proposed development is separated from the Amaroo residences by undeveloped land owned by the Group. Also shown and labelled as “FUTURE DEVELOPMENT” is the Residential lot layout BTM&S Stankovich P/L proposes (and has currently lodged with Mareeba Shire Council a Town Planning Application for the same), for the englobo land. The existing residences are clearly separated from the proposal to add a small portion to the existing Amaroo Business Precinct. Further, the Group believes it has to the best of its knowledge been open and transparent with the residences of Amaroo with its disclosure of its intentions, hence this proposal being lodged prior to the lodgement of the Subdivision currently in Council for the extension of Merindah Close.

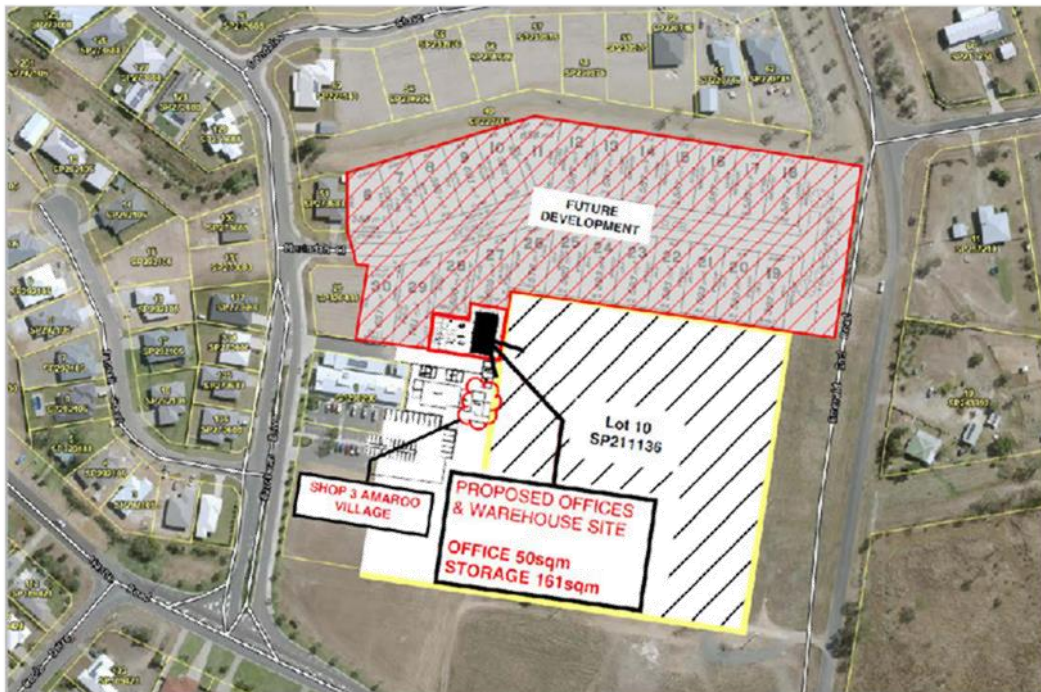


Figure 1.

Further to the above which was provided by the proponents of the site, Freshwater Planning Pty Ltd understands that the proposal has been meticulously designed to ensure that the existing Amenity of both the Residential and Commercial aspects of the site are protected, maintained and enhanced. Whilst the proposal will indeed increase traffic to the area, the traffic will be restricted to the existing Commercial Areas of the Amaroo Estate (Amaroo Village Business Precinct) providing limited impact, if any, on the surrounding Residential properties as per the existing Amaroo Village Business Precinct. The existing Road Network has been designed to cater for this and any additional increase and is considered acceptable and appropriate, providing for safe access without affecting the existing Residential Estate.

In relation to the Submissions regarding the increase in noise, the proposal has been designed to ensure that any vehicle will enter and exit the site in a forward gear, meaning that any delivery vehicles/trucks will enter the site and exit the site in a forward motion with only reversing to turn around onsite, of which the Proposal Plans lodged with the Town Planning Submission identified ample manoeuvring areas for this to occur. This results in any vehicle only have to minimally reverse to turn-around similar to any delivery vehicle already servicing the existing Amaroo Village Business Precinct. The proponents are currently investigating the availability of low frequency reversing electric forklifts to further demonstrate their commitment to providing a non-intrusive Use within the Amaroo Estate. This is further supported by the solid privacy fence screening that will be provided as a part of the currently proposed Reconfiguration and as demonstrated on the Proposal Plans within this Development Application. Their preliminary investigations have already discovered the following: *Safe Work Australia's Code of Practice - Managing the risks of plant in the workplace, May 2018 and AS 2359.1:2019 – Powered industrial trucks, Part 1: General Requirements require an audible alarm to be used on plant if the plant is designed with an audible alarm, however that the alarm be clearly audible only in the hazard area. Consequently, an employer can legally use a forklift truck fitted with an audible alarm that is not able to be heard beyond the immediate vicinity*

of the forklift truck let alone the boundary of the workplace. In other words, we will adjust the volume of the audible alarm as required.

It is understood that any Operating Hours will be provided within normal hours of Operations within Residential Areas and will be from 7am to 6 pm with deliveries not expected prior or after these times and will generally be expected within the normal working hours of the day. It is noted that these hours also coincide with the Operational Works Permit Approval that the Developers hold over the balance of the Amaroo Estate. The proponents note the following:

Page
4

In terms of "Hours of Work" restrictions, as a part of the Operational Works Approval's Conditions, given by Council, it is required that operational working hours that involve plant and equipment of any kind (i.e forklift) shall only be carried out on site during 7:00am to 6:00pm (Monday to Friday) and 7:00am to 1:00pm (Saturday). See below extract from the OP Works Decision Notice OPW/20/0004 – Amaroo Stage 11:

(e) Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - 7.00am to 6.00pm, Monday to Friday;
 - 7.00am to 1.00pm Saturdays;
 - No work is permitted on Sundays or Public Holidays.

- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

It is believed that following the prescribed "Hours of Work" above is more the sufficient, as the noise admitted from the proposed development will be severely less, in both volume and frequency, than that of construction within a Residential Area (i.e Amaroo etc).

It is considered that the proposed Office and Warehouse providing additional Commercial Uses to the Amaroo Village Business Park is acceptable and appropriate and is not considered to conflict with the Intent and future planning of the Low Density Residential Zone. The proposed development is considered to provides for adequate noise amelioration while not significantly affecting the surrounding amenity and character. The proposal is not considered to be of visual blight and will not significantly affect the existing Amaroo Residential Estate. The proponent has gone to significant lengths to protect the amenity of the site and adjoining Residential Estate as it is in their best interests.

Yours faithfully,



MATTHEW ANDREJIC

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A: 17 Barron View Drive, FRESHWATER QLD 4870

8.2 M DOWLING - MATERIAL CHANGE OF USE - SHOP (GENERAL STORE), GARDEN CENTRE (NURSERY) & LOW IMPACT INDUSTRY (SMALL ENGINE REPAIRS & SERVICING) - LOT 56 ON RP732900 - 57 DOUGLAS TRACK, SPEEWAH - MCU/21/0004

Date Prepared: 5 July 2021

Author: Planning Officer

Attachments:

1. Development Plans [↓](#)
2. Submission - Objection [↓](#)
3. Submissions - Support [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M Dowling	ADDRESS	57 Douglas Track, Speewah
DATE LODGED	22 March 2021	RPD	Lot 56 on RP732900
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shop (General Store), Garden Centre (Nursery) & Low Impact Industry (Small Engine Repairs & Servicing)		
FILE NO	MCU/21/0004	AREA	8,718m ²
LODGED BY	M Dowling	OWNER	M Dowling
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	1 objection, 10 in support		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the public notification period, one (1) submission objecting to the proposed development was received, and 10 submissions in support of the development were received.

The existing business the subject of this application is known as "Speewah Farmall". Speewah Farmall was established in 2016 as a small shop selling stock feed and basic hardware supplies under a 2014 material change of use approval for a home based business. Since its establishment, the business has grown and adapted to cater for the needs of the surrounding Speewah, Koah and Kuranda communities. For some time now the business has been operating outside the bounds of the original home based business approval, being both greater in scale and providing substantially more services than originally anticipated.

In order to formalise the existing up-scaled business model, the landowner/business operator has submitted this development application. The business is situated in the centre of a developed Rural residential zoned area, so the primary town planning consideration is the potential impact the business may have on residential amenity. In this situation though, the business has been

established at generally the scale proposed for some time and has operated seemingly free from any land use conflict with surrounding residential properties. This is reflected in the lack of objections received during the public notification period (1 objection only), of which was not from a resident living in the immediate area and which cited only environmental concern and not amenity impact concern. In contrast, 10 properly made submissions were received which highlighted the important role the business plays in providing goods and services currently only found a distance away in either Mareeba or Cairns.

Considering this, and the reasonable separation distances achieved between the business and neighbouring dwellings, Council officers reasonably believe that the business can remain on site at the scale proposed in this application with minimal risk of land use conflict. Appropriate conditions have been recommended to help ensure this outcome.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant section of the Planning Scheme. It is recommended that the application be approved in full, subject to conditions.

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Dowling	ADDRESS	57 Douglas Track, Speewah
DATE LODGED	22 March 2021	RPD	Lot 56 on RP732900
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shop (General Store), Garden Centre (Nursery) & Low Impact Industry (Small Engine Repairs & Servicing)		

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

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

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Shop (General Store), Garden Centre (Nursery) & Low Impact Industry (Small Engine Repairs & Servicing)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan	M Dowling	22/3/2021
-	Internal Building Layout	M Dowling	22/3/2021
-	Shed Elevations	M Dowling	22/3/2021

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer **within 3 months of this approval taking effect**, except where specified otherwise in these conditions of approval.
- 2.2 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.

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 within the timeframes specified in Condition 2.1 and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council’s delegated officer.

3.4 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 of any sound projecting devices are not permitted on-site. The reversing beeper on any forklift or similar machinery used on-site must be sufficiently muted so as to not be audible beyond site boundaries.
- 3.4.4 All small engine mechanical work and servicing must be carried out in the designated workshop area and with the shed predominantly closed or managed in such a way so as to not cause nuisance at any nearby residence. Any air compressor/s should be sited within an insulated containment device so as to not cause nuisance at any nearby residence. Any running of small engines should be done in such a way as to minimise risk of nuisance.
- 3.5 All waste oils, solvents, fuels and cleaning/degreasing waste must be collected and disposed of off-site at an approved disposal facility. These materials must not be disposed of or stockpiled on-site and must not be stored in view of neighbouring dwellings or Douglas Track users.
- 3.6 The mechanical repair or servicing of anything other than small engines and lawn /garden maintenance equipment is not permitted on-site, in particular cars and trucks.
- 3.7 Delivery vehicles associated with the business are limited to 4.5 Tonne Gross Vehicle Mass and must enter and exit the site in a forward gear.
- 3.8 Waste Management
- Any on site refuse storage areas must 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.
- Any commercial waste collection vehicles servicing the site must enter and exit the site in a forward gear.
- 3.9 Operating Hours
- The approved operating hours are between 8am and 6pm Monday to Saturday, Closed on Sunday's and Public Holidays.
- 3.10 Bushfire Management
- 3.10.1 The development must be provided with a minimum 5,000 litres of water storage for firefighting purposes via any the following:
- a water tank separate to any domestic water supply tank/s; or
 - a reserve section in the bottom part of a main water supply tank; or
 - a dam; or
 - a swimming pool.

Where a tank is provided, the tank outlet must be fitted with standard rural fire brigade fittings and be positioned to be easily accessible to firefighting appliances.

3.10.2 A bushfire hazard management plan must be prepared and submitted to Council. The approved use must comply with the requirements of the bushfire hazard management plan at all times.

3.11 Signage

Any advertising devices, must be wholly sited on the subject site or the south-west wall of the shed only (facing the carpark) and be limited to a cumulative sign face area of 4m² 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.

4. Infrastructure Services and Standards

4.1 Access

4.1.1 The existing access crossover servicing the customer car park must be maintained (from the edge of the road pavement to the property boundary of the subject land) in accordance with the standards set out in the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 The existing unsealed access crossover servicing the laydown area/workshop/stock storage area must be upgraded/constructed (from the edge of the road pavement to the property boundary) in accordance with the standards set out in the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must ensure a non-worsening effect on surrounding land and downstream properties 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.

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

4.3 Car Parking/Internal Driveways

The existing internal car parking area must be maintained to include 5 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 (as shown on the approved plans) must remain sealed and line marked where

necessary, and appropriately drained, to the satisfaction of Council's delegated officer.

4.4 Landscaping

The existing landscaping on-site must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Lighting

Any outdoor lighting must be designed and installed to prevent the potential for light spillage to cause nuisance to neighbours and road users.

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

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Works (Shipping Containers)

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from Condition 4.1.2

THE SITE

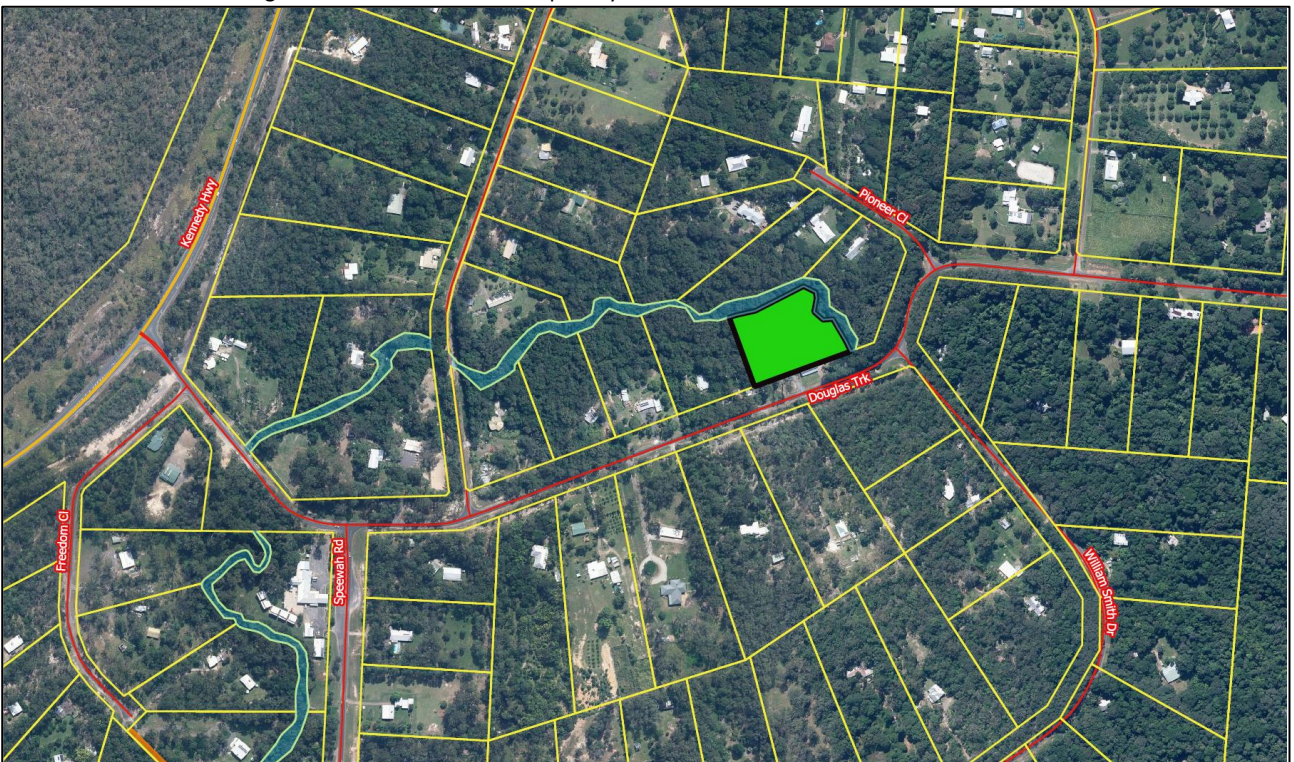
The subject site is situated less than 1 km from the Kennedy Highway at 57 Douglas Track, Speewah, and is described as Lot 56 on RP732900. The site is irregular in shape with a total area of 8,718m² and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 118 metres of frontage to Douglas Track which is constructed to a bitumen sealed standard for the entire frontage of the site. Access is gained from Douglas Track via two (2) crossovers, one (1) bitumen sealed, the other gravel sealed. The site is improved by a single dwelling, and multiple outbuildings clustered towards the front centre of the site. The existing Speewah Farmall business is established within the 200m² shed sited at the very front of the property.

The sites northern and eastern boundaries are bordered by Groves Creek in which the site drains naturally to. The site is serviced by on-site water supply and wastewater disposal and is connected to local area telecommunications and electricity infrastructure. All surrounding allotments are zoned rural residential and either remain vacant or are improved by single dwellings.



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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PREVIOUS APPLICATIONS & APPROVALS

DA/14/0055 - Material Change of Use - Home Business

On 17 November 2014, Council, under delegated authority, approved an application made by M Dowling and T Kotzur for a Development Permit for Material Change of Use - Home Business on land described as Lot 56 on RP732900, situated at 57 Douglas Track, Speewah.

Development permit DA/14/0055 authorised the establishment of a small general store established within part of the large shed at the front of the property. The approval limited the business to the sale of basic stock feed and pet supplies, basic plumbing and hardware supplies, and basic horticulture/nursery/garden supplies.

The approval also authorised the use of the site for small straining courses (at an average frequency of one (1) training course per week), however it is understood this component of the business was never carried out.

BACKGROUND AND CONTEXT

Since its establishment in 2016, the Speewah Farmall business has grown and adapted in order to support the needs of the local Speewah, Koah and Kuranda communities. This growth has resulted in business activities being carried out under the Speewah Farmall banner that are not covered under Development Permit DA/140055 (MCU - Home Business) or that are inconsistent in scale with that originally authorised under DA/14/0055.

It is understood that the business has been operating outside the bounds of Development Permit DA/14/0055 (unlawfully) for some time.

In order to formalise the existing business model, M Dowling, the Speewah Farmall business owner (and landowner) has lodged this development application for Material Change of Use - Shop (General Store), Garden Centre (Nursery) and Low Impact Industry (Small Engine Repairs & Servicing).

It is also important to note that the Speewah Farmall business has been operating in this current capacity seemingly without any land use conflict as no complaints have been received about the business from any nearby neighbour. One (1) complaint was received in 2020 which triggered Council's investigation into the lawfulness of the current business activity, however this complaint simply questioned the lawfulness of the business activity and did not cite any land use conflict concerns and was not submitted by an adjoining property owner.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit Material Change of Use - Shop (General Store), Garden Centre (Nursery) and Low Impact Industry (Small Engine Repairs & Servicing) in accordance with the plans shown in **Attachment 1**.

The existing business established on-site, known as the "Speewah Farmall" was open to the public in May 2016. The business began as a smaller operation carried out lawfully under a Home Business approval obtained from Council in November 2014 (DA/14/0055).

Since its establishment in 2016, the business has steadily adapted to include additional services and has increased in scale. In order to ensure the business was operating lawfully, this development application has been lodged with Council seeking a retrospective approval.

The following services are proposed under this application and are currently provided at the Speewah Farmall business:

- Stock feed and pet supplies;
- Plumbing and hardware supplies;
- Nursery and garden supplies (including plants);
- Mechanical supplies;
- Small engine repairs and servicing;
- Equipment hire; and
- Basic general store.

Speewah Farmall is also used as a pickup depot for fresh meat products from Marsh's Butchery located in Cairns.

The Speewah Farmall business is established within a 200m² Colorbond shed at the front of the property and includes a retail area, office area and sales counter, and a workshop and stock storage area. A greenhouse area is included on the northern side of the shed for the display of plants and nursery supplies. A bitumen sealed five (5) bay car parking area is sited adjacent the shed to the west which is accessed from Douglas Track via a bitumen sealed crossover and driveway. A disabled toilet has been provided on-site.

The business operating hours proposed are 8am to 6pm Monday to Saturday, closed on Sunday's and Public Holidays.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

- Strategic Framework:
- **Land Use Categories**
 - Rural Residential Area
 - **Natural Environment Elements**
 - Biodiversity Area
 - **Other Elements**
 - Major Watercourse
- Zone:
- Rural Residential Zone
- Overlays:
- Bushfire Hazard Overlay
 - Environmental Significance Overlay
 - Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed uses are defined as:-

<ul style="list-style-type: none"> • Column 1 • Use 	<ul style="list-style-type: none"> • Column 2 • Definition 	<ul style="list-style-type: none"> • Column 3 • Examples include 	<ul style="list-style-type: none"> • Column 4 • Does not include the following examples
<ul style="list-style-type: none"> • Shop 	<ul style="list-style-type: none"> • Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public. 	<ul style="list-style-type: none"> • Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store 	<ul style="list-style-type: none"> • Adult store, food and drink outlet, showroom, market
<ul style="list-style-type: none"> • Garden Centre 	<ul style="list-style-type: none"> • Premises used primarily for the sale of plants and may include sale of gardening and landscape products and supplies where these are sold mainly in pre-packaged form. • The use may include an ancillary food and drink outlet. 	<ul style="list-style-type: none"> • Retail plant nursery 	<ul style="list-style-type: none"> • Bulk landscape supplies, wholesale nursery, outdoor sales

<ul style="list-style-type: none"> • Low Impact Industry 	<ul style="list-style-type: none"> • Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes: <ul style="list-style-type: none"> • negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise • minimal traffic generation and heavy-vehicle usage • demands imposed upon the local infrastructure network consistent with surrounding uses • the use generally operates during the day (e.g. 7am to 6pm) • offsite impacts from storage of dangerous goods are negligible • the use is primarily undertaken indoors. 	<ul style="list-style-type: none"> • Repairing motor vehicles, fitting and turning workshop • Note—additional examples may be shown in SC1.1.2 industry thresholds. 	<ul style="list-style-type: none"> • Panel beating, spray painting or surface coating, tyre recycling, drum re conditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry
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RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework****3.3 Settlement pattern and built environment****3.3.2 Element—Activity centres network****3.3.2.1 Specific outcomes**

- (1) *The scale of development in activity centres is consistent with their role and function within the defined hierarchy of activity centres, which consists of a major regional activity centre, a village activity centre, rural activity centres and rural villages.*

Comment

Speewah is considered a rural village activity centre. The Speewah Farmall business provides essential services primarily for Speewah, Koah and Kuranda residents that would ordinarily have to be sourced from Cairns or Mareeba. The business has been established for some time generally at the scale and intensity proposed by this application, albeit unlawfully, however has demonstrated its ability to operate without conflict with adjoining residential uses. The development complies.

- (2) *Centre activities are focussed in major regional activity centres, particularly development which draws on a wide catchment. Other activity centres promote local self-containment by facilitating a diverse range of services in support of local catchments and communities.*

Comment

The Speewah Farmall business primarily services the Speewah, Koah and Kuranda areas. Despite not being situated within a major regional activity centre, the business provides essential services to surrounding residents that would ordinarily have to be sourced from either Mareeba or Cairns. The development complies.

- (3) *Other than small scale industry areas, commercial activities will not occur outside centre areas unless there is an overriding need in the public interest, there are no alternative sites in centre areas, there is no adverse impact on centre areas or the area surrounding the development and the site is readily accessible by a range of transport modes.*

Comment

The Speewah Farmall business primarily services the Speewah, Koah and Kuranda areas. Despite not being situated within a major regional activity centre, the business provides essential services to surrounding residents that would ordinarily have to travel to Mareeba or Cairns to source. An overriding need in the public interest exists and there are not considered to be any alternate sites in the centre zone in the business's catchment area. The Speewah Farmall business has been operating at the scale proposed in this application for some time and has demonstrated its ability to exist without land use conflict. The development complies.

3.3.6 Element—Rural villages**3.3.6.1 Specific outcomes**

- (1) *Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages, that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale.*

Comment

Speewah is considered a "rural village" activity centre. The Speewah Farmall business provides products and services to residents in the Speewah, Koah and Kuranda localities who would ordinarily need to travel to either Cairns or Mareeba to source. The business has been operating at the scale proposed in this application for some time and has demonstrated its ability to exist without land use conflict. The development complies.

3.3.10 Element—Rural residential areas**3.3.10.1 Specific outcomes**

- (6) Small scale non-residential and tourism uses which do not impact on character and amenity are facilitated in *rural residential areas*.

Comment

The subject site is situated in the centre of a developed Rural residential zoned area, so the primary town planning consideration is the potential impact the business may have on residential amenity. In this situation though, the business has been established generally at the scale proposed for some time and has operated seemingly free from any land use conflict with surrounding residential properties. This is reflected in the lack of objections received during the public notification period (1 objection only), of which was not from a resident living in the immediate area and which cited only environmental concern and not amenity impact concern. In contrast, 10 properly made submissions were received which highlighted the important role the business plays in providing goods and services currently only found a substantial distance away in either Mareeba or Cairns.

Considering this, and the reasonable separation distances achieved between the business and neighbouring dwellings, Council officers reasonably believe that the business can remain on site at the scale proposed with minimal risk of land use conflict. The Development complies.

3.3.14 Element—Natural hazard mitigation**3.3.14.1 Specific outcomes**

- (1) *The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.*

Comment

The proposed development will be established within a Medium and High bushfire hazard area. The Speewah Farmall business is existing on-site and the site is currently well maintained with fuel loads on-site kept at a minimum. A condition will be attached to any approval requiring the preparation of a bushfire hazard management plan. The development will be conditioned to comply.

- (2) *Development in an area subject to a natural hazard incorporates appropriate siting and design measures that mitigate risks to infrastructure, buildings and the community.*

Comment

The bulk of the built form associated with the proposed development is existing and the development is sited in the location of lowest risk on the property, appropriately separated from hazardous vegetation. The development complies.

- (4) *Development incorporates emergency response measures to ensure the impacts of natural hazards can be minimised*

Comment

A condition will be attached to any approval requiring the preparation of a bushfire hazard management plan. The development will be conditioned to comply.

3.4 Natural resources and environment

3.4.4 Element—Biodiversity areas

3.4.4.1 Specific outcomes

- (1) *Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.*

Comment

The majority of the development proposed is existing on-site. No further vegetation clearing will occur as a result on the development. Stormwater discharge will remain as is on-site. No chemicals or fertilisers are applied on-site to nursery plant stock provided for sale. The development will not adversely impact on surrounding ecological values or biodiversity areas. The development complies.

3.4.6 Element—Watercourses and wetlands

3.4.6.1 Specific outcomes

- (1) *Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.*

Comment

The subject site backs onto Groves Creek. The proposed development, which is predominately established on-site is not likely to impact on hydrological flows, the Groves Creek riparian ecology or any other ecosystem services.

- (3) *The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.*

Comment

The development will not impact on water quality entering Groves Creek.

- (5) Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.

Comment

The development is appropriately setback from Groves Creek.

4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

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

Comment

Refer to Planning Discussion section of the report for commentary on amenity impacts. The development will be conditioned to minimise air and acoustic impacts. Odour impacts are not envisaged. The development complies.

3.6 Transport and infrastructure**3.6.2 Element—Road network****3.6.2.1 Specific outcomes**

- (1) *The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.*

Comment

The development rarely experiences a high influx of customers. Instead, customers attend the business in low numbers over the course of any given day. The existing road network servicing the site is considered adequate for the low amount of traffic generated by the development. The development is not in conflict with Specific Outcome (1).

- (4) *Development provides off-street parking, loading and manoeuvring areas where possible and practicable.*

Comment

Adequate parking is provided on-site. The development complies.

3.7.6 Element—Retail and commercial development**3.7.6.1 Specific outcomes**

- (2) *Out-of-centre retail development is avoided and should only occur if there is a clearly demonstrated over-riding community need and evidence demonstrating that the development would not adversely impact existing centre areas.*

Comment

It is considered that an over-riding community need does exist given the lack of centre areas and businesses providing the services proposed in the Speewah, Koah and Kuranda area. The development will not impact on any existing centre areas. The development complies.

- (5) *Rural activity centres and rural villages may accommodate commercial development that supports their local community within residential areas in circumstances where no available land for centre purposes is designated. The use must demonstrate that any impacts on surrounding residences will not result in nuisance and will maintain rural amenity.*

Comment

The development complies.

3.7.8 Element—Industry**3.7.8.1 Specific outcomes**

- (2) *Industry areas are located within activity centres to accommodate for trades and industrial development that provide employment and services to the catchments of these activity centres.*

Comment

An aspect of the development proposed includes small engine repairs and servicing and equipment hire. As discussed, despite not being located within an industrial area, there is a demonstrated overriding community need within the service catchment. The development complies.

- (5) *The health, safety, wellbeing and amenity of the community is protected from unacceptable impacts associated with hazardous materials, noise, pollution and odour.*

Comment

The proposed development is not likely to detrimentally impact on the amenity of nearby residents. The development complies.

3.7.12 Element—Small scale and emerging industries

3.7.12.1 Specific outcomes

- (2) *The development of low-impact home-based business in residential areas is recognised as a form of localised economic diversification and self-generated employment, and supported where at an appropriate scale and where impacts can be appropriately managed.*

Comment

The development complies.

Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 9.3.2 Commercial activities code
- 9.3.5 Industrial activities code
- 9.4.1 Advertising devices code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application did not include a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is

	<p>provided). Further commentary is warranted with regards to the following:</p> <ul style="list-style-type: none"> • Performance Outcome PO8 (Non-residential development) • Performance Outcome PO9 - Amenity <p>Refer to planning discussion section of report for further commentary.</p>
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided).
Environmental significance overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided).
Commercial activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided).
Industrial activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided).
Advertising devices code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided).
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met). Adequate landscaping has been provided on-site.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met). Adequate car parking is provided for on-site.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where no acceptable outcome is provided).

(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 the FNQROC Development Manual.

(E) Additional Trunk Infrastructure Condition – Road Infrastructure (Section 130 of PA)

The proposed development predominately services the immediate surrounding Speewah catchment area. Customers from this catchment area would ordinarily have to use this local road network if the business didn't exist and they had to leave Speewah to source the goods and services provided at Speewah Farmall. All other customers outside this catchment utilise the State controlled Kennedy Highway then approximately 880 metres of Council maintained road (Speewah Road/Douglas Track) to access the business. The development is not considered to be high generator of traffic and Speewah Road/Douglas Track are constructed to a reasonable standard.

The development does not place additional demand on any other trunk infrastructure network.

No transport infrastructure upgrades or developer contributions for the external road network are considered reasonable or necessary in this instance.

REFERRAL AGENCY

This application did not trigger referral to any Referral Agencies.

Internal Consultation

Nil

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 5 May 2021 to 27 May 2021. The applicant submitted the notice of compliance on 31 May 2021. Upon review of the public notification documents, it was discovered that the newspaper advertisement used by the applicant did not include the submission period dates, therefore this component of the public notification was not carried out strictly in accordance with the *Planning Act 2016* and *Development Assessment Rules*. Section 53(3) of the Planning Act 2016 states that the assessment manager (Council) may assess and decide a development application even if some components of the public notification process were not carried out properly, provided:

- The non-compliance did not adversely affect the public's awareness of the existence and nature of the application; or
- The non-compliance did not restrict the public's opportunity to make a properly made submission against the development.

The exclusion of the submission dates from the newspaper advertisement did not, in the assessing officer's opinion, affect the public's awareness of the proposed development and application, or restrict any member of the public's opportunity to lodge a submission. In fact, the applicant

arranged for the same newspaper advertisement to be present over consecutive weekly newspapers during the notification period.

10 properly made submission were received during the public notification period. Of these 10 submissions, nine (9) were in support of the development and 1 objected to the development. A further 4 submissions in support of the development were received outside the public notification period and are therefore considered to be "not properly made".

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

Grounds for objection /support	Comment
<p>"there is a possibility the development can have negative environmental impacts (regardless that the proposed uses have already been existing for a number of years). The sum of all uses including a residential home on this approximately 2 acre rural residential property amounts to a high impact use. The proposed uses (shop, nursery and low impact industry) are located on a property which includes areas mapped as regulated vegetation, wildlife habitat area and ecological corridor. The property also borders Groves Creek.</p> <p>There could be a risk of yellow crazy ants being introduced, nutrient and pesticide run-off, just to name a few.</p> <p>However it appears there has been no supporting ecological assessment report submitted as part of the application nor has Council requested one, despite it being a requirement in the MSC2016 planning scheme.</p>	<p>It is unlikely the development will have a detrimental impact on the site's biodiversity values or Groves Creek itself. No vegetation clearing will occur as a result of the development and Stormwater discharged from the large shed will remain as per the existing arrangement which flows into a settlement pond before entering Groves Creek.</p> <p>Plants sold at the business are sourced from wholesale nurseries with slow release fertiliser included and are not sprayed with chemicals or further fertilised once they arrive on-site. The risk of nutrient and pesticide run-off is negligible and certainly less than a large private domestic greenhouse where plants would be actively fertilised and sprayed for pests by the landowner. Plants are bought from reputable wholesalers, so the risk of yellow crazy ant infestation is also negligible.</p> <p>A supporting ecological assessment was not considered necessary.</p>
<p>The following are consistent statements and themes included in the various submissions received in support of the development:</p> <p>"Mick and his team run an invaluable and highly convenient business that has serviced the Kuranda area and beyond for the past 5 years."</p> <p>"Countless local livestock owners and farmers in the region rely on Speewah Farmall. It's an easy 5-15 minute drive, free from the hazards, not to mention time, that would be experienced hauling feed and supplies across the Tablelands and up the range."</p> <p>"Mick and the business are true examples of what small business should be in any community, the service provided by Mick and his team is crucial and significant for most if not all the community. Any loss or reduction in this service would be very detrimental to the people and communities of Speewah, Koah & Kuranda."</p> <p>"Countless times he has saved us trip down the range or into Mareeba for things as diverse as duck food, dog food, emergency plumbing parts, roofing screws, mulch hay and even a fast fix on a broken mower."</p> <p>"We rely on Farmall to pick up feed and hay for our horses and often they stock hardware supplies that we need in a hurry. We have come to rely on Farmall over the past 5 years and love their community spirit with everything local."</p>	<p>Council officers acknowledge the benefit the business provides to the Speewah, Koah and Kuranda localities.</p> <p>The application is recommended for approval.</p>

Submitters

Name of Principal submitter		Address
1. Nadine O'Brien	Objection	345 Fantin Road, Koah
2. Kylie Moore	Support	21 Lotus Lane, Kuranda
3. Deb Curry	Support	debcurry1982@outlook.com
4. Nikki Sporri	Support	myriaddreams@gmail.com
5. Mathew Hancock	Support	154 Veivers Drive, Speewah
6. Kristen Koliijn	Support	60 Speewah Road, Speewah
7. Suzy Grinter	Support	70 Veivers Drive, Speewah
8. Michelle MacLean	Support	9 Pioneer Close, Speewah
9. Helena Burcher & Chris Kemp	Support	111 Douglas Track, Speewah
10. Barb Patmore	Support	barbpatmore1@gmail.com

PLANNING DISCUSSIONRural residential zone***Non-residential development*****PO8**

Non-residential development:

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

AO8

No acceptable outcome is provided.

Comment

The subject site is situated in the centre of a developed Rural residential zoned area. The majority of the built form associated with the proposed business is established on-site, with the exception of a larger greenhouse/nursery area, so it cannot be argued that the development is inconsistent in scale with that existing in the area.

As discussed in PO9 below, the proposed development is not likely to compromise the residential amenity of the area and will not impact on the provision of similar services elsewhere in the Shire which are primarily concentrated in Mareeba.

The Speewah Farmall business does directly support the day to day needs of the immediate residential community, as evidenced by the positive submissions received, and the business does have a connection with the land in which it is located, as it is operated by the landowner who resides on-site.

The development complies with PO8.

Amenity**PO9**

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

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

AO9

No acceptable outcome provided.

Comment

The subject site is situated in the centre of a developed Rural residential zoned area, so the primary town planning consideration is the potential impact the business may have on residential amenity. In this situation though, the business has been established generally at the scale proposed for some time and has operated seemingly free from any land use conflict with surrounding residential properties. This is reflected in the lack of objections received during the public notification period (1 objection only), of which was not from a resident living in the immediate area and which cited only environmental concern and not amenity impact concern. In contrast, 10 properly made submissions were received which highlighted the important role the business plays in providing goods and services currently only found a substantial distance away in either Mareeba or Cairns.

Noise - The proposed development has been appropriately conditioned to ensure noise impacts are minimal.

Hours of operation - The operating hours proposed are not unreasonable and again will be controlled by condition of approval.

Traffic - The development is not likely to generate large influxes of traffic, instead, customers are likely to access the site steadily of the course of opening days which is currently what occurs.

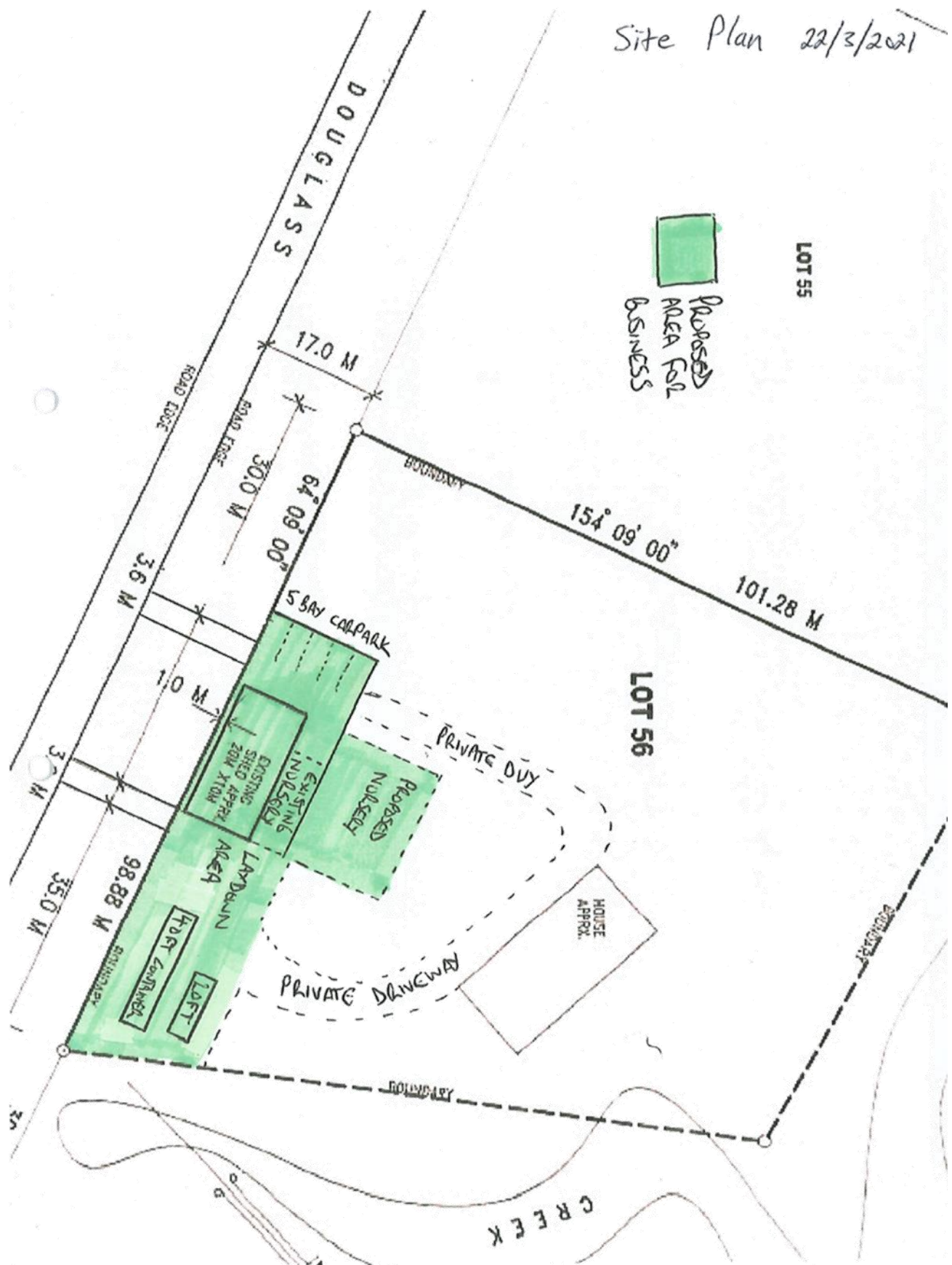
Advertising devices - A condition has been attached limiting cumulative sign face area to 4m² which what exists on site currently.

Visual amenity and privacy - the development is effectively screened from view from neighbouring dwellings by mature vegetation. The development will not cause visual amenity or privacy issues.

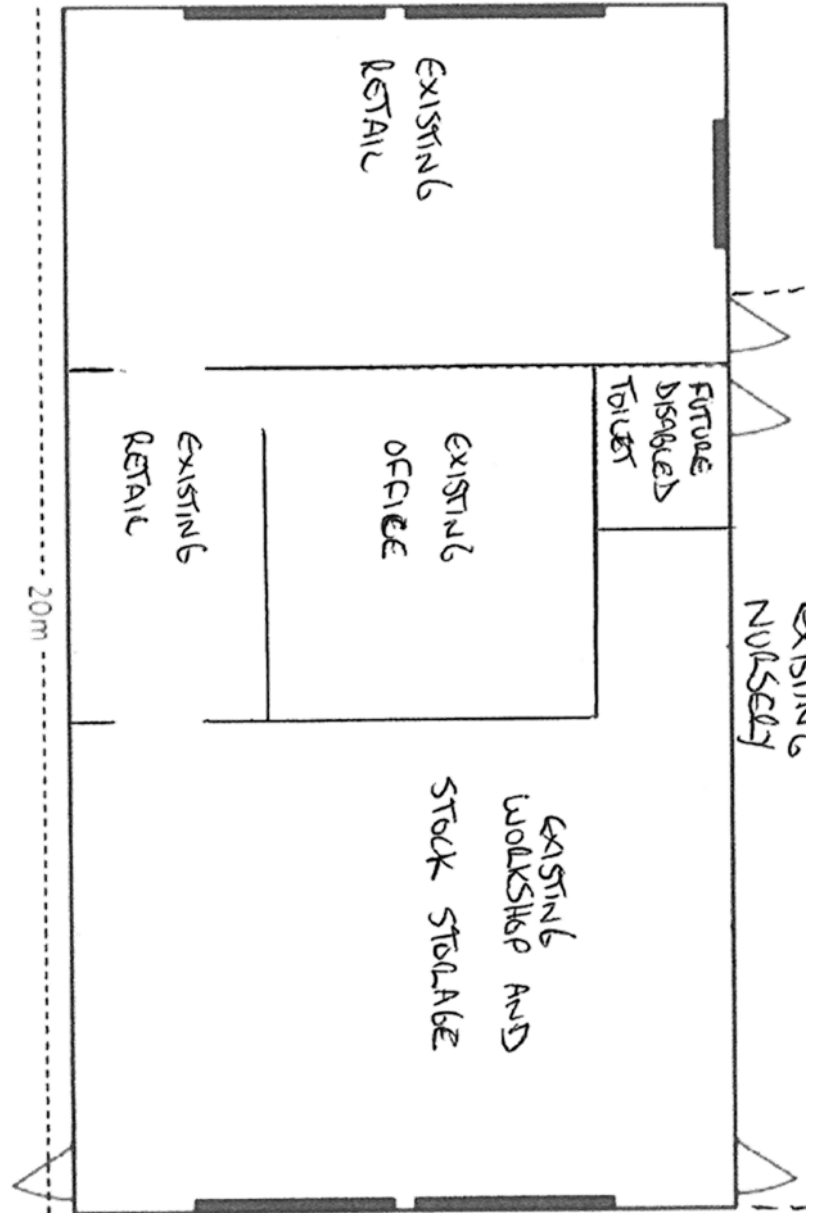
Lighting - Lighting will be controlled by condition of approval.

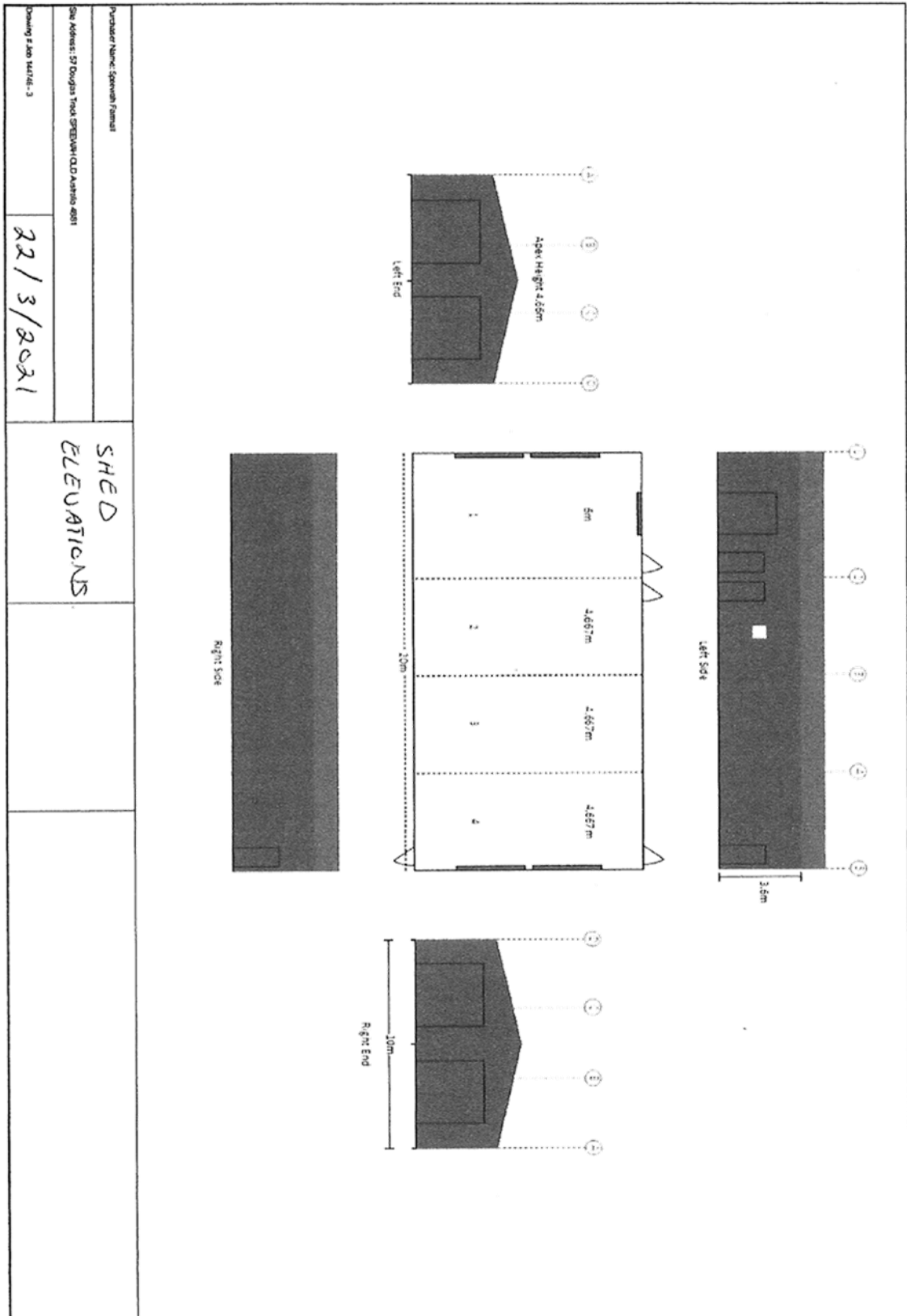
Odour and emissions - the development is unlikely to generate any odours or emissions.

The development will comply with PO9.



Internal Building Layout 22/3/2021





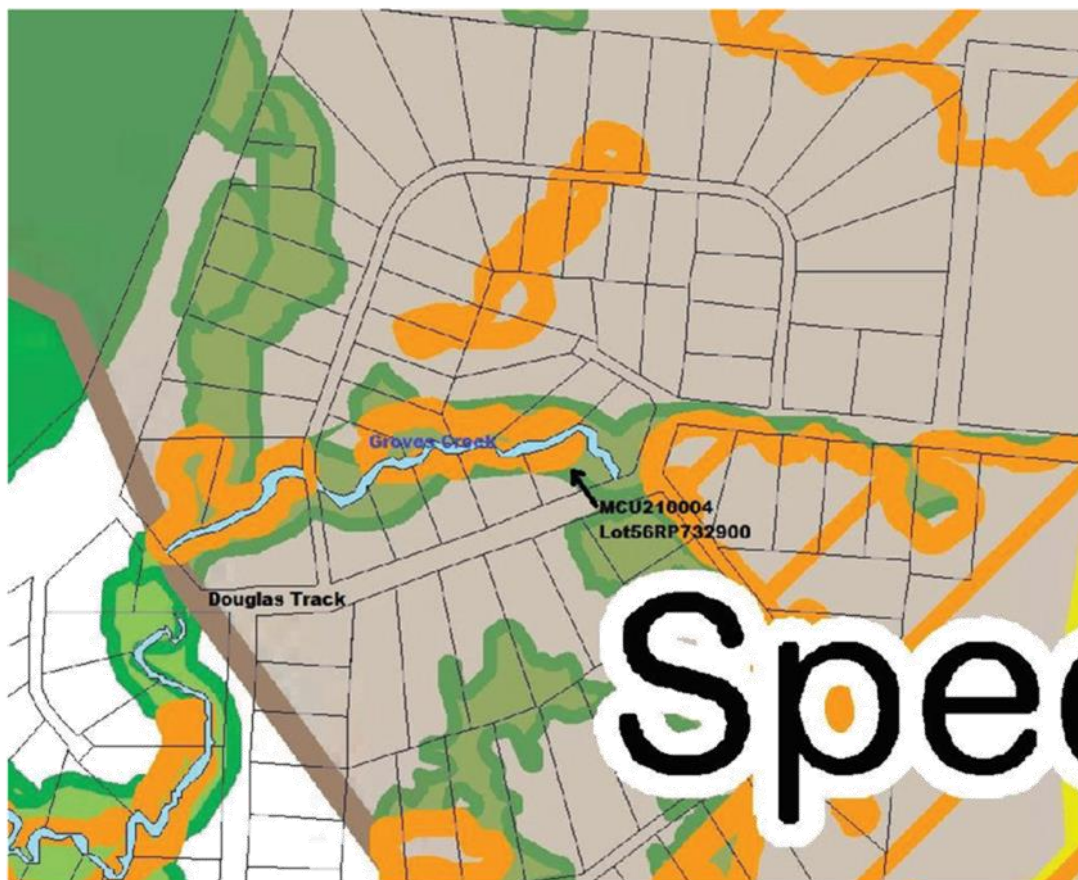
Submission to MCU210004, Material change of use on Lot56RP732900 at 57 Douglas Track, Speewah

To the assessment manager

14 May 2021

There is a possibility the development can have negative environmental impacts (regardless that the proposed uses have already been existing for a number of years). The sum of all uses including a residential home on this approximately 2 acre rural residential property amounts to a high impact use.

The proposed uses (shop, nursery and low impact industry) are located on a property which includes areas mapped as regulated vegetation, wildlife habitat area and ecological corridor. The property also borders Groves Creek.



Document Set ID: 3951929
Version: 1 Version Date: 14/05/2021

There could be a risk of yellow crazy ants being introduced, nutrient and pesticide run-off, just to name a few.

However it appears there has been no supporting ecological assessment report submitted as part of the application nor has Council requested one, despite it being a requirement in the MSC2016 planning scheme.

At **8.2.4 Environmental significance overlay code** page 249-254 of the MSC2016 planning scheme, a supporting ecological assessment report is required for development in a “wildlife habitat area”, “regulated vegetation” and “adjacent to areas of “Regulated vegetation” , “waterways and wetlands”, “legally secured offset areas”, “protected areas” and “ecological corridors and habitat linkages”.

Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.

Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.

This environmental report is necessary to assess, mitigate or avoid potential negative environmental impacts of this development.

From
Nadine O'Brien
345 Fantin Road
Koah
QLD 4881

nadine_obrien@yahoo.com.au

Mareeba Shire Council
Town Planning

7th May 2020
21 Lotus Lane
Kuranda
4881

To Whome it may concern,

I write in support
of a development application for

57 DOUGLAS TRACK
Lot 56 on RP 732 900.



I fully support this application for a Permit as I believe it is an essential service for our community here in Kuranda. I have been happy to be able to access the small motor repair facility, on my ride on mower, and purchase horse feed. I appreciate this is in a residential area but I am not aware of any industrial zone in Kuranda, and this does not appear to be a negative in the Speewah area.

I hope council looks favourably on this application.

Yours

Kylie Moore

KYLIE MOORE

From: "deb curry" <debcurry1982@outlook.com>
Sent: Mon, 24 May 2021 11:16:09 +1000
To: "Carl Ewin" <CarlE@msc.qld.gov.au>; "Farmall - Mick" <mick@farmall.net.au>
Subject: Letter of Support for Farmall Speewah

Morning Carl,

I would like to express my support to Farmall located in Speewah, I find the whole team extremely professional, and the shopping experience is always enjoyable

I live in Kuranda, and I often call past for horse supplies, if you own horses, you would be every aware you need a daily supply of HAY!!

Mic and his team display old fashioned service, very hard to find these days in the retail world, I think they provide an important service to the community and I personally enjoy my interaction with the team

Mic spends a huge amount of his time promoting his business, I really enjoy entering into the raffles and love seeing updates on Social Media for what Mic plans to do next

thank you for your time reading this,

warm regards

Deb Curry

Kuranda

From: "Nikki Sporri" <myriadreams@gmail.com>
Sent: Mon, 24 May 2021 11:20:43 +1000
To: "Carl Ewin" <CarlE@msc.qld.gov.au>
Cc: "mick@farmall.net.au" <mick@farmall.net.au>
Subject: Speewah Farmall

Dear Carl,

I am writing to you in support of Speewah Farmall.

Mick and his team run an invaluable and highly convenient business that has serviced the Kuranda area and beyond for the past five years.

Countless local livestock owners and farmers in the region rely on Speewah Farmall. It's an easy 5-15 minute drive, free from the hazards, not to mention time, that would be experienced hauling feed and supplies across the Tablelands and up the range.

It would be a huge loss to the community if Farmall was to close their doors.

I am available for further discussion, if required.

Sincerely,

Nikki Sporri
Speewah Farmall Customer
0409 059 673

Letter of Support Speewah Farmall

To whom it may concern,

As a Speewah resident residing at 154 Veivers Dr, neighboring the Farmall business I would like to formally lodge my and my families considered support behind the Farmall business and its owner Mick Dowling.

Mick and the business are true examples what small business should be in any community, the service provided by Mick & his team is crucial and significant for most if not all the community. Any loss or reduction to this service would be very detrimental to the people and communities of Speewah, Koah & Kuranda.

Any change would mean people would have to regularly commute to either Cairns or Mareeba unnecessarily which would be less than ideal, not only for the people of Speewah, Koah & Karanda but the greater community due to the additional traffic this would undoubtedly introduce to the Highway.

Additionally, the community engagement this business brings between the residents of Speewah, & abroad cannot be overlooked!

Farmall/Micks annual fund-raising events is where I personally met many of my neighbors/friends, these events support the community in ways other business in the area should strive to and are the highlight of the year for many locals.

Please note my personal support for this business and the understood support of every single Speewahrian that I know, which itself is a significant portion of our great community.

Thank You & Kind Regards,

Mathew Hancock
Ph: 0409 633 665
Email: mathewbhancock@gmail.com
154 Veivers Dr
Speewah 4881 QLD

Signed:

Date:

From: "Artistree" <artistree@internode.on.net>
Sent: Wed, 26 May 2021 08:03:03 +1000
To: "Carl Ewin" <CarlE@msc.qld.gov.au>
Subject: Helena Burcher & Chris Kemp submits submission in support of Development Application - 57 Douglas Track Speewah - MCU/21/0004
Importance: Normal

Good Morning Carl

Since it's inception five years ago, 'Farmall' and the owner Mick have provided an invaluable service to us and would be greatly missed if having to close down. Countless times he has saved us a trip down the range or into Mareeba for things as diverse as duck food, dog food, emergency plumbing parts, roofing screws, mulch hay and even a fast fix on a broken mower. He employs local people who offer a friendly reliable service and even uses the business platform to support local charities with his annual walks down Stoney Creek to the Red Beret Hotel.

We offer him our full support.

Kind regards,

Helena Burcher & Chris Kemp
Lot 111 Douglas Track
Speewah

LETTER OF SUPPORT

Monday 24 May 2021

Attention: Carl Erwin

I would like to offer my support to Farmall's Application for Proposed Development. Farmall backs onto the rear boundary of my property on Pioneer Close, Speewah and Mick is and has always been a welcome neighbour. My support goes out to his endeavours to expand his business at Farmall. His interests in community growth are what brings people together and I love it that his business is just around the corner. Farmall provides much-needed local services which are utilised by many of our community members, keeping the local economy afloat. It would be a shame to lose this service and to squash Mick's endeavours which also supports local employment. Once again, I am in support of Farmall's application and wish Mick every success.

Kindly

Michelle MacLean
9 Pioneer Close
Speewah 4881 QLD

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25 May 2021

Carl Ewin
Planning Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880

Via email: carle@msc.qld.gov.au

Dear Carl

Whilst I am unaware of the reason why the future of Speewah Farmall is under question from a Council planning point of view, I feel compelled to write to you to reconsider any negative decision that may be in the pipeline.

In an era in which we are all encouraged to 'Buy local', I would hope that Council would not seriously consider jeopardising the future of Farmall. For many local residents of not only Speewah, but Koah and Kuranda, Farmall is a Godsend, and it is so refreshing to see a small business go out of its way to accommodate local needs.

There are many people living here who do not have the time to travel to Mareeba or Smithfield for produce or hardware, and Farmall have recognised that need and extended its range within the bounds of its property and without compromising any aesthetical appearance of the property (quite the contrary), compromised any other business (and at the end of the day, competition is healthy), nor impinged on any aspect of Speewah community life.

In addition, Michael Dowling has provided valuable employment to two local people, one of whom, being young and presumably an apprentice, has gained valuable retail skills, and both employees are a credit and an asset to the business.

I do hope that Council will see fit to encourage local business and not impede in any way on the operations of Farmall. Thank you for your consideration.

Sincerely



Suzy Grinter

60 Speewah Road
SPEEWAH
QLD 4881
MB: 0417 737 281

25TH May 2021

Carl Ewin
Planning Officer
Mareeba Shire Council
Email: carle@msc.qld.gov.au

Dear Carl

RE: Speewah Farmall on Douglas Track SPEEWAH

I would like to let you know we completely support Farmall and would be disappointed if this local business was closed.

We rely on Farmall to pick up feed and hay for our horses and often they stock hardware supplies that we need in a hurry. We have come to rely on Farmall over the past 5 years and love their community spirit with everything local.

You can always count on Farmall to sponsor local clubs like Kuranda Pony Club and support our local Halloween event along with other residents by decorating their shop and handing out lollies to the 100's of children and their families each year.

We live just around the corner from Farmall and find it easy to access without any problems with ample room to park. Should you require any further information please do not hesitate to contact myself.

Kind regards



Kirsten Koliijn

From: "Barb Patmore" <barbpatmore1@gmail.com>
Sent: Thu, 27 May 2021 00:44:46 +1000
To: "Carl Ewin" <CarlE@msc.qld.gov.au>
Subject: Barb Patmore submits submission in support of Development Application - 57 Douglas Track Speewah - MCU/21/0004

I would like to express my support for the business Farmall in Speewah, the boys at the shop are very helpful, friendly happy to give advice when needed , if they can't help they are so willing to refer you on to other local tradies .
We have visited the shop many times and truly appreciate the service they give .

Yours Sincerely
Barb Patmore

8.3 Y MARTIN - MATERIAL CHANGE OF USE - FOOD AND DRINK OUTLET - LOT 407 ON NR7409 & LOT 412 ON SP103859 - 5 COONDOO STREET AND 4-12 THOOREE STREET, KURANDA - MCU/21/0012

Date Prepared: 8 July 2021

Author: Planning Officer

Attachments: 1. [Site Plan](#) ↓
2. [Food Trailer Plans/Images](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Yolande Martin	ADDRESS	5 Coondoo Street & 4-12 Thooree Street, Kuranda
DATE LODGED	31 May 2021	RPD	Lot 407 on NR7409 & Lot 412 on SP103859
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Food and Drink Outlet		
FILE NO	MCU/21/0012	AREA	Lot 407 - 1,012m ² Lot 412 - 5,054m ²
LODGED BY	Yolande Martin	OWNER	Lot 407 - John Volf Pty Ltd Lot 412 - Mareeba Shire Council
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Centre Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code assessment only		

EXECUTIVE SUMMARY

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

The applicants propose to semi-permanently establish their mobile food van at the rear of Lot 407 on NR7409 to sell food and drink to the public. The food van will take advantage of passing foot traffic from the well-used pedestrian linkages between Council's public carpark on Lot 412 and Coondoo Street. The food van will also benefit from its proximity to the public carpark itself which is used by many as a convenient location to park and access the Village.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme. The proposed food van business is generally consistent with a long established Kuranda Village theme of "alleyway" and "stall" style food businesses that are currently scattered throughout Kuranda's various markets and streets. The food van will not be visible from Coondoo Street and will be reasonably setback from Thooree Street. Considering its location tucked away behind existing

commercial development, no particular town planning concerns have been identified. Given the semi-permanent nature of the proposed development, conditions recommended are minimal and do not require the installation of any permanent site improvements.

Draft conditions were provided to the Applicant and have been agreed to. It is recommended that the application be approved, subject to conditions.

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Yolande Martin	ADDRESS	5 Coondoo Street & 4-12 Thooree Street, Kuranda
DATE LODGED	31 May 2021	RPD	Lot 407 on NR7409 & Lot 412 on SP103859
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Food and Drink Outlet		

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

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

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Food and Drink Outlet

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Proposed Food & Drink Outlet (Food Trailer)	Applicant	8/07/2021
01	External View 1 of Food Trailer	Applicant	8/07/2021
02	External View 2 of Food Trailer	Applicant	8/07/2021
03	External View 3 of Food Trailer	Applicant	8/07/2021
04	Internal View of Food Trailer	Applicant	8/07/2021

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

- (a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use, except where specified otherwise in these conditions of approval.
 - 2.2 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.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.4 The use of a generator to power the food trailer/van is not permitted at any time.
 - 3.5 The food trailer/van must be painted a neutral colour, to the satisfaction of Council's delegated officer.
 - 3.6 In the event that a Tropical Cyclone is declared that has the potential to impact Kuranda, the food trailer/van and any customer seating must be removed from the site and stored in secure location.
 - 3.7 All waste oils, water, grey water and black water must be collected and disposed of off-site at an approved disposal facility/dump point. These materials must not be stockpiled for any length of time or disposed of on-site. In the event that any waste material is spilled on-site, the applicant/operator must notify Council immediately.
 - 3.8 The food trailer/van may remain on-site or removed daily at the discretion of the applicant/operator.
 - 3.9 Commercial delivery vehicles are not permitted to service the approved use.

3.10 Waste Management

Any on site refuse storage areas, except a bin for customers rubbish must be screened from view from adjoining properties and customers. All refuse bins must be emptied daily.

3.11 Signage

The following signage is permitted:

- (i) one (1) advertising sign facing Coondoo Street which must be mounted on a building façade, awning or post associated with Lot 407 on NR7409;
- (ii) one (1) sandwich board style sign on Coondoo Street along the frontage of Lot 407 on NR7409 and where strictly complying with Council's Local Law/s for footpath signage;
- (iii) one (1) sandwich board style sign on Thooree Street along the frontage of Lot 412 on SP103859 and where strictly complying with Council's Local Law/s for footpath signage;
- (iv) Signage on the food trailer/van itself.

Any advertising devices must:

- (i) Not resemble a traffic control device or give instructions to vehicular 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.

4. Infrastructure Services and Standards

4.1 Surface Treatment/Erosion and Sediment Control

The ground surface where the food trailer/van is located and where any outdoor dining tables are located must be maintained with a grass cover or similar so as to not cause an erosion and sediment control issue, to the satisfaction of Council's delegated officer.

Should an erosion and sediment control issue arise as a result of the continued use of the site, the applicant/developer must appropriately surface treat all problem areas to alleviate any erosion and sediment control issues, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises (restaurants/bed & breakfasts etc.)

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

(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) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Food Licence

THE SITE

The subject land comprises two allotments situated at 5 Coondoo Street and 4-12 Thooree Street, Kuranda, more particularly described as Lot 407 on NR7409 and Lot 412 on SP103859. Both allotments are regular in shape with areas of 1,012m² and 5,054m² respectively and are both situated within the Centre Zone.

Lot 407 on NR7409 contains 20 metres of frontage to Coondoo Street. The front half the allotment is almost completely developed with business tenancies constructed to the Coondoo Street front boundary, and no vehicular access is available from Coondoo Street. Access to the rear of the allotment is gained informally through adjoining Lot 412 on SP103859 which is owned by Mareeba Shire Council. Residential units are also constructed on Lot 407. The rear half of the property is relatively unimproved and grassed. This grassed area is the proposed set down location for the food van.

Lot 412 on SP103859 is owned by the Mareeba Shire Council and is improved by the Kuranda Post Office and a large public carpark. No development is proposed on Lot 412 as part of this application. The allotment has been included in the application as it is the proposed lawful means of access to the development located at the rear of Lot 407, through the public carpark (for both the proposed food van operator and potential customers). The public car park is established over the majority of the allotment and is sealed, line marked and landscaped. The Kuranda Post Office is situated in the north-east corner of the allotment. The site is accessed from Thooree Street via two sealed crossovers and a footpath.

All surrounding lots are zoned Centre and contain predominately commercial development with some mixed use residential. The heritage Listed St Saviour's Anglican Church is situated on the adjoining allotment to the north.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Food and Drink Outlet in accordance with the plans shown in **Attachments 1 & 2**.

The applicant proposes to site a mobile food trailer/van at the rear of Lot 407 on NR7409 to sell coffees and a variety of healthy food options. The rear of Lot 407 where the trailer will be situated is not accessible from Coondoo Street, so access is required through rear adjoining Lot 412 on SP103859, which is Council owned and contains the Post Office and a large public carpark.

Tables and chairs will be situated adjacent the food trailer/van to cater for customers that want to sit down or are waiting for food/drink, however food will be predominantly served to take away.

REGIONAL PLAN DESIGNATION

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

- *Strategic Rehabilitation Area*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • Centre Area <p>Transport Elements</p> <ul style="list-style-type: none"> • Local Collector Road • Principal Cycle Route
Zone:	Centre Zone
Local Plan:	Kuranda Local Plan
Overlays:	<ul style="list-style-type: none"> • Hill and Slope Overlay • Heritage Overlay

Planning Scheme Definitions

The proposed use is defined as:-

<i>Column 1 Use</i>	<i>Column 2 Definition</i>	<i>Column 3 Examples include</i>	<i>Column 4 Does not include the following examples</i>
Food and drink outlet	Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.	Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway, tea room	Bar, club, hotel, shop, theatre, nightclub entertainment facility

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Relevant Developments Codes

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

- 6.2.1 Centre zone code
- 7.2.1 Kuranda local plan code
- 8.2.7 Heritage overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.2 Commercial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application did not include a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Centre zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.
Kuranda local plan code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.
Heritage overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.
Hill and slope overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.
Commercial activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.

Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met. For further commentary refer to the separate code document.

(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 work be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRAL AGENCY

This application did not trigger referral to any Referral Agencies.

Internal Consultation

Nil

PLANNING DISCUSSION

Nil



Plan No. 01

External View 1 of Food Trailer

8/07/2021



Plan No. 02

External View 2 of Food Trailer

8/07/2021



Plan No. 03

External View 3 of Food Trailer

8/07/2021



Plan No. 04

Internal View of Food Trailer

8/07/2021



8.4 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - APRIL TO JUNE 2021

Date Prepared: 16 June 2021

Author: Manager Development and Governance

Attachments: Nil

EXECUTIVE SUMMARY

This report presents the key activities and achievements of the Development and Governance Group for the April to June 2021 quarter.

RECOMMENDATION

That Council receives the quarterly report of the Development and Governance Group for the April to June 2021 quarter.

BACKGROUND

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

- Governance and Compliance
- Building, Plumbing, and Trade Waste
- Regional Land Use Planning
- Local Laws and Environmental Health.

In addition to routine matters of operation, the following activities have occurred during the April to June 2021 quarter and are presented below by service area:

GOVERNANCE AND COMPLIANCE**Native Title**

There are currently nine (9) Native Title claims within Mareeba Shire consisting of Djungan #5, Wakaman #3, #4, #5, Cairns Regional Claim Group, Djabugay-Bulway-Yirrgay-Nyakali-Guluy and Kurtijar, Muluridji #3 and Kunggandji Gurrabuna.

Updates received for the April to June quarter on Native Title claims to which Council is a party are as follows:

- Cairns Regional Claim (QUD692/2016)

Cairns Regional Claim comprises multiple parties and part of the claim area falls within the Mareeba Shire local government boundary area.

The Court has adopted the findings of the Referees Report and found native title existed as at the date of sovereignty and identified the particular claim groups that held native title over that area.

The State is yet to agree that connection continued over those areas post sovereignty. It is anticipated that over the next two to three months, that exact boundaries of each proceeding will

be resolved and the claims can then be progressed, with the State assessing connection over the areas post-sovereignty.

Mareeba Industrial Park

Council secured the sale of Lots 2 and 5 SP298322 being 24 Martin Tenni Drive and 19 Gowan Street, respectively, with settlement occurring on 4 June 2021.

Mareeba Aviation Industrial Park (AIP)

Council secured execution of three (3) new recreational leases at the AIP were during the quarter. One (1) has a hangar already constructed on it; one (1) has earthworks commenced and water connected and the remaining one (1) has commenced site clearing works. An *Application to Lease Land at Mareeba Airport* for a commercial site at the eastern end of JRM Braes Road was approved. Council is currently preparing documentation to have this lease executed.

With this latest activity, there are only six (6) recreational lease sites currently remaining at the AIP.

Land matters

Council finalised land disposal of Lot 516 W2631, corner of James and Emily Streets, Watsonville.

Management Agreements, User Agreements, Permits

Council secured new agreement instruments with the following entities:

- Queensland Country Women's Association Mt. Molloy entered into a 12 month agreement for the continued shared use of the shed located upon Lot 276 DA344, 33 Main Street Mt Molloy.
- Julatten and Molloy Association of Ratepayers and Residents Inc. (JAMARR) entered into a one (1) year agreement for the continued shared use of the shed located upon Lot 276 DA344, 33 Main Street Mt Molloy.
- TRACQS entered into a one (1) year agreement for the continued shared use of the shed located upon Lot 213 HG550, 5 Park Avenue Dimbulah.
- Dimbulah Community Centre Inc. entered into a two (2) year agreement for the continued shared use of the shed located upon Lot 213 HG550, 5 Park Avenue Dimbulah.
- Mitchell River Watershed Management Group Inc. entered into a five (5) year agreement to manage Abattoir Swamp Environmental Park located upon Lot 37 RP892266, Mossman-Mount Molloy Road, Julatten.

Right to information and Information Privacy

Council recorded receipt of two (2) new Right to Information and Information Privacy Access Applications under the *Right to Information Act 2009* (Qld) and *Information Privacy Act 2009* (Qld).

Unreasonable Complainant Conduct

Council recorded nil actions undertaken during the period relevant to Council's *Unreasonable Complainant Conduct Policy*.

Administrative Action Complaints

Details of complaints received/processed during the quarter are displayed in the following table:

	Apr - Jun 2021	Apr - Jun 2020
Complaints carried over from the previous period	4	4
Complaints carried over from the previous period finalised during this reporting period	3	4
Complaints lodged during the reporting period	16	19
Complaints finalised during the reporting period	10	15
Complaints still in process (not finalised) during the reporting period	7	4

BUILDING, PLUMBING, AND TRADEWASTE

Building Applications

In 2018, Council resolved to no longer provide building certification in the major population areas of Mareeba Shire. In 2020, Council resolved not to provide building certification across the entire jurisdiction. However, Council is still responsible for the applications it had received up until this point. Generally, approved building applications are granted two (2) years to complete the approved building works.

The below table provides information on issued building approvals that remain the responsibility of the Council:

Current applications as at 1 Apr 2021	20
Completed	4
Cancelled	0
Current applications as at 30 Jun 2021	14

Council's Policy is to provide one (1) extension for all applications upon valid request where works have begun. Therefore, in some cases some applications may continue for a maximum of two (2) further years.

Plumbing Applications

The below table provides information on plumbing approvals that are the responsibility of the Council:

Current applications as at 1 Apr 2021	309
New Applications	41
Completed	71
Cancelled	0
Current applications as at 30 Jun 2021	286

Trade Waste

Mareeba Trade Waste inspection program began in March 2021, with approximately 60 inspections completed so far. Minor issues that were identified during 2020 inspections have been rectified and viewed during 2021 inspections. The Mareeba Trade Waste inspection program should be completed by September 2021, then Kuranda's inspections will start.

Regulatory

Building, Plumbing, and Trade Waste Services had 106 customer requests this quarter of which 99 were resolved. In comparison to the same quarter in 2020, where Council received 141 customer requests.

Compliance

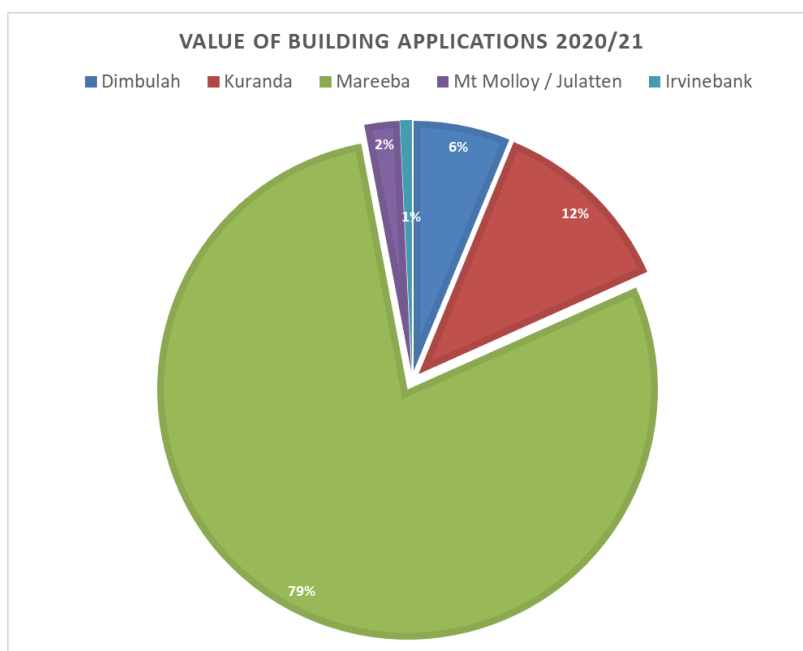
Council progressed with 11 escalated building and plumbing compliance enforcement actions for unapproved structures across the jurisdiction during the quarter.

Building

Council's dwelling approvals are continuing to be high and overall construction spend in the region has doubled compared to this time last year.

Quarter	Apr - Jun 2021		Apr - Jun 2020	
Type	\$	A	\$	A
Dwellings	10,324,581	39	6,028,409	26
10A (Sheds, ETC)	1,787,557	49	860,227	29
Commercial	2,094,470	8	2,974,913	8
Others	312,153	8	296,385	9
Total	14,518,761	104	10,159,935	72
Quarter	Jul 2020 - Jun 2021		Jul 2019 - Jun 2020	
Type	\$	A	\$	A
Dwellings	49,102,843	209	22,333,292	122
10A (Sheds, ETC)	6,788,265	175	5,263,264	149
Commercial	7,235,192	20	7,154,600	25
Others	1,437,837	25	1,360,630	31
Total	64,564,137	429	36,111,786	327

The below graph summarises where construction investment is occurring by location across the Shire for the 2020/21 financial year.



REGIONAL LAND USE PLANNING**New Development Applications**

15 development applications were lodged in the June quarter 2021 compared to seven (7) lodged in the June quarter 2020.

Development applications received/approved during the June quarter 2021 as compared to the YTD (July to June) are as follows:

	Apr - June 2021	2020 - 2021 Full year	2019 - 2020 Full year
New Development Applications lodged	15	54	35
Decision Notices issued under delegated authority	6	31	22
Negotiated Decision Notices issued under delegated authority	1	1	3
Decision Notices issued (from Council Minutes)	6	17	16
Negotiated Decision Notices issued (from Council Minutes)	1	2	1
Extensions to relevant period issued	3	6	3
Extensions to relevant period issued (from Council Minutes)	0	0	0
Change to existing Development Approval issued	1	5	3
Referral Agency Response approvals issued under delegated authority	11	27	14
Survey Plans endorsed	12	49	21
Notices issued under SPA	0	4	1
Planning Appeals and other Court proceedings	1	2	2

LOCAL LAWS AND ENVIRONMENTAL HEALTH**Environmental Health**

The Environmental Health section responded to a total of 161 enquiries, complaints and service requests for the quarter relating to the following matters:

	Apr - June 2021	2020 - 2021 Full year	2019 - 2020 Full year
Food Complaints	0	6	6
Food Enquiry	41	140	99
Health Enquiry	14	51	37
Pollution	17	134	88
Illegal Dumping	16	25	38
Flying Foxes	0	12	12
Public Health Complaint, Enquiry	3	24	21
General Service Enquiry	30	86	56
Other	7	28	80
Total	128	506	437

Food inquiries were higher than in previous years due to the higher number of inquiries on purchasing, selling, and setting up food premises in the area.

Illegal dumping complaints are also high for this quarter and YTD, as Council is implementing the Illegal Dumping Hotspot advertising campaign funded by the State Government.

Notices Issued, Inspections Carried Out, Applications Processed

	Apr - June 2021	2020 - 2021 Full year	2019 - 2020 Full year
Animals Impounded	157	665	508
Regulated Parking infringements issued	53	500	447
Animal Management infringements issued	17	301	284
Local Laws Infringements issued	37	154	114
Warning letters issued	67	311	244
Compliance Notices issued	18	94	72
Food Inspections undertaken	24	101	77

Animal Impoundments have increased in comparison to previous YTD. As a result of this, Council has commenced the Animal Inspection Program to identify unregistered dogs and ensure adequate enclosures.

Regulated parking patrols in Kuranda will increase in July 2021 onwards as the Pandemic eases.

Local Laws

Local Laws Officers dealt with the below complaints and enquiries during the quarter relating to the following matters:

Animals

	Apr - June 2021	2020 - 2021 Full year	2019 - 2020 Full year
Dangerous Aggressive dogs	31	136	105
Missing/Lost/Found	31	122	91
Barking Complaints	46	262	216
Restrained for Collection	38	175	137
Council traps	42	196	154
Straying Animals	115	593	478
Too Many Animals	9	64	55
Enquiries, Unregistered, Hygiene, unleashed	130	635	502
Cruelty	0	11	11
Total	442	2194	1749

The following impounds were recorded for dogs during the quarter 1 April to 30 June 2021:

- Animal returned to owner 1st occasion for free (dog was wandering but was registered): 11 dogs.
- Animal caught wandering (not registered or registered and previously returned to owner): 52 dogs were impounded.

Other Areas

	Apr - June 2021	2020 - 2021 Full year	2019 - 2020 Full year
Abandoned Vehicles	39	139	100
Overgrown	47	149	103
Commercial Use of Roads	17	120	101
Illegal Camping	5	39	34
Illegal Signs	9	54	45
Parking, illegal parking	20	115	95
Obstruction of Footpath	8	26	18
General Enquiries	0	0	0
Other	2	12	12
Aerodromes	0	2	2
Gates and Grids	0	0	0
Total	147	656	510

Dog Registration

As at the 30 June 2021 Council has a registered population of 2,571 dogs in the shire with 1,576 dog renewals outstanding.

Council will send out a reminder letter for the outstanding dog registrations, giving the owners an extra 14 days to renew their registration.

	Apr - June 2021	2020 - 2021 Full year	2019 - 2020 Full year
New Registrations	195	963	768
Deceased	178	479	301
Left the area	100	310	206

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

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 identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Nil

8.5 OPERATIONAL PLAN 2020/21 PROGRESS REPORT APRIL 2021 TO JUNE 2021

Date Prepared: 8 July 2021

Author: Manager Development and Governance

Attachments: 1. [Progress Report April to June 2021](#) 

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 April 2021 to June 2021.

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 Long-term financial plan was adopted with the 2020/21 Budget. The current Parks and Open spaces project will inform LGIP.
Maintain the financial sustainability	FIN 1 FIN 2	Long-Term Financial Plan that supports effective and sustainable financial management Effective and sustainable financial management	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"> Capital works progress report presented to Council each month. Finalisation of capital works report is in development. This report will provide enhanced understanding of Council's performance.

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
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"> • Comprehensive valuations completed for unsealed roads and footpaths. • Drainage asset data has not yet been reviewed to enable a comprehensive valuation to be conducted.
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 partially implemented. • Work on the Companion App is complete and now in use by Water and Wastewater reticulation. • Works have commenced on implementation of property leasing module.
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"> • Promotional strategy will commence in 2021/22.

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
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"> Work has commenced to improve reporting of Customer Requests. No progress to date on review of determining appropriate timeframe resolutions for Customer Requests.
ICT Strategy implementation <ul style="list-style-type: none"> Technology One 'Software as a Service' PABX replacement Cloud Data Protection SharePoint Online 	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. Review options for Cloud hosting Council's Data Protection system. 	<ul style="list-style-type: none"> Microsoft Teams calling proof of concept scheduled to commence July 2021. Engaged with third party to deliver strategy paper on records compliance within Microsoft 365. Awaiting commencement of Microsoft Teams telephony trial.
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"> Workforce training conducted organisation wide

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"> 13 Regional Arts Development Fund grants were funded in March totaling \$40,000 with half having cultural tourism outcomes. 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 & 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. Survey conducted December 2020 to Feb 1st 2021. Survey results have informed the draft strategy. Public survey outcomes report will be completed end July 2021.
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"> Discussions held with state government regarding study findings

<p style="text-align: center;">Transport and Council Infrastructure</p> <p style="text-align: center;">“The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.”</p>					
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"> • Aerodromes, Footpaths and Waste sub-plans to be completed in 2021/22
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"> • Drainage assets verification still yet be undertaken. • Parks & Open spaces to be completed in 2021/22.
Kuranda Cemetery	TCI 1	Sustainable Infrastructure for the future	Systems & Customer Service Technical Services	<ul style="list-style-type: none"> • Investigate proposed site suitability and provide estimates for community consultation • Prepare implementation plan for adoption by Council 	<ul style="list-style-type: none"> • Land acquired. • Development of implementation plan commenced.

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
			Development & Governance		
Mareeba Cemetery	TCI 1	Sustainable Infrastructure for the future	Systems & Customer Service Technical Services	<ul style="list-style-type: none"> Identify possible sites to secure a growth strategy 	<ul style="list-style-type: none"> Investigations ongoing
Kuranda Infrastructure Program	TCI 1	Sustainable Infrastructure for the future	Technical Services Works	<ul style="list-style-type: none"> Complete projects in accordance with Kuranda Township Masterplan 	<ul style="list-style-type: none"> Construction of Barron Falls Walk Trail is complete Jum Rum & Jungle Walk refurbishment projects are complete Kuranda Wayfinding Signage Project will be completed in 2021/22
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 later 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 Sustainable Infrastructure for the future	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"> Works progressing as per Waste Strategy Actions, including review of waste fees Waste optimisation report workshopped with Council. Further technical and financial modelling required to determine long term viability of Mareeba Waste Facility site.
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"> 12-month digital destination marketing plan for Kuranda continues to progress well. New digital destination marketing plan for Mareeba Shire was awarded to Bang Media (March 2021) and digital promotion has commenced. Industry engagement in Kuranda, Mareeba, Chillagoe and Irvinebank destination marketing has been conducted Kuranda Visitor Information Centre continues to pivot operations to maintain services amid COVID

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
					restrictions and changes to visitor demand.
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 2020
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"> Project completed
Temporary Local Planning Instrument (TLPI)	EAE 2	Maintain a scheme that sustains good agricultural land as well as encouraging industry and population growth while	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"> Council has adopted the draft changes to the planning scheme and has progressed to consultation stage with the State.

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
		protecting the natural environment			

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"> • Compliance review completed for 6 of eleven Qld Local Government sections. To be completed in 2021/22. • A Governance, Risk and Compliance portal selection in underway, to be finalised by August 2021.
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"> • Now titled "Growing Mareeba", which is a presentation folder identifying key strategic priorities to advocate for in shire. To be completed in July 2021.

8.6 COUNCIL POLICY REVIEW

Date Prepared: 17 June 2021

Author: Manager Development and Governance

Attachments:

1. **Fraud Corruption Control Policy** [↓](#)
2. **Fraud Corruption Control Plan** [↓](#)
3. **Public Interest Disclosure Plan** [↓](#)

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:
 - a. Fraud Corruption Control Policy, adopted 21 November 2018;
 - b. Fraud Corruption Control Plan, adopted 21 November 2018; and
 - c. Public Interest Disclosure Management Plan, adopted 19 February 2020
2. adopts the following policies:
 - a. Fraud Corruption Control Policy;
 - b. Fraud Corruption Control Plan; and
 - c. Public Interest Disclosure Management Plan

BACKGROUND**Fraud Corruption Control Policy and associated Plan**

Both instruments have undergone minor formatting amendments to relocate redundant in-text referencing to the footer, accommodate Council's Corporate Plan 2021-2025, provide a cross-reference between each instrument and apply comprehensive updates to the definition of corrupt conduct.

Public Interest Disclosure Management Plan

Council is required to review the Public Interest Disclosure Management Plan annually. Minor alterations were made to the document to the management plan to ensure the document is aligned with the associated legislation.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

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 while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

The above amended policies and any accompanying procedure and guideline instruments are to be published on Council's internal SharePoint library and on Council's website for community reference where applicable.



Fraud and Corruption Control Policy

Policy Type	Governance Policy	Version:	3.0
Responsible Officer	Manager Development & Governance	Date Approved:	21/07/2021
Review Officer:	Manager Development & Governance	Review Due:	20/07/2023
Author:	Manager Development & Governance	Commencement:	21/07/2021

1. PURPOSE

To set out the organisational requirements to prevent fraud and corruption at Mareeba Shire Council (Council). This policy should be read in conjunction with the *Fraud and Corruption Control Plan*.

2. SCOPE

This policy applies to all Councillors and employees of Council, contractors and volunteers.

3. POLICY STATEMENT

Council's Corporate Plan 2021 – 2025 affirms the importance of accountable governance and ethical conduct in its' mission and values. These values are also reflected in Council's *Employee Code of Conduct (CoC)* and *Code of Conduct for Councillors*, but more importantly, are practiced on a daily basis in all aspects of operations.

Council is committed to acting in the best interest of the community and upholding the principles of honesty, integrity and transparency. Councillors, the CEO and Senior Management are expected to have a zero-tolerance stance on fraud and corruption and are expected to conduct themselves in accordance with the principles of ethical conduct.

3.1 KEY FACTORS INFLUENCING FRAUD AND CORRUPTION RISK

The Fraud triangle is a framework designed to explain the reasoning behind a decision of a person or persons to commit workplace fraud. The three stages, categorised by the effect on the individual, can be summarised as motivation, opportunity and rationalisation. Broken down, they are:

- Motivation: The person is somehow motivated to commit a fraud. Economic factors such as personal financial distress, substance abuse, gambling, overspending, or other similar addictive behaviors may provide motivation.
- Opportunity: The employee has sufficient access to assets and information that allows him or her to believe the fraud can be committed and also successfully concealed.
- Rationalisation: The employee finds a way to rationalise the fraud, convincing themselves that their actions are really justified. Such rationalisations can include perceived injustices in compensation or promotions, the idea that they are simply “borrowing” from the organisation and fully intend to return

Fraud and Corruption Control Policy

the assets at a future date, or a belief that the company doesn't really "need" the assets and won't even realise they are missing.

3.2 FRAUD AND CORRUPTION FRAMEWORK

Fraud and corruption prevention at Council forms part of the organisation's broader governance framework and is interrelated with the policies, procedures, and supporting documents identified in section 6.2 of this policy.

Fraud risk assessments are aligned to Council's *Enterprise Risk Management Framework* and will be utilised to identify extreme and significant fraud and corruption risk areas. The organisation will utilise these assessments to improve any identified internal control weaknesses.

3.3 ROLES AND RESPONSIBILITIES

3.3.1 *The Chief Executive Officer and Directors*

The CEO and Directors will lead by example in a manner consistent with the values and principles detailed in the CoC. The CEO is required to notify the Crime and Corruption Commission (CCC) if they reasonably suspect corrupt conduct as defined under the *Crime and Corruption Act 2001* has occurred.

The Directors will assume responsibility for fraud and corruption prevention to ensure that the *Fraud and Corruption Control Policy* and associated plan are implemented effectively across all work areas. Consideration of fraud and corruption issues will form part of both annual and longer term operational and business planning processes.

3.3.2 *Management*

All managers and supervisors must recognise that fraud and corruption may occur in their area of responsibility. Managers are to critically examine their areas of responsibility and business processes to identify and evaluate potential fraud and corruption risk situations. They are to develop and maintain fraud and corruption resistant work practices and report appropriately and identified incidents of fraud or corruption.

3.3.3 *Employees*

All Council Officers are responsible for the following:

- Acting appropriately when using official resources and handling and using public funds, whether they are involved with cash or payment systems, receipts or dealing with suppliers;
- Being alert to the possibility that unusual events or transactions could be indicators of fraud or corruption;
- Reporting details immediately if they suspect that a fraudulent or corrupt act has been committed; and
- Co-operating fully with whoever is conducting internal checks, reviews or investigations into possible acts of fraud or corruption.

All Council officers who have any knowledge of fraudulent or corrupt activities/behaviour within Council have an obligation to report such matters to a manager/supervisor or the Chief Executive Officer.

Fraud and Corruption Control Policy

3.3.4 Audit Committee

Fraud-related matters will be reported to Council's Audit Committee via the CEO to ensure that a realistic view of Council's exposure and the maturity of its systems to prevent, detect and respond to fraud are understood. Duties of the Audit Committee include, but are not limited to:

- reviewing whether management has in place a current and comprehensive *Enterprise Risk Management Framework* and associated procedures designed to ensure that the identification and management of the organisation's business and financial risks, including fraud, are effective;
- reviewing the organisation's fraud control arrangements and satisfying itself that the organisation has appropriate processes or systems in place to capture and effectively investigate fraud-related information;
- reviewing reports that outline any identified allegations of fraud, the status of any ongoing investigations and any changes to identified fraud risk in the organisation; and
- providing comment on recommendations for change to the internal control structure as a result of liaising with both the internal and external auditors.

3.3.1 Internal Audit

The Internal Audit program supports Council's efforts to establish an organisational culture that embraces ethics, honesty, and integrity. Internal Audit assists Council with the evaluation of internal controls used to detect or mitigate fraud and evaluates the organisation's assessment of fraud risk.

Although the Internal Audit considers fraud and corruption within its audit plans and during audits, it is important to note that the responsibility for prevention of irregularities rests with Council and management through the implementation and continued operation of an adequate internal control system. Internal Auditors are responsible for examining and evaluating the adequacy and the effectiveness of actions taken by management to fulfil this obligation.

3.3.1 Development and Governance

The Development and Governance Section is responsible for the coordination of Council's fraud and corruption framework. Duties include but are not limited to:

- Governance oversight
 - Monitoring the implementation and application of the *Fraud and Corruption Control Policy* and associated plan.
 - Monitoring the framework of rules and practices used by the organisation to ensure accountability and transparency in its operations.
 - Recording of incidents of fraud and corruption on Council's internal Fraud and Corruption Register.
- Risk management
 - overseeing the development and implementation of a systematic and coordinated risk management framework
 - developing a register of risk factors, risk management plan and controls
 - assessing whether the organisation maintains effective risk management practices across all its activities

Fraud and Corruption Control Policy

- ensuring that continuity plans are in place and appropriate, and that the plans are tested and that the tests are meaningful
 - monitoring the risk environment, and assessing the impact of any changes on the organisation's risk profile
 - integrating fraud and corruption matters with the organisation's overall risk profile
 - reporting to senior management on risk-related issues
 - assessing whether the organisation is successfully embedding an ethical culture.
- Fraud and corruption control coordination
 - developing the fraud and corruption control policy and plan and related procedures
 - taking ownership of and administering the fraud and corruption control policy
 - ensuring that policy changes and procedural recommendations arising from periodic reviews are appropriately prioritised and implemented
 - monitoring the performance of staff responsible for implementing the fraud control plan.

The duties of the Manager Development and Governance do not diminish the responsibility of the CEO in the proper execution of the above activities.

3.4 RISK MANAGEMENT SYSTEM

Fraud risk assessments from Council's Fraud and Corruption Register are aligned to Council's *Enterprise Risk Management Framework* and will be utilised to identify extreme and significant fraud and corruption risks. Profiling work undertaken by the CCC has provided an insight into operational areas and functions perceived to have high levels of fraud and corruption risk, including:

- financial functions – such as the receipt of cash, revenue collection and payment systems, salaries and allowances, entertainment expenses
- construction, development and planning functions – ranging from land rezoning or development applications to construction and building activities
- regulatory functions – involving the inspection, regulation or monitoring of facilities; and operational practices, including the issue of fines or other sanctions
- licensing functions – such as the issue of qualifications or licences to indicate proficiency or enable the performance of certain activities
- demand-driven or allocation-based functions – where demand often exceeds supply, including the allocation of services or grants of public funds, or the provision of subsidies, financial assistance, concessions or other relief
- procurement and purchasing functions – including e-commerce activities, tendering, contract management and administration, and the practices of external agents/contractors/consultants and providers of goods/services
- other functions involving the exercise of discretion, or where there are regular dealings between public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

3.5 CONTROL STRATEGIES

Ensuring that appropriate fraud control measures are in place to prevent, detect, investigate and respond to fraud is a critical function of governance. Effective fraud control strategies should be instigated by the Executive Management Team and embedded in governance/risk programs and appropriately resourced and managed, as this will assist Council in managing fraud risk to an acceptable level. The *Fraud and Corruption Control Plan* contains specific details of the organisation's anti-fraud and anti-corruption strategies.

Fraud and Corruption Control Policy

3.6 REPORTING PROCESS

The reporting of suspected misconduct and maladministration is fundamental to the integrity of Council's *Fraud and Corruption Control Policy*.

The *Financial Accountability Act 2009* establishes that the accountable officer or statutory body is responsible for establishing, maintaining and reviewing financial internal controls.¹ Council's Manager Finance is responsible for many internal controls and reports that identify and communicate attempts to defraud Council.

Local governments are required to have in place a system for managing employee complaints. Employees should refer to Council's *Staff Grievance Policy* and associated procedure. Council encourages employees to take appropriate action and that they should feel secure in the knowledge that supporting arrangements will protect individuals and preserve the confidentiality as far as possible. Therefore, all employee complaints should initially be treated as Public Interest Disclosures.

External report of suspected fraud or corruption should be referred through Council's *Administrative Action Complaint Management Policy*. Additionally, refer to Section 4 of this policy - External Organisational Reporting, for escalation of complaints.

3.7 PROTECTION AND SUPPORT FOR DISCLOSURES

3.7.1 *Work Health and Safety Act 2011*

Organisations have a responsibility to ensure the health and safety of their staff. Failing to take this responsibility seriously is a breach of the *Work Health and Safety Act 2011*.

3.7.2 *Crime and Corruption Act 2001*

Many reports of fraud or corruption will be classified as reports of corrupt conduct as defined in the *Crime and Corruption Act 2001* (CC Act). The CC Act includes provisions to protect those who make reports of corrupt conduct.

3.7.3 *Public Interest Disclosure Act 2010*

Some reports about fraud and corruption will be classified as a public interest disclosure (a PID). A PID is a disclosure of information as a result of a genuine concern about the possible serious wrongdoing of public officers, or of others who may be acting in a way that is not in the public interest. Please refer to Council *Public Interest Disclosure Policy*.

3.8 INVESTIGATION MANAGEMENT PROCESS

Once suspected fraud or corruption has been identified or reported, a number of processes must follow; please refer to Council's *Fraud and Corruption Control Plan* and *Investigation Policy*. The appropriate processes will depend on the nature and seriousness of the alleged conduct. Minor complaints are best dealt with by prompt managerial action. When dealing with serious matters where the conduct would, if proved, be a criminal offence, or provide reasonable grounds for dismissal, a full investigative response is required.

¹ See *Financial Accountability Act 2009* (Qld) s 61 and s 77.

Fraud and Corruption Control Policy

3.9 CODE OF CONDUCT

Fraud and corruption are a departure from the expected standards of behaviour for Councillors and Employees. Council's (CoC) defines the expectations and standards of behaviour that are consistent with Council ethical conduct values and associated principles. No less importantly, the CoC provides benchmarks that clearly state the types of behaviours the organisation considers unacceptable.

3.10 ORGANISATIONAL CULTURE CHANGE (STAFF TRAINING)

Mareeba Shire Council is committed to maintaining an ethical culture within the organisation. To foster an ethical culture free from fraud and corruption, Council will take a "job life-cycle" approach to communicating the issue of fraud and corruption. This includes engagement during:

- Recruitment and selection processes – ensure job advertisements, key selection criteria and promotional materials articulate essential information about the values and ethical standards of the organisation to prospective employees.
- Induction – make certain that new officers understand their obligations by providing suitably structured induction programs. Induction training is an opportunity to provide all new employees with first-hand notice of Council's position on fraud and corruption.
- Ongoing employment – as a minimum, ensure that all employees are given access to appropriate education and training about ethics and specifically fraud and corruption risk or issues.

4. EXTERNAL ORGANISATIONAL REPORTING

4.1 REPORTING SUSPECTED FRAUD, CORRUPTION AND OTHER CORRUPT CONDUCT COMMITTED BY EMPLOYEES

All cases of corrupt conduct (which includes fraud and corruption) should be brought to the notice of the CEO. The CEO has a statutory obligation to report any suspicion of corrupt conduct to the CCC. Any attempt to unduly influence a government decision through the offer of bribes, individual rewards or incentives is an offence and must be reported to the CEO who will decide on any appropriate further reporting.

4.2 REPORTING LOSS OF THE ORGANISATION'S MONEY OR PROPERTY

There are specific obligations placed on the CEO to report losses of money or property. The *Local Government Regulation 2012* (LGR) outlines and categorises these obligations as follows:

Relevant legislation	LGR section 307A
A "material loss" is:	Cash or equivalent over \$500 Assets valued at over \$1,000
All losses that result from a criminal offence or suspected corrupt conduct	<ul style="list-style-type: none"> • Must be recorded
All material losses	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> - the appropriate Minister - the Auditor-General
Material losses that result from criminal offences	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> - the appropriate Minister

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	<ul style="list-style-type: none"> - the Auditor-General - QPS
Material losses that result from suspected corrupt conduct by employees or contractors	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> - the appropriate Minister - the Auditor-General - CCC

5. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

CEO means Council’s Chief Executive Officer.

Corruption has the same meaning as 'corrupt conduct' and means conduct of a person or persons, regardless of whether a person holds or held an appointment, that:

- a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - i. a unit of public administration; or
 - ii. a person holding an appointment; and
- b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - i. is not honest or is not impartial; or
 - ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.
- c) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.²

Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—

- a) impairs, or could impair, public confidence in public administration; and
- b) involves, or could involve, any of the following—
 - i. collusive tendering;
 - ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described) —
 - A. protecting health or safety of persons;
 - B. protecting the environment;
 - C. protecting or managing the use of the State's natural, cultural, mining or energy resources;
 - iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - v. fraudulently obtaining or retaining an appointment; and

² See *Crime and Corruption Act 2001* (Qld) s 15(1).

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c) would, if proved, be—
 i. a criminal offence; or
 a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.³

Corrupt conduct may include, but is not limited to:

- a) abuse of public office;
- b) bribery, including bribery relating to an election;
- c) extortion;
- d) obtaining or offering a secret commission;
- e) fraud;
- f) stealing;
- g) forgery;
- h) perverting the course of justice;
- i) an offence relating to an electoral donation;
- j) loss of revenue of the State.

Council means the Mareeba Shire Council

Council Officer means an employee of Council

Employees means all persons employed by Council on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

Director means the Corporate & Community Services Director and the Infrastructure Services Director

Fraud shall mean a deliberate deception to facilitate or conceal the misappropriation of assets or the taking of an unlawful advantage or benefit.

Fraud may include, but is not limited to:

- Theft;
- Obtaining property, a financial advantage or any other benefit by deception;
- Causing a loss, avoiding or obtaining a benefit by deception;
- Knowingly providing false or misleading information to Council, or failing to provide information where there is an obligation to do so;
- A breach of trust in the performance of official duties, by which an employee or Councillor acts contrary to the interests of Council in order to achieve some personal gain or advantage for themselves or for another person or entity;
- Using forged or falsified documentation for an improper purpose;
- Deliberate mis-statement of accounting information for an improper purpose.

6. RELATED DOCUMENTS AND REFERENCES

The following legislation and policies are relevant to the management of fraud and corruption within Mareeba Shire Council:

³ Ibid s 15(2).

Fraud and Corruption Control Policy

6.1 RELEVANT LEGISLATION

Crime and Corruption Act 2001 (Qld)
Criminal Code Act 1899 (Qld)
Financial Accountability Act 2009 (Qld)
Integrity Act 2009 (Qld)
Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Public Interest Disclosure Act 2010 (Qld)
Public Sector Ethics Act 1994 (Qld)
Public Service Act 2008 (Qld)
Right to Information Act 2009 (Qld)

6.2 RELEVANT SUPPORTING DOCUMENTS

Administrative Action Complaint Management Policy (MSC);
Audit Committee Charter (MSC);
Code of Conduct for Councillors (MSC);
Employee Code of Conduct (MSC);
Employee Conflict of Interest Policy (MSC) and associated Procedure; Enterprise Risk Management Framework (MSC) and associated Policy and associated Process;
Fraud and Corruption Control Plan (MSC);
Gifts and Benefits Policy (MSC) and associated Guideline;
Internal Audit Policy (MSC);
Investigation Policy (MSC);
Staff Grievance Policy (MSC) and associated Procedure
Public Interest Disclosure Policy (MSC).

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every two (2) years or as required by Council.



Fraud and Corruption Control Plan

Policy Type	Administrative Policy	Version:	2.0
Responsible Officer	Manager Development & Governance	Date Approved:	21/07/2021
Review Officer:	Manager Development & Governance	Review Due:	20/07/2023
Author:	Manager Development & Governance	Commencement:	21/07/2021

1. PURPOSE

To set out the standards for accountability that Council expects from Councillors and Employees. It aims to minimise opportunities for fraud or corrupt conduct as defined through a framework of good governance and active and effective control strategies that will continue to build an ethical organisational culture. This plan should be read in conjunction with the *Fraud and Corruption Control Policy*.

2. SCOPE

This plan applies to all Councillors and employees of the Mareeba Shire Council (Council).

3. POLICY STATEMENT

Council has zero-tolerance for activities related to fraud and corruption and this is supported by a hierarchy of governance and controls for an ethical organisational culture. This Plan provides the direction and guidance that will assist Council in meeting its commitment in the control of fraud and corrupt conduct.

The Plan objectives are to:

- Support high standards of professional conduct and honest and ethical behaviour within Council;
- Minimise the risk of fraudulent practices or Corrupt Conduct occurring within and being perpetrated against Council;
- Protect Council’s assets, public image and reputation;
- Ensure an ethical culture within Council;
- Ensure the Executive Management Team’s (EMT) commitment to identify fraud risk exposures and establish procedures for prevention, detection and response;
- Ensure Councillors and Employees are aware of their responsibilities in relation to ethical conduct;
- Detail how Council deals with suspected fraud and corrupt conduct through risk management practices; and
- Provide guidance on how suspected instances of fraud or corrupt conduct are managed and dealt with by Council.

3.1 RESPONSIBILITIES

Councillors and Employees have the responsibility to take appropriate action to prevent fraud and corrupt conduct and report suspected fraud and corruption activities they become aware of. Employees must undertake their work and duties in accordance with Council’s *Employee Code of Conduct (CoC)*, which prescribes standards of ethical conduct. A Code of Conduct alone will not guarantee an honest and

Fraud and Corruption Control Plan

corruption-free organisation, however, with proper education and leadership, it can promote integrity and encourage ethical behaviour, which in turn strengthens the Council's resistance to fraud and corrupt conduct.

Councillors and the EMT have a responsibility for setting the ethical tone of the Council, consistent with the ethical principles set out in the *Public Sector Ethics Act 1994* (Qld) and the *Local Government Act 2009* (Qld). EMT plays a key role in the general administration of their work areas and consequently overseeing the implementation, review and monitoring of fraud and corruption prevention strategies.

3.2 FRAUD AWARENESS

Council recognises that the success and credibility of its *Fraud and Corruption Control Policy* and Plan ("the Plan") will largely depend on how effectively they are communicated. Council will take proactive steps towards ensuring that Councillors, Employees and the local community are aware of Council's zero-tolerance position on fraud and corrupt conduct.

Council will increase awareness by:

- Promoting Council initiatives and policies regarding the control and prevention of fraud and corruption on the Council website and at Council offices;
- Including guidance on their website, for both employees and external parties, on how to report suspicions of fraud and corruption;
- Making reference to fraud and corruption initiatives in the Council's Annual Report; and
- Providing education and awareness programs and communication of Council's policies and directives relating to fraud and corruption.

3.3 FRAUD AND CORRUPTION RISK ASSESSMENT

Council's *Enterprise Risk Management Framework* (ERM) is used as a tool to identify and manage fraud and corruption risks in line with the *Fraud and Corruption Control Policy* and the Plan. Appropriately, fraud and corruption risk will be reviewed across Council on a quarterly basis. Managers will provide assurance that their risks have been reviewed and updated and those risks identified as significant or extreme will be reported to Audit Committee and Council.

A fraud and corruption risk review will focus on the following elements:

- impact of change in organisational structure or functional requirements;
- changes in legislation and delegations;
- contracting and outsourcing;
- the impact of new technology;
- the operating environment, and the Council's relative exposure to external and internal fraud and corruption;
- exposure to ongoing and emerging trends and threats; and
- the effectiveness of current treatment measures and controls.

The details of the fraud and corruption risks identified, including treatments and controls will be incorporated into the ERM Register. Additionally, incidents of fraud and corruption will be recorded in Council's Fraud and Corruption Register and treated in accordance with ERM process. All identified risks are to be reviewed on an annual basis and reported as per the ERM Process.

3.4 REPORT ALLEGATIONS OF FRAUD AND CORRUPTION

Concerns or suspicions about fraudulent or corrupt conduct can be reported as follows:

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- If you are making a report about an Employee - report to a Manager, Director or the CEO;
- If you are making a report about the CEO - report to the Mayor;
- If your report involves a Councillor or the Mayor - report directly to the Office of the Independent Assessor or to the CEO who will either forward the allegation to Office of the Independent Assessor or to the Crime and Corruption Commission (CCC).

Attempts to investigate the matter personally by a person who has a concern or suspicion must not be undertaken. Reports of allegations of fraudulent or corrupt conduct may be received verbally, in writing, and may be made anonymously. Reports of this type may constitute a Public Interest Disclosure under the *Public Interest Disclosure Act 2010* (Qld) (PID Act).

Council must ensure that any report of suspected fraud or corrupt conduct is treated confidentially to the fullest extent possible. To affirm the integrity of this reporting function, complaints, investigation of complaints and the identity of subject officers, witnesses will be treated and managed confidentially in accordance with Council's complaints processes—*Administrative Action Complaint Management Policy*, *Public Interest Disclosure Policy*, and its obligations under the PID Act.

4. FRAUD AND CORRUPTION CONTROL STRATEGIES

Council recognises that the most effective way to address the issue of fraud or corrupt conduct is to provide exemplary leadership, fully comply with legislative obligations, provide clear and appropriate policy settings with active and effective control strategies that address prevention, detection, investigation, response, monitoring and reporting.

- **Prevention** – strategies designed to prevent fraud and corruption occurring in the first instance
- **Detection** – strategies to uncover fraud and corruption as soon as possible after it has occurred
- **Response** – systems and processes that assist in responding appropriately to an alleged fraud or corruption when it is detected
- **Monitoring and Evaluation** – strategies to provide assurance that legislative and policy responsibilities are being met, in addition to promoting accountability by providing information that demonstrates compliance with specific fraud and corruption control measures.

4.1 PREVENTION

Fraud and corruption prevention strategies are the first line of defence and provide the most cost-effective method of controlling fraud and corruption within Council. Key elements of effective fraud and corruption prevention include (but are not limited to):

- A robust *Fraud and Corruption Control Policy* and the Plan;
- Code of Conduct for employees;
- Councillors Code of Conduct;
- Effective fraud and corruption risk management process;
- A comprehensive fraud and corruption control framework;
- Prudent employees;
- Regular awareness training;
- Identification of activities with high fraud and corruption risk exposure and the application of appropriate control strategies to those activities; and
- Proactive demonstration within the organisation that allegations and incidences of fraud and/or corruption are treated seriously and appropriately addressed.

Fraud and Corruption Control Plan

The below table outlines a range of preventative strategies and measures actioned by Council to manage its fraud and corruption risks.

Element	Components	Action Plan	Oversight	Timeframes
Integrated Policy	<i>Fraud and Corruption Control Policy and the Plan</i>	<ul style="list-style-type: none"> • EMT to ensure the <i>Fraud and Corruption Policy</i> and the Plan are integrated along with other Council policies • EMT to endorse and promote the Plan and policy and take ongoing action to ensure staff are aware of the Plan 	Manager Development & Governance	Every 2 years
Risk Assessment	Fraud and Corruption Risk Assessment	<ul style="list-style-type: none"> • Consideration of fraud and corruption risks to be included in Council's ERM Register 	Manager Development & Governance	Quarterly
Internal Controls	Governance Framework	<ul style="list-style-type: none"> • Administration policies, procedures and supporting documents to be promoted to applicable employees. 	Managers	Every 4 years
		<ul style="list-style-type: none"> • Segregation of functions especially regulatory, financial and cash handling areas. 	Managers/External Audit	Annually
		<ul style="list-style-type: none"> • Where fraud and corruption risks are known to exist, work processes are to be clearly documented and available to Council employees. 	Managers	Quarterly
		<ul style="list-style-type: none"> • Employees to be reminded to make appropriate declarations, and a Register of Interests is to be maintained. 	Manager Organisational Development	Every 2 years
		<ul style="list-style-type: none"> • Delegated Powers and Authorities 	Managers	Annually
	Internal Audit	<ul style="list-style-type: none"> • Internal Audit to periodically review processes and provide recommendations for improvements 	Audit Committee Director Corporate and Community Services	Per Internal Audit Plan
Gifts and Benefits Policy	<ul style="list-style-type: none"> • Review the <i>Gifts and Benefits Policy</i> 	CEO	Every 4 years	

Fraud and Corruption Control Plan				
	Employment Screening	<ul style="list-style-type: none"> Conducting appropriate due diligence of potential new employees and existing employees transferring 	Manager Organisational Development	Per Recruitment Guidelines
	Third Party (Contractors)	<ul style="list-style-type: none"> Relevant policies and procedures covering due diligence processes for protentional contractors. 	Managers	Annually
		<ul style="list-style-type: none"> Relevant policies and procedures covering due diligence processes for monitoring past or existing contractors. 	Managers	Annually
Education and Awareness	Fraud Awareness	<ul style="list-style-type: none"> Education and training programme including for employees: <ul style="list-style-type: none"> ➢ Code of Conduct ➢ Public Interest Disclosures ➢ Reporting corrupt conduct ➢ Fraud prevention training ➢ Organisational wide awareness of relevant policies and procedures. 	Manager Organisational Development	Every 2 years
		<ul style="list-style-type: none"> General awareness of the <i>Fraud and Corruption Control Policy</i> and the Plan 	Managers	Annually
	Availability of policies and procedures	<ul style="list-style-type: none"> Policies, procedures, and supporting documents to be easily accessible 	Manager Development & Governance	Annually
Community Awareness	Policies, Procedures, and supporting documents	<ul style="list-style-type: none"> To be included on Council website 	Manager Development & Governance	Annually
	Right to Information requests	<ul style="list-style-type: none"> Requests for information in regards to fraud and corruption are to be actioned promptly. 	Manager Systems and Customer Service	Annually

Fraud and Corruption Control Plan

4.2 DETECTION

Detection is the key in mitigating fraud and corruption, and as such, Council has implemented systems aimed at assisting with the detection of fraud or corruption as soon as possible after it has occurred, in the event that Council’s preventive control strategies fail.

The source of fraudulent activity and corrupt conduct may be internal (perpetrated by an employee); external (perpetrated by a customer or an external service provider); or complex (for example, involve collaboration between employees and external service providers).

The CCC has provided an insight into and identified operational areas and functions perceived to have high levels of fraud and corruption risk, including:

- financial functions – such as the receipt of cash, revenue collection and payment systems, salaries and allowances, entertainment expenses
- construction, development and planning functions – ranging from land rezoning or development applications to construction and building activities
- regulatory functions – involving the inspection, regulation or monitoring of facilities; and operational practices, including the issue of fines or other sanctions
- licensing functions – such as the issue of qualifications or licences to indicate proficiency or enable the performance of certain activities
- demand-driven or allocation-based functions – where demand often exceeds supply, including the allocation of services or grants of public funds, or the provision of subsidies, financial assistance, concessions or other relief
- procurement and purchasing functions – including e-commerce activities, tendering, contract management and administration, and the practices of external agents/contractors/consultants and providers of goods/services
- other functions involving the exercise of discretion, or where there are regular dealings between the public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

The below table outlines controls and measures to detect internal, external and complex fraud and corruption.

Element	Components	Action Plan	Oversight	Timeframes
Internal Controls	Formal and informal work process	<ul style="list-style-type: none"> • Specific function processes, guidelines, instructions and risk assessment to be complied with 	Managers	Every 2 years
		<ul style="list-style-type: none"> • Ongoing education and awareness of the work process to be provided 	Manager Organisational Development	Annually
Public Interest Disclosures	Management of Public Interest Disclosures	<ul style="list-style-type: none"> • Public Interest Disclosure policy to be reviewed and maintained 	Manager Development & Governance	Every 4 years
		<ul style="list-style-type: none"> • Management to take reasonable actions to minimise risks of victimisation and to 	Managers	Ongoing

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		ensure victimisation of disclosers is dealt with swiftly and appropriately		
Investigations	Detection System	• Post Transactional Reviews	Managers	Annually
		• Implement routine data analytics over areas identified as inherently susceptible to fraud	Manager Development & Governance	Annually
		• Analysis of management accounting and procurement reports to identify trends	Manager Finance	Monthly/annually
		• Work with the external/internal auditors in the detection of fraud	Manager Finance & Audit Committee	Annually
Internal Reporting	Performance Management Framework	• Organisational Structure to be supported through adherence to official delegations, proper and full use of supervisory reporting relationships	Managers	Annually
	Internal Audit	• Internal Audit to consider fraud and corruption as part of the audit scope	Audit Committee	Per Internal Audit Plan
		• Internal Audit to conduct regular reviews of Council functions and processes to identify susceptible areas	Audit Committee	Per Internal Audit Plan

4.3 RESPONSE

Fraud and corruption response is a key element of the overall fraud and corruption control framework. Council needs to be responsive and vigilant in undertaking preliminary investigations to determine whether allegations have sufficient grounds to be taken further.

Investigations (as statutorily required)

Council will investigate or otherwise formally inquire into all instances of suspected fraud or corrupt conduct exposed as a result of receiving an allegation or detecting fraudulent activity or corrupt conduct in line with Council's *Investigation Policy*. All reports, information, complaints and notifications concerning the alleged fraudulent activity or corrupt conduct may be referred to the CCC throughout the investigation process.

Fraud and Corruption Control Plan

Fraud and corruption investigations are to be kept confidential, secure and restricted to only authorised users.

The below steps are to be implemented upon and detection or notification of in conjunction with the fraud and/or corruption:

- Step 1: Stop the fraud continuing and preserve evidence
- Step 2: Record allegations and the known facts
- Step 3: Initial review
- Step 4: Investigation
- Step 5: Outcomes

Disciplinary Action

Fraudulent activity and corrupt conduct may result in formal disciplinary action including dismissal. If approved by the CEO, Council's Manager Organisational Development should be consulted to create a deterrent effect on employees by illustrating that all cases will be investigated, and disciplinary action will be taken against employees that "do the wrong thing".

It must be noted that fraud or corrupt conduct may often also involve criminal conduct. This means that an incident can at the same time be within the jurisdiction of the CCC, Council and the Queensland Police Service (QPS), and therefore, the actions and decisions of one agency will have an impact on the other agencies.

Where a disciplinary investigation arises out of alleged criminal conduct, Council will need to take into account any criminal proceedings. If Council's Manager Organisational Development and the QPS are consulted, Council can take disciplinary action before the criminal investigation or prosecution is completed. Whether disciplinary proceedings should await the outcome of criminal proceedings will need to be determined on a case-by-case basis. Council may decide to hold off on disciplinary action until the outcome of the prosecution is known so that if it fails, Council can still institute disciplinary proceedings.

Restitution

Council is committed to recovering losses incurred as a result of fraudulent activity or corrupt conduct. Council pursues all reasonable avenues to limit any financial loss and reputational damage. Council maintains an insurance policy against loss due to fraudulent or corrupt conduct activities of its employees. The table in section 5.1.2 below outlines measures to detect internal, external and complex fraud and corruption.

4.4 MONITORING AND EVALUATION

Effective monitoring and evaluation of Council's fraud and corruption control strategies assist in:

- Assessing the continued relevance and priority of fraud and corruption strategies in light of current and emerging risks;
- Test whether fraud and corruption strategies are targeting the desired population; and
- Ascertain whether there are more cost-effective ways of combatting fraud and corruption.

5. REPORTING

Internally, fraud-related matters will be reported to Council's Audit Committee via the CEO to ensure that a realistic view of Council's exposure and the maturity of its systems to prevent, detect and respond to fraud are understood.

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5.1 REPORTING SUSPECTED FRAUD, CORRUPTION AND OTHER CORRUPT CONDUCT COMMITTED BY EMPLOYEES

The CEO has a statutory obligation to report any suspicion of corrupt conduct to the CCC. Therefore, all cases of corrupt conduct (which includes fraud and corruption) should be brought to the notice of the CEO. Any attempt to unduly influence a government decision through the offer of bribes, individual rewards or incentives is an offence and must be reported to the CEO who will decide appropriate further reporting.

5.2 REPORTING LOSS OF THE ORGANISATION’S MONEY OR PROPERTY

There are specific obligations placed on the CEO to report losses of money or property. The *Local Government Regulation 2012* (LGR) outlines and categorises these obligations dependant on the type of loss.

Relevant legislation	LG Reg section 307A
A “material loss” is	Cash or equivalent over \$500 Assets valued at over \$1,000
All losses that result from a criminal offence or suspected corrupt conduct	<ul style="list-style-type: none"> • Must be recorded
All material losses	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> - the appropriate Minister - the Auditor-General
Material losses that result from criminal offences	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> - the appropriate Minister - the Auditor-General - QPS
Material losses that result from suspected corrupt conduct by employees or contractors	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> - the appropriate Minister - the Auditor-General - CCC

6. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

CCC means the Crime and Corruption Commission.

CEO means Council’s Chief Executive Officer.

Corruption has the same meaning as 'corrupt conduct' under the *Crime and Corruption Act 2001* (Qld), being conduct of a person, regardless of whether the person holds or held an appointment, that:

- a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - i. a unit of public administration; or

Fraud and Corruption Control Plan

- ii. a person holding an appointment; and
- b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - i. is not honest or is not impartial; or
 - ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.
- c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- d) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.¹

Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—

- a) impairs, or could impair, public confidence in public administration; and
- b) involves, or could involve, any of the following—
 - i. collusive tendering;
 - ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described) —
 - A. protecting health or safety of persons;
 - B. protecting the environment;
 - C. protecting or managing the use of the State's natural, cultural, mining or energy resources;
 - iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - v. fraudulently obtaining or retaining an appointment; and
- c) would, if proved, be—
 - i. a criminal offence; or

a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.²

Corrupt conduct may include, but is not limited to:

- a) abuse of public office;
- b) bribery, including bribery relating to an election;
- c) extortion;
- d) obtaining or offering a secret commission;
- e) fraud;
- f) stealing;
- g) forgery;
- h) perverting the course of justice;
- i) an offence relating to an electoral donation;
- j) loss of revenue of the State.

¹ See *Crime and Corruption Act 2001* (Qld) s 15(1).

² *Ibid* s 15(2).

Fraud and Corruption Control Plan

Council means the Mareeba Shire Council.

Council Officer means an employee of Council

Employees are defined as all persons employed by Council on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

EMT means Council's Executive Management Team of Council, as constituted from time to time.

ERM means Enterprise Risk Management.

Fraud shall mean a deliberate deception to facilitate or conceal the misappropriation of assets or the taking of an unlawful advantage or benefit.

Fraud may include, but is not limited to:

- Theft;
- Obtaining property, a financial advantage or any other benefit by deception;
- Causing a loss, avoiding or obtaining a benefit by deception;
- Knowingly providing false or misleading information to Council, or failing to provide information where there is an obligation to do so;
- A breach of trust in the performance of official duties, by which an employee or Councillor acts contrary to the interests of Council in order to achieve some personal gain or advantage for themselves or for another person or entity;
- Using forged or falsified documentation for an improper purpose;
- Deliberate misstatement of accounting information for an improper purpose.

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

The Plan means Council's *Fraud and Corruption Control Plan*.

7. RELATED DOCUMENTS AND REFERENCES

Administration Action Complaint Management Policy (MSC)

Audit Committee Charter (MSC)

Code of Conduct for Councillors (MSC)

Crime and Corruption Act 2001 (Qld)

Employee Code of Conduct (MSC)

Employee Conflict of Interest Policy (MSC) and associated Procedure

Enterprise Risk Management Framework (MSC), Policy and associated Process

Fraud and Corruption Control Policy (MSC)

Gifts and Benefits Policy (MSC) and associated Guideline

Internal Audit Policy (MSC)

Investigation Policy (MSC)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Public Interest Disclosure Act 2010 (Qld)

Public interest Disclosure Policy (Qld)

Fraud and Corruption Control Plan

8. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every two (2) years or as required by Council.



Public Interest Disclosure Management Plan

Policy Type	Council Procedure	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	21/07/2021
Review Officer:	Manager Development and Governance	Review Due:	21/06/2022
Author:	Senior Compliance Officer	Commencement:	21/07/2021

1. PURPOSE

Mareeba Shire Council (Council) is committed to fostering an ethical, transparent culture. In pursuit of this, Council values the disclosure of information about suspected wrongdoing in the public sector so that it can be properly assessed and, if necessary, appropriately investigated. Council will provide support to an employee or others who make disclosures about matters in the public interest.

This *Public Interest Disclosure Management Plan* (PID Plan) demonstrates this commitment and ensures that practical and effective procedures are implemented which comply with the requirements of the *Public Interest Disclosure Act 2010* (Qld) (PID Act) and any relevant standards.

By complying with the PID Act,¹ Council will:

- promote the public interest by facilitating public interest disclosures (PIDs) of wrongdoing
- ensure that PIDs are properly assessed and, where appropriate, properly investigated and dealt with
- ensure appropriate consideration is given to the interests of persons who are the subject of a PID
- ensure protection from reprisal is afforded to persons making PIDs

As required under the PID Act,² the Chief Executive Officer will implement procedures to ensure that:

- any employee who makes a PID is given appropriate support
- PIDs made to Council are properly assessed and, where appropriate, properly investigated and dealt with
- appropriate action is taken in relation to any wrongdoing which is the subject of a PID
- a management program for PIDs made to Council, consistent with the PID Standard³ issued by the Queensland Ombudsman, is developed and implemented
- public officers who make PIDs are offered protection from reprisal by Council or other public officers of Council.

Council’s PID Plan is available for public viewing via Council’s website. The PID Plan will be reviewed annually and updated as required to ensure it meets the requirements of the PID Act and the relevant standard⁴ issued by the Queensland Ombudsman.

2. SCOPE

This PID Plan applies across Council and to members of the public.

This PID Plan establishes procedures for:

¹ See *Public Interest Disclosure Act 2010* (Qld) s 3.

² Ibid s 28.

³ See *Public Interest Disclosure Standard No. 1/2019* s 8 Standard 1.1.

⁴ Ibid s 8 Standard 1.2.

Public Interest Disclosure Management Plan

- Persons wishing to make a PID to Council in accordance with the PID Act
- The receipt, assessment and management of a PID
- Assisting public officers (i.e. discloser and subject officer) affected by a PID.

The PID Plan is not intended to create or confer any entitlement on an employee. They do not form part of any employee’s contract of employment. Any entitlement conferred, or payments made under this PID Plan are conferred or made at the absolute discretion of Council.

Council may at its sole discretion, on a case by case basis, alter the manner in which this PID Plan is applied to ensure they suit the particular circumstances of the case.

3. PID MANAGEMENT PROGRAM

The Council PID management program encompasses:

- commitment to encouraging the internal reporting of wrongdoing
- senior management endorsement of the value to Council of PIDs and the proper management of PIDs
- a communication strategy to raise awareness among employees about PIDs and Council’s PID procedure
- a training strategy to give employees access to training about how to make a PID, information on the support available to a discloser, and advice on how PIDs will be managed
- specialist training and awareness about PIDs for senior management and other staff who may receive or manage PIDs, disclosers or workplace issues relating to PIDs
- the appointment of a specialist officer/unit to be responsible for issues related to the management of PIDs
- ensuring effective systems and procedures are in place so that issues and outcomes from PIDs inform improvements to service delivery, business processes and internal controls
- regular review of the Public Interest Disclosure Procedure and evaluation of the effectiveness of the PID management program.

The Chief Executive Officer has designated the following roles and responsibilities for managing PIDs within Council:

Role	Responsibilities	Officer
PID Coordinator	<ul style="list-style-type: none"> • Principal contact for PID issues within Council • Documents and manages implementation of PID management program • Reviews and updates PID procedure annually • Maintains and updates internal records of PIDs received • Reports data on PIDs to Queensland Ombudsman • Assesses PIDs received • Provides acknowledgment of receipt of PID to discloser • Undertakes risk assessments in consultation with disclosers and other relevant officers • Liaises with other agencies about referral of PIDs 	<p>Manager Development and Governance</p> <p>Contact number: 1300 308 461 or 07 4086 4500</p> <p>Email: info@msc.qld.gov.au</p>

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	<ul style="list-style-type: none"> Allocates Investigator and Support Officer to PID matter 	
PID Support Officer	<ul style="list-style-type: none"> Provides advice and information to discloser on Council PID procedure Assesses the immediate protection needs of the discloser Coordinates and provides support to the discloser Works with management to foster a supportive work environment Proactively contacts discloser throughout PID management process and provides updates on progress of investigation Keeps records of all aspects of case management of the discloser, including all contact and follow-up-action 	As assigned by PID Coordinator
Investigator	<ul style="list-style-type: none"> Conducts investigation of information in PID in accordance with terms of reference Prepares report for delegated decision-maker 	An appropriate internal or external investigator will be appointed for each PID investigated depending upon the type of disclosure and other relevant considerations

4. WHAT IS A PUBLIC INTEREST DISCLOSURE?

Under the PID Act, any person can make a disclosure⁵ about a:

- substantial and specific danger to the health or safety of a person with a disability
- substantial and specific danger to the environment
- reprisal because of a belief that a person has made, or intends to make a disclosure.

In addition, public sector officers can make a disclosure⁶ about the following public interest matters:

- corrupt conduct
- maladministration that adversely affects a person’s interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- substantial and specific danger to the environment.

A discloser can have either a ‘reasonable belief’ that wrongdoing has occurred or provide evidence which tends to show the wrongdoing has occurred.

A disclosure amounts to a PID and is covered by the PID Act even if the:

- discloser reports the information as part of their duties – such as an auditor reporting a fraud
- or an occupational health and safety officer reporting a safety breach
- disclosure is made anonymously – the discloser is not required to give their name or any identifying information⁷
- discloser has not identified the material as a PID – it is up to Council to assess information received and decide if it is a PID⁸

⁵ See *Public Interest Disclosure Act 2010* (Qld) s 12.

⁶ *Ibid* s 13.

⁷ *Ibid* s 21.

⁸ *Ibid* ss 11-13, 15, 17.

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- disclosure is unsubstantiated following investigation – the discloser is protected when the information they provide is assessed as a PID, whether or not it is subsequently investigated or found to be substantiated.

5. WHO CAN A PUBLIC INTEREST DISCLOSURE BE DISCLOSED TO?

A PID must be made to the ‘proper authority’ to receive disclosures of the type being made. Disclosers are encouraged to make a disclosure to an appropriate officer of Council⁹ first. If the matter is not resolved, or the discloser is concerned about confidentiality, the disclosure may be made to another appropriate agency.

Whom to contact within Council	Other agencies that can receive PIDs:
<p>Any person (including employees) can make a disclosure to:</p> <ul style="list-style-type: none"> • The employee's direct supervisor • The employee's manager • The Manager Organisational Development • The Senior Human Resources Advisor • The Manager Development & Governance • The Chief Executive Officer or another member of the Executive Management Team 	<p>Disclosures can be made to an agency that has a responsibility for investigating the information disclosed:</p> <ul style="list-style-type: none"> • Crime and Corruption Commission (CCC) for disclosures about corrupt conduct including reprisal • Queensland Ombudsman for disclosures about maladministration • Queensland Audit Office for disclosures about a substantial misuse of resources • Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability • Department of Communities, Disability Services and Seniors for disclosures about danger to the health and safety of a person with a disability • Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability • Department of Environment and Science about disclosures about danger to the environment • A Member of the Legislative Assembly (MP) for any wrongdoing or danger • The Chief Judicial Officer of a court or tribunal in relation to a disclosure about wrongdoing by a judicial officer.

6. HOW TO MAKE A PUBLIC INTEREST DISCLOSURE

A discloser can make a PID either verbally or in writing.¹⁰ To assist in the assessment, and any subsequent investigation of a PID, disclosers should:

- provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number)
- provide as much information as possible about the suspected wrongdoing, including:
 - who was involved

⁹ Ibid s 6(g).

¹⁰ Ibid ss 17, 65.

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- what happened
- when it happened
- where it happened
- whether there were any witnesses, and if so who they are
- any evidence that supports the PID, and where the evidence is located
- any further information that could help investigate the PID.

A PID also can be made anonymously however the discloser is encouraged to provide their name and contact details. Disclosing a PID anonymously can make it difficult to investigate the issue, to seek clarification or more information, or to provide the discloser with feedback. If the discloser decides to disclose anonymously, they will need to provide sufficient information for the matter to be investigated, as it will not be possible for Council to contact the discloser asking for clarification or more information.

A person who gives information to a proper authority, knowing that it is false or misleading, and intending that it be acted upon as a PID, commits a criminal offence under the PID Act.¹¹ If the individual is an employee the person may also face disciplinary action for providing intentionally false information.

Any protections under the PID Act are not extended to those who intentionally make a PID that they know is false. This is different from information that turns out to be incorrect or unable to be substantiated.

7. ASSESSING A PUBLIC INTEREST DISCLOSURE

Once the matter has been assessed as a PID, Council will advise the discloser:¹²

- that their information has been received and assessed as a PID
- the action to be taken by Council in relation to the disclosure, which could include referring the matter to an external agency, or investigating
- the likely timeframe involved
- the name and contact details of the Council support officer they can contact for updates or advice
- of the discloser's obligations regarding confidentiality
- the protections the discloser has under the PID Act
- the commitment of Council to keep appropriate records and maintain confidentiality, except where permitted under the PID Act
- how updates regarding intended actions and outcomes will be provided to the discloser
- contact details for the Council Employee Assistance Program.

If the PID has been made anonymously and the discloser has not provided any contact details, Council will not be able to acknowledge the PID or provide any updates.

Upon receiving a PID, Council will conduct a risk assessment to assess the likelihood of the discloser suffering reprisal action because of having made the disclosure. This assessment will take into account the actual and reasonably perceived risk of the discloser suffering detriment, and will include consultation with the discloser.¹³

Consistent with the assessed level of risk, Council will arrange any reasonably necessary support or protection for the discloser.

8. REFERRING A PUBLIC INTEREST DISCLOSURE

If Council decides there is another proper authority that is better able to deal with the PID, the PID may be referred to that agency.¹⁴ This may be because:

- the PID concerns wrongdoing by that agency or an employee of that agency

¹¹ See *Public Interest Disclosure Act 2010* (Qld) s 66.

¹² See *Public Interest Disclosure Act 2010* (Qld) ss 32, 36-41. See also *Public Interest Disclosure Standard No. 2/2019* s 8 Standard 2.2 s 2.2.2.

¹³ See *Public Interest Disclosure Standard No. 2/2019* s 8 Standard 2.4 s 2.4.2.

¹⁴ See *Public Interest Disclosure Act 2010* (Qld) s 31.

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- the agency has the power to investigate or remedy the matter.

In these cases, the discloser will be advised of the action taken by Council. It may also be necessary to refer the PID to another agency because of a legislative obligation, for example, refer a matter to the Crime and Corruption Commission where there is a reasonable suspicion that the matter involves or may involve corrupt conduct (as required by section 38 of the *Crime and Corruption Act 2001*).

The confidentiality obligations of the PID Act permit appropriate officers of Council to communicate with another agency about the referral of a PID. Officers will exercise discretion in their contacts with any other agency.

9. DECLINING TO TAKE ACTION ON A PUBLIC INTEREST DISCLOSURE

Under the PID Act, Council may decide not to investigate or deal with a PID in various circumstances, including:

- the information disclosed has already been investigated or dealt with by another process
- the information disclosed should be dealt with by another process
- the age of the information makes it impractical to investigate
- the information disclosed is too trivial and dealing with it would substantially and unreasonably divert Council from the performance of its functions
- another agency with jurisdiction to investigate the information has informed Council that an investigation is not warranted.

If a decision is made not to investigate or deal with a PID Council will give the discloser written reasons for that decision. If the discloser is dissatisfied with the decision they can request a review by writing to the Chief Executive Officer of Council within 28 days of receiving the written reasons for decision.¹⁵

10. INVESTIGATING A PUBLIC INTEREST DISCLOSURE

If a decision is made to investigate a PID, this will be done with consideration for the:

- principles of natural justice
- obligation under the PID Act to protect confidential information¹⁶
- obligation under the PID Act to protect officers from reprisal¹⁷
- interests of subject officers.

If as a result of investigation, the information about wrongdoing provided in the PID is substantiated, appropriate action will be taken.

Where the investigation does not substantiate wrongdoing, Council will review systems, policies and procedures to identify whether there are improvements that can be made and consider if staff training is required.

The discloser and subject officer(s) should be separately informed of the investigation findings and any steps taken as a result. If a PID is substantiated, the discloser should receive advice of this and of any action that will be taken in response. Actions may include one or more of the following:

- stopping the conduct or preventing it from recurring (e.g. providing training and awareness)
- implementing or changing policies, procedures or practices
- offering mediation or conciliation
- taking disciplinary action against a person responsible for the conduct
- referring the conduct to the Queensland Police Service or another person, organisation or entity that has the jurisdiction to take further action.

¹⁵ Ibid s 30.

¹⁶ Ibid s 65.

¹⁷ Ibid ss 40-42.

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If the discloser is dissatisfied with Council's response to a PID they made they may raise the matter with the Chief Executive Officer. Disclosers are also entitled to raise the matter with other appropriate entities if they are dissatisfied with Council's response.

11. ORGANISATIONAL SUPPORT FOR DISCLOSERS

Disclosers should not suffer any form of detriment as a result of making a PID. In the event of reprisal action being alleged or suspected, Council will:

- attend to the safety of disclosers or affected third parties as a matter of priority
- review its risk assessment and any protective measures needed to mitigate any further risk of reprisal
- manage any allegation of a reprisal as a PID in its own right.

Details about disclosures, investigations, and related decisions will be kept secure and accessible only to the people involved in the management of the PID. Council will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

While Council will make every attempt to protect confidentiality, a discloser's identity may need to be disclosed to:

- provide natural justice to subject officers
- respond to a court order, legal directive or court proceedings.

Disclosers should be aware that while Council will make every attempt to keep their details confidential,¹⁸ it cannot guarantee that others will not try to deduce their identity. Information and support will be provided to the discloser until the matter is finalised.

Making a PID does not prevent reasonable management action. That means that the discloser will continue to be managed in accordance with normal, fair and reasonable management practices during and after the handling of the PID.

12. RIGHTS OF SUBJECT OFFICERS

Council acknowledges that for officers who are the subject of a PID the experience may be stressful. Council will protect their rights by:

- assuring them that the PID will be dealt with impartially, fairly and reasonably in accordance with the principles of natural justice
- confirming that the PID is an allegation only until information or evidence obtained through an investigation substantiates the allegation
- providing them with information about their rights and the progress and outcome of any investigation
- referring them to the Employee Assistance Program for support.

Information and support will be provided to subject officer until the matter is finalised.

13. RECORD KEEPING

In accordance with its obligations under the PID Act and the *Public Records Act 2002*,¹⁹ Council will ensure that:

- accurate data is collected about the receipt and management of PIDs²⁰

¹⁸ *ibid* s 65.

¹⁹ See *Public Interest Disclosure Act 2010* (Qld) s 66. See also *Public Records Act 2002* s 7(1)(a).

²⁰ See *Public Interest Disclosure Act 2010* (Qld) s 29.

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- anonymised data is reported to the Office of the Queensland Ombudsman²¹ in their role as the oversight agency, through the PID reporting database.

The following details should be recorded about PIDs received by Council:

- the name of the discloser, if known
- the information disclosed
- any action taken on the PID
- any other information required by a standard issued under the PID Act.

If a Member of Parliament or other entity refers a PID to Council, the name of the MP or other entity must also be recorded.

If a PID was made orally, Council will ensure a written version of the PID is accepted as accurate by the discloser.

14. REPORTING

The PID coordinator will report on a quarterly basis to the EMT:

- The total number of PIDs received during the quarter
- How many PIDs were resolved and the nature of the resolved PIDs
- The length of time to resolve PIDs.

15. 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.

Corrupt Conduct: As defined within the *Crime and Corruption Act 2001*:²²

(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—

(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—

- (i) a unit of public administration; or
- (ii) a person holding an appointment; and

(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—

- (i) is not honest or is not impartial; or
- (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
- (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

(c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and

(d) would, if proved, be—

- (i) a criminal offence; or
- (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

(2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1)—

²¹ See *Public Interest Disclosure Standard No. 3/2019* Standard 3.2.

²² See *Crime and Corruption Act 2001* s 15.

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- (a) abuse of public office;
- (b) bribery, including bribery relating to an election;
- (c) extortion;
- (d) obtaining or offering a secret commission;
- (e) fraud;
- (f) stealing;
- (g) forgery;
- (h) perverting the course of justice;
- (i) an offence relating to an electoral donation;
- (j) loss of revenue of the State;
- (k) sedition;
- (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;
- (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;
- (n) illegal drug trafficking;
- (o) illegal gambling.

Detriment: includes

- (a) personal injury or prejudice to safety; and
- (b) property damage or loss; and
- (c) intimidation or harassment; and
- (d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and
- (e) financial loss; and
- (f) damage to reputation, including, for example, personal, professional or business reputation.

Discloser: a person who makes a disclosure in accordance with the PID Act.

Maladministration: As defined within the PID Act²³, maladministration is administrative action that—

- (a) was taken contrary to law; or
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory; or
- (c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or
- (d) was taken—
 - (i) for an improper purpose; or
 - (ii) on irrelevant grounds; or
 - (iii) having regard to irrelevant considerations; or
- (e) was an action for which reasons should have been given, but were not given; or
- (f) was based wholly or partly on a mistake of law or fact; or
- (g) was wrong.

Natural Justice: Natural justice applies to any decision that can affect the rights, interests or expectations of individuals in a direct or immediate way. Natural justice is at law a safeguard applying to an individual whose rights or interests are being affected. The rules of natural justice, which have been developed to ensure that decision-making is fair and reasonable, are: avoid bias; and give a fair hearing. Act only on the basis of logically probative evidence.

Organisational support: for the purposes of this procedure, organisational support means actions such as, but not limited to:

- providing moral and emotional support
- advising disclosers about agency resources available to handle any concerns they have as a result of making their disclosure

²³ See *Public Interest Disclosure Act 2010* (Qld) sch 4

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- appointing a mentor, confidante or other support officer to assist the discloser through the process
- referring the discloser to the agency's Employee Assistance Program or arranging for other professional counselling
- generating support for the discloser in their work unit where appropriate
- ensuring that any suspicions of victimisation or harassment are dealt with
- maintaining contact with the discloser
- negotiating with the discloser and their support officer a formal end to their involvement with the support program when it is agreed that they no longer need assistance.

Proper Authority: A person or organisation that is authorised under the PID Act to receive disclosures.

Public officer: A public officer, of a public agency, is an employee, member or officer of the entity.

Reprisal: The term 'reprisal' is defined within the PID Act²⁴ as causing, attempting to cause or conspiring to cause detriment to another person in the belief that they or someone else:

- has made or intends to make a disclosure; or
- has been or intends to be involved in a proceeding under the PID Act against any person.

Reprisal within the PID Act is a criminal offence and investigations may be undertaken by the Queensland Police Service.

Subject officer: An officer who is the subject of allegations of wrongdoing made in a PID.

16. RELATED DOCUMENTS AND REFERENCES

010-HR *Employee Code of Conduct* (MSC)

020-HR *Misconduct and Discipline* (MSC)

030-HR *Preventing Bullying and Harassment* (MSC)

040-HR *Grievance* (MSC)

Administrative Action Complaint Management Policy (MSC)

Councillor Code of Conduct (MSC)

Crime and Corruption Act 2001 (Qld)

Enterprise Risk Management Policy (MSC)

Local Government Act 2009 (Qld)

Ombudsman Act 2001 (Qld)

Public Interest Disclosure Act 2010 (Qld)

Public Interest Disclosure Policy (MSC)

Public Interest Disclosure Standard No. 1/2019 - PID Management Program

Public Interest Disclosure Standard No. 2/2019 - PID Assessing, Investigating and Dealing with PIDs

Public Interest Disclosure Standard No. 3/2019 - PID Recording and Reporting

Public Records Act 2002 (Qld)

Public Sector Ethics Act 1994 (Qld)

17. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this procedure and implement and approve appropriate changes. This procedure will be formally reviewed every 12 months (1 year) or as required by Council.

²⁴ *ibid* s 40

8.7 ASSET INSURANCE REVIEW**Date Prepared:** 18 June 2021**Author:** Manager Development and Governance**Attachments:** Nil**EXECUTIVE SUMMARY**

Council periodically reviews the extent to which it insures facilities and the associated insurance policies. This supports Council's sustainability and risk management processes.

An assessment of Council's insured facilities has recently been completed. This report provides an opportunity for Council to move to a self-insurance model for its' facilities.

RECOMMENDATION

That Council:

1. self-insures its facilities; and
2. places an equivalent amount to the typical annual premium into a self-insurance reserve.

BACKGROUND

Since 2014, Council has periodically reviewed its insured assets. In most cases, this has been undertaken as a cost reduction method while carefully mitigating risk so as not to increase Council's risk profile.

Initially Council reviewed the facilities insured and decided to reduce the number of lower risk facilities it insured. This has resulted in a small self-insurance reserve.

A further review has now been undertaken and it is now recommended that all facility assets are self-insured. The insurance premiums have been continuously increasing with minimal claims being made.

Financial Year	Premium Amount	% Increase
2019/20	\$286,993.23	(blank)
2020/21	\$303,493.48	5.75%
2021/22	\$335,076.26	10.40%

Given the claims history and the level of risk it is proposed that instead of paying this large premium Council holds this amount annually in a specific reserve to cover costs should a facility/facilities need to be repaired or replaced.

It is proposed that the other forms of insurance Council holds i.e. public liability, motor vehicle cover, professional indemnity, are maintained.

RISK IMPLICATIONS

Nil

Financial

Until sufficient reserves are built Council is at risk should a facility need replacing or repairing, however the risk profile based on historical data is low.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil, unless Council has an event that requires the replacement of a facility greater than the current balance of the self-insurance reserve.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Nil

8.8 ASSIGNMENT OF INTEREST - LEASE AT - MAREEBA AIRPORT AVIATION INDUSTRIAL PARK

Date Prepared: 28 June 2021

Author: Manager Development and Governance

Attachments: 1. Lease AT on SP325361 - Taikaka Pty Ltd [↓](#)

EXECUTIVE SUMMARY

This report seeks Council consent for the assignment of all interests in Lease AT located at Mareeba Airport Aviation Industrial Park held by Taikaka Pty Ltd (WR & R Blundell) described as Lease AT in Lot 20 RP748320 on SP325361 to Bradley Lionel Ballin.

RECOMMENDATION

That Council consents to the assignment of all interests in Lease AT located at Mareeba Airport Aviation Industrial Park held by Taikaka Pty Ltd, as assignors, Dealing Number 720710719 being Lease AT in Lot 20 RP748320 on SP325361, to Bradley Lionel Ballin, 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 contact from Taikaka Pty Ltd (Taikaka), the current holder of Lease AW at Mareeba Airport Aviation Industrial Park. Taikaka seeks Council consent to assign all of its interests in Lease AT to Bradley Lionel Ballin. 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 March 2021 with a further two (2) options of 10 years. The Lessee is in the process of constructing 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. As the proposed assignee is a person and not a company, Council does not require that this Guarantee and Indemnity transfer to the proposed assignee. It will be necessary for appropriate legal instruments to be prepared by the assignor for execution by Council and subsequent lodgement, by the assignor, on Title.

Assessment

On advice from its solicitors, Council does not require that new lessees or assignees, that are not a company or similar entity, to provide financial information to support their application to acquire lease tenure.

There are appropriate mechanisms within the lease and in law to protect Council's interests with regard to the financial and other responsibilities of a person who seeks to take up a lease at the Mareeba Airport Aviation Industrial Park.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Compliance with the terms of the lease relevant to clause 12 as relates to assignment of a lease interest.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

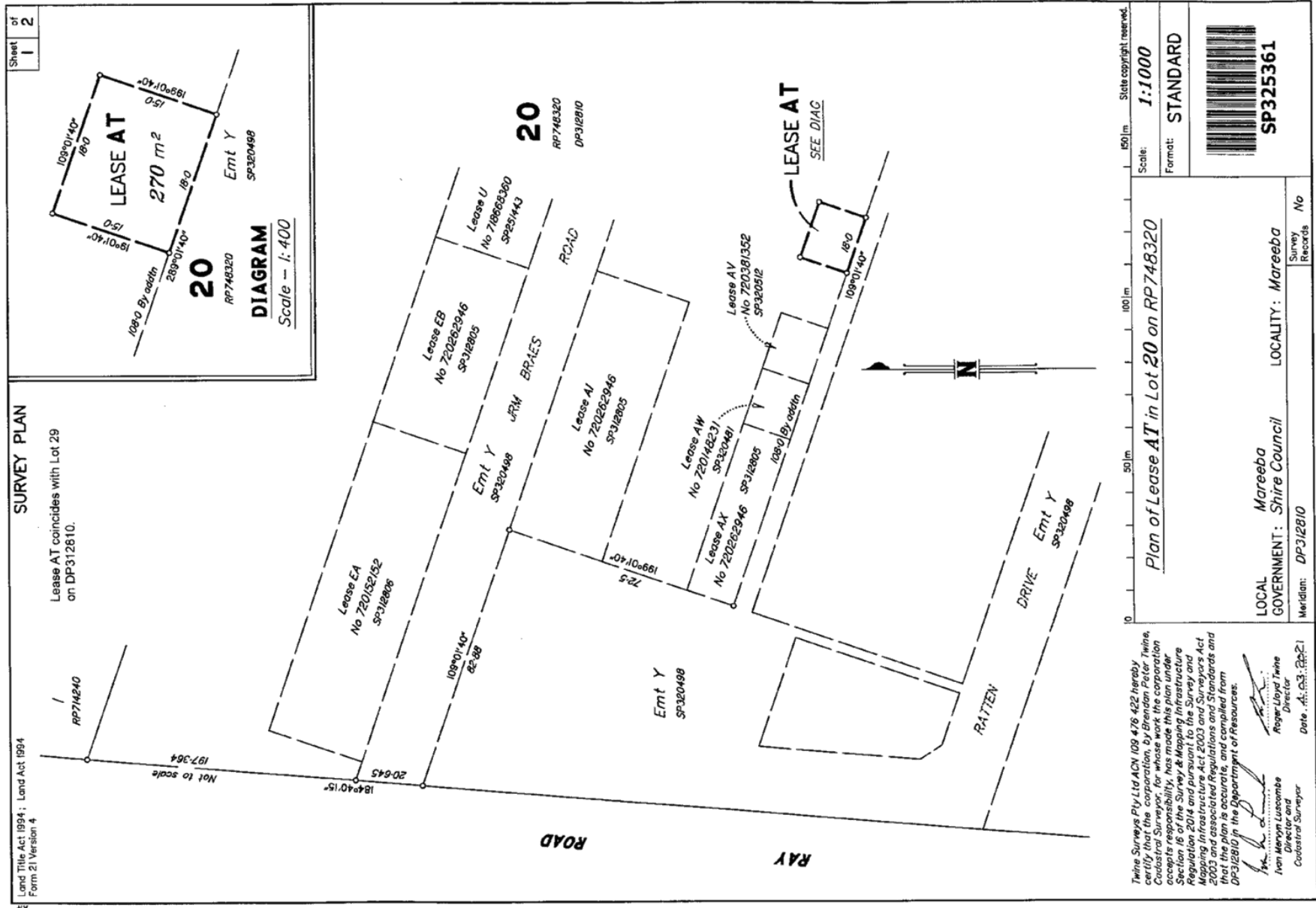
Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.


IMPLEMENTATION/COMMUNICATION

Resolution outcome to be communicated to the assignor.



Land Title Act 1994 ; Land Act 1994 Form 21B Version 2 <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> 720710691 EL 403 \$419.00 09/04/2021 11:38:37 <small>(Dealing No.)</small> </div>	WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.	Sheet 2 of 2
4. Lodged by Preston Law Level 1, 15 Spence Street Cairns QLD 4870 Tel: +61 7 4052 0700 Email: info@prestonlaw.com.au (include address, phone number, email, reference, and Lodger Code)	Lodger Code: 789	
1. Title Reference 21406126	Existing Description Lot 20 on RP748320	Created New Lots Road Secondary Interests Lease AT
Lease AT does not affect any other leases lodged or registered on C/T 21406126 as at 01-03-2021.		
2. Orig Grant Allocation : Dept File : Local Govt : Surveyor : 21/8556	Passed & Endorsed : By: <i>Twine Surveys Pty Ltd</i> Date: 21-03-2021 Signed: <i>[Signature]</i> Designation: <i>Cadastral Surveyor</i>	6. Building Format Plans only. I certify that: * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or roads. * Part of the building shown on this plan encroaches onto adjoining lots and road. Cadastral Surveyor/Director <input checked="" type="checkbox"/> delete words not required
3. References : Dept File : Local Govt : Surveyor : 21/8556	7. Lodgement Fees : Survey Deposit \$ Lodgement \$New Titles \$ Photocopy \$ Postage \$ TOTAL \$	8. Insert Plan Number SP325361

8.9 LOT 10 DA214 - BIG MITCHELL CREEK RESERVE

Date Prepared: 17 June 2021
Author: Senior Compliance Officer
Attachments: 1. [Aerial Imagery](#) 

EXECUTIVE SUMMARY

This report seeks approval for the issue to an adjoining landowner of a Trustee Lease over Lot 10 DA214 Big Mitchell Creek Reserve for Camping and Water ("the Reserve") to assist in effective management of the land.

RECOMMENDATION

That Council:

1. Approves the application of section 236(2) of the *Local Government Regulation 2012* to the disposal of Council's interest via grant of lease over the western portion of Lot 10 DA214 Reserve (Camping and Water); and
2. Approves the grant of a Trustee Lease over the western portion of Lot 10 DA214 Reserve (Camping and Water) for a term of ten (10) years to adjoining landowner Southedge Pastoral Co. Pty Ltd for a permitted use consistent with the gazetted purpose with all costs of Trustee Lease preparation, surveying of the land and title registration to be borne by Southedge Pastoral Co. Pty Ltd; and
3. Authorises Council's Chief Executive Officer to negotiate, finalise and execute the Trustee Lease over the western portion of Lot 10 DA214 on behalf Council in accordance with all requirements under the *Land Act 1994* (Qld); and
4. Approves the restriction on access to and use of the western portion of Lot 10 DA214 to activities as aligned with the gazetted reserve purpose pending finalisation and execution of the Trustee Lease; and
5. Approves, for progression during the term of the Trustee Lease, the initiation of an application by Council to the State under section 34 of the *Land Act 1994* for revocation of the western portion of Lot 10 DA214 Reserve (Camping and Water).

BACKGROUND

The Reserve (aerial image attached) is located to the north of Mareeba and is adjoined to the west by privately owned Lot 8 DA362 ("Lot 8"), within which is contained the large water body informally referred to as 'Quaid Dam'. Council is the Trustee of the Reserve, which holds a gazetted purpose of Camping and Water as aligned with reserve land for community purposes under Schedule 1 of the *Land Act 1994* (Qld) ("Land Act"). The Reserve existed specifically for the purpose of servicing the nearby stock route. Council holds responsibility for the management of the Reserve in alignment with the gazetted purpose.

Council has received two (2) informal expressions of interest seeking lease tenure over the Reserve—one from adjoining property owner Southedge Pastoral Co Pty Ltd ("Southedge") and a

second from a Julatten resident. Both parties have expressed interest in the use of the land for the purpose of grazing livestock.

Adjoining landowners

Lot 8 is privately owned by Southedge Pastoral Co Pty Ltd ("Southedge"). The Reserve is less extensively adjoined in the north-western corner by Lot 9 DA413—privately owned by Weymouth Pastoral Co Pty Ltd. The Reserve is dissected by the Mulligan Highway with the north-eastern section of the Reserve therefore adjoined by Lot 9 DA413—also privately owned by Weymouth Pastoral Co Pty Ltd. It is confirmed that Weymouth Pastoral Co. Pty Ltd and Southedge are affiliated entities under common ownership. The land most extensively surrounding the western portion of the Reserve is Lot 8. Therefore, the landowner most impacted by matters of access to the Reserve is Southedge.

Lease interest for effective immediate to short term land management

On 18 November 2020, Council resolved to consent to the lodgement of an application by adjoining landowner Southedge to the Department of Resources (DoR), for a grazing Term Lease tenure over the Reserve. On 19 May 2021, Council received notice of decision from DoR that the application for grazing Term Lease had been refused. The DoR identifies a Trustee Lease as a preferred alternative instrument of tenure.

The intended use of the land for grazing of livestock is consistent with Council's current policy position on the management of reserve lands in alignment with the gazetted reserve purpose. A Trustee Lease holds the further benefit to Council of discharging responsibility for the management of access to the Reserve to the Lessee under the terms of the lease.

Accordingly, a resolution of Council is now required under section 236 of the *Local Government Regulation 2012* (Qld) (LGR) to issue the lease and secondly, to restrict public access to the Reserve.

Revocation as a long term land management solution

Section 34 of the *Land Act 1994* (Land Act) provides that a person may apply for the revocation of the dedication of all or part of a reserve. Section 34F provides that once the revocation takes effect, the land becomes unallocated State land.

The process of revocation is potentially lengthy and would be largely be driven by the identified interested party. That party would be responsible for addressing any Native Title requirements, purchase price, stamp duty, application and other costs. Council's involvement could be limited to correspondence confirming its application to revoke its trusteeship of the Reserve subject to the sale or appointment of an alternative Trustee.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Legislation

Section 236(1)(c)(iv) of the LGR provides for exemptions from the requirement for disposal of a valuable non-current via tender or auction where, for disposal of land or an interest in land, the land is disposed of to a person who owns adjoining land.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Southedge and any other interested parties to be notified of Council resolution. Council to commence arrangements for preparation of a draft Trustee Lease instrument toward execution by the parties.



The Reserve located on the Mulligan Highway north of Mareeba

8.10 AGISTMENT PERMIT - LOT 520 NR6843 - ELLERY ROAD MAREEBA

Date Prepared: 17 June 2021
Author: Senior Compliance Officer
Attachments: 1. [Aerial Imagery](#) ↓

EXECUTIVE SUMMARY

This report seeks approval for the granting of a permit for agistment purposes over Lot 520 NR6843 Reserve for Park and Recreation, Ellery Road Mareeba ("the Reserve") as a fire mitigation measure.

RECOMMENDATION

That Council approves the issue of an agistment permit over Lot 520 NR6843 Reserve for Park and Recreation, Ellery Road Mareeba, to the adjoining property owner of Lot 2 RP735267, subject to provision of a fenced access corridor through the Reserve for continued public access to the Barron River and subject to all conditions and requirements under Council's *Use of Council Land of Agistment Purposes Policy*.

BACKGROUND

Council has received an informal expression of interest from the owner of Lot 2 RP735267, seeking the use of the Reserve. The terrain within the Reserve is steep and inaccessible from Ellery Road. The Reserve holds nil improvements upon the land other than minimal existing fencing in the lower riverine sections.

Reserve purpose and permitted use

The Reserve holds a gazetted purpose of Park and Recreation, which is a community purpose as defined under Schedule 1 of the *Land Act 1994* (Qld). The proposed activity of agistment of cattle upon the Reserve is therefore *inconsistent* with the gazetted purpose. Accordingly, approval for use of the Reserve for agistment purposes requires resolution of Council.

Public consultation

To determine the extent of current public use of the subject reserve and any objection or support for the proposal for the issue of an agistment permit, Council contacted all landowners in the vicinity of the Reserve to requesting their views. Based on the response there is support for the proposal as the objections were based primarily upon the potential loss of continued use of the Reserve for recreational purposes—to gain walking access to the Barron River. The lease will provide for ongoing public access to Barron River.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS**Capital**

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

All affected parties to be notified of resolution.



The subject reserve – Ellery Road Mareeba

8.11 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2021

Date Prepared: 5 July 2021
Author: Manager Finance
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2020 to 30 June 2021.

It should be noted that this Report does not present operational income and expenditure figures, and these will be presented to Council at its next meeting on 18 August 2021, due to financial year end and the number of processes that need to occur to finalise these figures.

RECOMMENDATION

That Council:

1. notes the financial report for the period ending 30 June 2021;
2. empanels the new contractor listed below to add to the Sole Supplier Register.

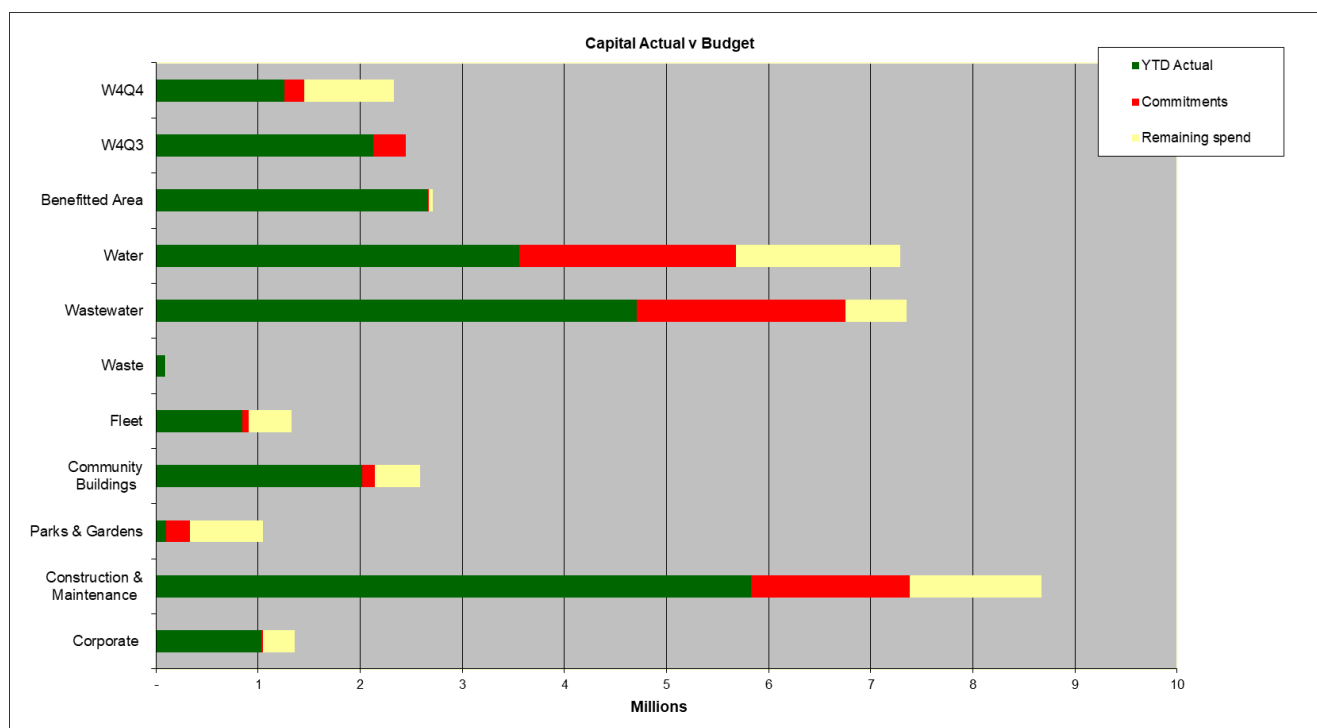
BACKGROUNDFinancial Summary

Due to financial year end and the number of processes that need to occur, the Budgeted Income Statement for the year ending 30 June 2021, will be presented to Council at its next meeting on 18 August 2021.

Work has commenced on preparing the financial statements and it is anticipated that the draft accounts will be completed by 11 August 2021 and presented to Audit Committee before external audit commences from 16 August 2021.

Capital Expenditure

Total capital expenditure of \$30,909,93 (including commitments) has been spent for the period ending 30 June 2021 against the 2020/21 adjusted annual capital budget of \$37,187,586. 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 \$6,031,837. The figures include the two (2) grants for Mason Street sewer main upgrade (\$2.2M) and Chillagoe Bore and water main construction (\$1.7) and LRCIP2 funding (\$638K) which Council was successful in securing.



Loan Borrowings

Council's loan balance is as follows:

QTC Loans \$7,620,990

Rates and Charges

The total rates and charges payable as at 30 June 2021 are \$2,095,004 which is broken down as follows:

Status	30 June 2021		30 June 2020	
	No. of properties	Amount	No. of properties	Amount
Valueless land	18	809,747	17	699,556
Payment Arrangement	83	65,956	97	151,350
Collection House	282	946,998	315	892,839
Exhausted – awaiting sale of land	10	181,749	10	131,554
Sale of Land	3	33,994	-	-
Other (includes current rates)	105	56,560	340	90,623
TOTAL	501	2,095,004	779	1,965,922

The Rate Notices for the period ending 30 June 2021 were issued on 22 February 2021 with total rates and charges amounting to \$18,400,680 and discount due date was 26 March 2021.

Collection House collected \$172,721 for the month of June 2021.

The auction for sale of land for overdue rates is set for 20 July 2021 at 10am.

Sundry Debtors

The total outstanding for Sundry Debtors as at 30 June 2021 is \$957,305 which is made up of the following:

Current	30 days	60 days	90 + days
\$455,313	\$258,108	\$220,135	\$23,749
48%	27%	23%	2%

Procurement

There were no emergency orders for the month.

Council's Procurement Policy prescribes the methods for purchasing goods and services.

In accordance with Section 235 of the *Local Government Regulation 2021* titled "Other exceptions", Council is able to empanel the contractors that Council deems to be a Sole Supplier if:

- a) Council resolves that, it is satisfied that there is only one (1) supplier who is reasonably available; or,
- b) Council resolved that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous to invite quotes or tenders.

There are currently 44 suppliers considered sole suppliers which have been endorsed by Council. Mareeba Community Housing Company (MCHC) is recommended to be endorsed by Council and added to the approved sole supplier register. MCHC has demonstrated the capability to manage housing and to use the assets strategically to develop responses in housing needs. MCHC has headquarters in Mareeba and is recognised by the Department of Communities, Housing and Digital Economy as a provider of compliant and quality services.

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 while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Nil

9 INFRASTRUCTURE SERVICES

9.1 EXPRESSION OF INTEREST EOI-MSC2021-02 OPERATION AND MANAGEMENT OF AQUATIC FACILITIES AND DIMBULAH CARAVAN PARK

Date Prepared: 12 July 2021

Author: Director Infrastructure Services

Attachments: Nil

EXECUTIVE SUMMARY

Council has invited Expressions of Interest (EOIs) from any prospective organisation or business to operate and manage these facilities, and three (3) responses were received.

The purpose of this report is to recommending short-listing of all three (3) respondents to provide written tenders for operation and management of Council's aquatic facilities and Dimbulah Caravan Park.

RECOMMENDATION

That Council invites all three (3) respondents to Expression of Interest EOI-MSC2021-02 Operation and Management of Aquatic Facilities and Dimbulah Caravan Park to provide written tenders.

BACKGROUND

The current leases to operate the Council's aquatic facilities and Dimbulah Caravan Park are due to expire in August 2021 with the current lessee, Cotters Aquatic Swim and Fitness.

To coincide with the post-winter re-opening of the facilities, Council has invited Expressions of Interest (EOIs) from any prospective organisation or business to operate and manage these facilities, due to commence on 1 September 2021.

Whilst Council retains the ability to offer or accept a request from the current Lessee, to extend the existing arrangement for the Mareeba and Kuranda Pools, as the Dimbulah Facilities were to be offered to the market, it was considered reasonable to assess the market interest for operation of all facilities.

Council resolved at its meeting on 19 May 2021 to invite EOIs under Section 228 (3) of the Local Government Regulation 2012 prior to inviting written tenders from short-listed respondents. The expression of interest process enables Council to evaluate the best method of providing service and value to the community before moving to a tender process.

As part of the EOI, Council sought information from respondents on:

1. Type of Commercial or Non-Commercial venture to be operated;
2. Proposed services and operations to be carried out by the applicant for the Facilities;
3. A proposed plan for the operation of the facilities and methods of maximising/increasing opportunities for facility use by the community and associated clubs.

EOIs closed on Friday, 25 June 2021 and three (3) responses were received:

- Jason and Donna Salecich (Keelwater Pty Ltd)

- Kevin Davies (Business name TBA)
- June and Sydney Cotter (Cotters Aquatic Swim & Fitness)

Based on the EOI responses, Council officers have assessed all three (3) respondents as having the necessary capability to operate and manage Council's pools and Dimbulah Caravan Park. It is proposed to invite the respondents to provide written tenders for Council's consideration.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

It is proposed to invite the respondents to provide written tenders for Council's consideration.

9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JUNE 2021

Date Prepared: 9 July 2021

Author: Director Infrastructure Services

Attachments:

1. **Capital Works Highlights - June 2021** [↓](#)
2. **Capital Works Summary - June 2021** [↓](#)

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 June 2021.

RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of June 2021.

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.

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 - June 2021



Project Name: Mareeba Pound Upgrade

Program: Community Buildings

Background

The existing Mareeba Pound has serviced the community as both Council's animal impoundment facility and animal refuge. A condition inspection identified that the structure has reached the end of its functional use and a new facility is needed. Funded through the Queensland Government's Works for Queensland Program, the project will provide for a modern facility that meets current standards for health and safety and animal welfare.

Scope of Works

The project provides for the construction of a dual-purpose facility capable of supporting both impoundment requirements of Council and an animal refuge/kennel. The scope of works for the project incorporates construction of a new building to the north of the current pound with associated fencing and roadworks. The existing facilities will be demolished at the completion of the new works.

Progress Update

External works, including northern dog and cat runs are now complete with turf also installed. Electrical and mechanical, internal fit out of cabinetry and vinyl sheet flooring are now complete. The last of the steel cages were programmed to be completed by the end of June, however lockdowns in Townsville resulted in delays to galvanising of the cages. Practical completion by the builder is now programmed for 26 July, after which time Council will complete the roadworks. An extension under Works for Queensland has been approved to 31 August 2021.



External works to the northern side including cat and dog runs



Internal kitchen fit-out with vinyl sheet flooring

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Cedric Davies Community Hub

Program: Community Buildings

Background

Council is redeveloping the former Mareeba Bowls Club site to provide a new library, community hall, bowls clubhouse and covered bowling green in a combined facility to be named Cedric Davies Community Hub.

Funding has been received under the Queensland Government's Local Government Grants and Subsidies Program and Works for Queensland Program, in addition to the Australian Government's Local Roads and Community Infrastructure Program.

Scope of Works

The scope of works includes modifications to the main building and construction of a new clubhouse and synthetic covered bowling green with the project being delivered over three (3) stages.

The first and second stages of the project involved the design and construction of an improved Bowls Clubhouse Facility and the replacement of one (1) existing lawn green with an undercover synthetic equivalent. This work was completed in late 2020.

The third stage of the project involves 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.

Progress Update

Stage 3 of the project commenced in January 2021, with all works now completed. All refurbishment works were completed in the first week of June, with a final walk through with contractor and architectural consultants undertaken early June with minor omissions and defects identified. The building contractor has addressed most of these, and all items are expected to be addressed by mid July. RFID security gates are programmed to be installed early July and the relocation of old Library will commence from the end of July.



Completed signage to front of building



Library catalogue area

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Mareeba Leagues Club roof renewal works

Program: Community Buildings

Background

Located at Doyle street Mareeba, the Mareeba Leagues Club has serviced the community for the past 27 years. A condition inspection identified that the roof covering for the Leagues club roof and the Grandstand roof had severely deteriorated, allowing ingress of water into the buildings.

Scope of Works

Partial replacement of the metal roof sheeting and associated flashings for the purpose of sealing to make the building watertight.

Progress Update

Council invited tenders from suitably qualified and experienced contractors to undertake the renewal of the roof coverings which closed on 11 January 2021. The Tender sought submissions for a lump sum price to renew the Leagues Club roof as well as a provisional lump sum to replace the Grandstand roof. Due to budget constraints for the project, the scope was reduced to only include one half of the Leagues club roof. The section identified for renewal houses the mechanical plant and has predominantly been the section of roof that has been the most affected by water ingress.

Works for the partial roof replacement commenced following the wet season and is now complete. The works were conducted in a professional and timely manner with no restrictions experienced to the business of the Mareeba Leagues Club. No ingress of water has been detected since the roof renewal works were completed.



Completed works seen from a drone perspective

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Mason Street Sewer Duplication Project

Program: Wastewater

Background

There are several trunk gravity sewerage mains in the Granite Creek Sewer Pump Station (SPS) catchment. The catchment west of Railway Avenue (and James Street) and east of Granite Creek is served by a trunk gravity main that runs along Basalt Gully for most of its length. It has a number of incoming lines that includes the Mason Street gravity sewer main that serves the catchment south of Basalt Street, east of Basalt Gully and north of the future Mareeba Connection Road. In recent years, Council has experienced sewage surcharges (overflows) from two (2) maintenance holes on Mason Street gravity sewer main during wet weather events.

Council has received funding from Queensland Reconstruction Authority (QRA) under the Local Economic Recovery (LER) Program for the Mason Street Sewer Main Upgrade Project.

Scope of Works

A new gravity sewer main will be constructed from the road reserve behind Owens Street through the vacant land and east of Mareeba Cemetery continuing north along Mason Street to Granite Creek Pump Station. Due to the complexity of the project, the project scope was split in two (2) phases. Phase 1 (current project) comprises the sewer main section south of Rankin Street and will temporarily discharge into the existing trunk sewer main which runs parallel to Basalt Gully, north of Rankin Street. Phase 2 will be undertaken as a future project to continue north and connect to Granite Creek Pump Station.

Progress Update

Construction works are to commence 11 May from the recently constructed manhole on Strattmann Street. The next section of the Mason Street sewer duplication project will commence from this manhole back toward Costin Street and it is completed except for the road crossing.

A section of new sewer main has been installed (as in the photo below) the under-rail line between Morrow and Perkins Streets. Works will now be concentrated through the road corridor adjacent to the Pioneer Cemetery through to the connection point on the existing sewer main behind properties along Owens Street.



Excavation works to install the section of sewer main under the rail line

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Hilltop Close Booster Station and Pipeline Project

Program: Water

Background

The Warril Drive area of Kuranda is supplied with water via an existing pump station at the bottom of Warril Drive, where water is reticulated to residences along the remainder of Warril Drive, Hope Close, Punch Close and Hilltop Close. A reservoir on top of Hilltop Close provides balancing storage for periods of low use and as a backup for firefighting purposes.

A dedicated rising water main is to be constructed, from the existing pump station to the reservoir to prevent pressure fluctuations caused by the existing pumps when filling the reservoir.

Scope of Works

The scope of works includes supply and installation of new pipeline, alterations and cut-ins to existing water network, supply and installation of a new booster pump station structure and associated internal asset construction and installation and associated electrical and SCADA works.

Progress Update

Works commenced with the under boring section from Warril Drive to Hilltop Close and installation of pipe work. The booster station concrete slab was poured on 7 May, which will house the booster pump set, electrical switchboard comprising system controls and telemetry and emergency generator power supply. Construction of the pump shed now completed along with standby generator installation and electrical connections.

The new booster pump set has arrived and will be installed by mid-July allowing for connection of the remaining pipe work and associated fittings.



Booster station shed and standby generator

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Speewah Road Pavement Rehabilitation

Program: Rural Roads

Background

Speewah Road provides access to the rural community of Speewah. Due to the growing volumes of traffic, there was a need to undertake pavement rehabilitation works and improvement works to bus facilities on Speewah Road. This project was funded under Phase 1 of the Australian Government's Local Roads and Community Infrastructure Program.

Scope of Works

The scope of works included the rehabilitation and widening of the bitumen formation to create a bus turnaround and the replacement of the existing bus shelter and driveways.

Progress Update

Construction works for this project commenced in early May 2021 and were finalised in late June, with the exception of line marking which was not able to be completed due to the on-going wet weather. Line marking will be reprogrammed for early July, weather permitting.



Bus shelter slab



Completed unsealed pavement



Completed sealed pavement



Completed bus shelter

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Renew Major Culvert Pin Road, Mutchilba

Program: Bridges

Background

The purpose of the project was to undertake repairs works of the causeway over the Walsh River on Pin Road, Mutchilba to ensure continued safe access for traffic. This project was funded under Phase 1 of the Australian Government’s Local Roads and Community Infrastructure Program.

Scope of Works

The scope of works included the removal and replacement of cracked and damaged topping slabs, reinstate washed out backfill, repair broken northern headwall and install new southern headwall.

Progress Update

Works commenced late May 2021 and were completed early June with the road re-opening to traffic on Friday 4 June.



South western end of culvert (before)



South western end of culvert (after)

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Amaroo Development Drainage Improvements Stage 1

Program: Drainage

Background

Much of the stormwater from the residential areas in the eastern area of Mareeba flows into natural gullies located within drainage reserves, before discharging into the Barron River. Council is undertaking staged drainage improvement works to reshape these drains and install concrete bases to improve accessibility for maintenance and reduce ponding of water.

This project was funded under Phase 1 of the Australian Government's Local Roads and Community Infrastructure Program.

Scope of Works

The scope of works included the construction of a concrete invert drain within the drainage reserve at the Amaroo Development between Emerald End Road and Karobean Drive.

Progress Update

Works commenced on 14 June and were completed on 25 June. The invert drain is 253m long and 2m wide. During the project, a temporary sump was installed at a storm water outlet at Ch 120 to allow the drain below the outlet to dry out so construction could continue.



Construction of concrete invert

Infrastructure Services Capital Works Report Project Highlights - June 2021



Project Name: Oakey Creek Bridge, Hodzic Road - Girder Replacement

Program: Bridges

Background

The existing timber bridge over Oakey Creek on Hodzic Road, Bibbohra provides access to rural properties and forestry reserve on the western side of Oakey Creek. A routine bridge inspection identified that several timber girders were in poor to very poor condition and required replacement.

This project was funded under Phase 1 of the Australian Government's Local Roads and Community Infrastructure Program.

Scope of Works

The scope of works included the construction of a side-track and the removal and replacement of four (4) failing bridge girders.

Progress Update

The bridge rehabilitation works were undertaken by Council's bridge crew and commenced on 4 June. A side-track was installed to allow for traffic movement whilst the bridge was out of commission. The change out of the girders was completed and the bridge was reopened to traffic on 18 June 2021.



Side-track construction



Girder removal



Girder replacement



Completed bridge works

Infrastructure Services Capital Works Summary Report - June 2021

Project Description	Project Stage	Progress Comment
Program: 01 Rural and Urban Roads Reseal Program (Renewal)		
2020/21 Reseal & Asphalt Program	Construction	Line marking programmed for August 2021. The roundabout at Chewko/Rankin intersection will be overlaid during the September school holidays due to contractor unavailability in June.
Program: 02 Gravel Resheet		
2019/20 Gravel Resheet	Construction	Re-sheeting works programmed for Hurricane and Strathleven Roads.
2020/21 Gravel Resheet	Not Commenced	All council's construction resources have been engaged in projects where grant finding dictates that works must be completed by 30/06/2021. Given this, the remaining funds in the 2020/21 Gravel Resheet budget will be rolled over to the 2021/22 financial year.
Program: 04 Rural Roads		
TIDS Euluma Creek Road, Julatten - Rehabilitate and widen Ch. 5.565 - 6.343	Construction	Programmed for September/October 2021.
R2R Wolfram Road, Dimbulah - Priority Sections Safety widening - Stage 1 and 2	Completed	Project complete May 2021. Minor cost overruns due to greater sealing costs than expected, wet weather and additional drainage works carried out in the next section.
LRCIP - Speewah Road, Speewah - Rehabilitate pavement: Ch. 0.345 to 0.5 and refurbish bus shelter	Completed	Practical completion achieved 24 June 2021. Line marking reprogrammed for early July, weather permitting.
DRFA Betterment Co-contribution	Construction	Shanty Ck Rd Causeway - construction to commence in July 2021. Fossilbrook Rd Causeway - contractor providing project documentation for review, possible start August 2021.
Fallon Road, Kuranda - Rehabilitate Pavement, Ch 0.874 - 0.948	Planning	Geotechnical Report received, pipe inspection to be carried out to assess potential damage from 2021 DRFA Event.
Program: 05 Bridges		
LRCIP Hodzic Road, Oakey Creek, Bibohra - Replace girders	Completed	Project completed June 2021
LRCIP Renew Major Culvert, Pin Road Mutchilba	Completed	Project completed June 2021
Hales Siding Road Timber Bridge Replacement	Construction	Programmed for July to October 2021
Kanervo Road - Replace Timber Bridge over Davies Creek	Procurement	Programmed December 2021 to April 2022
Program: 06 Drainage		
2020/21 Minor Culvert Renewal Program	Procurement	Replacing culvert at entrance to Mareeba Cemetery. Six (6) to eight (8) week lead time for concrete pipes.
LRCIP Amaroo Drainage Improvement - Stage 1 of 3	Completed	Works commenced late May 2021 and completed late June 2021.
Program: 08 Parking		
TTC - Railway Avenue, Mareeba - New Carpark	Completed	Project completed June 2021.
Program: 09 Footpaths		
Footpath Renewal (All localities)	Construction	Further footpath works are yet to be programmed.
STIP - Mt Molloy Footpath - Replace 430m	Construction	The path has reached the Fraser Road pedestrian crossing and construction work has ceased until later in the first half of the new financial year.
Program: 10 Parks and Gardens		
Shire Beautification Program	Construction	Vegetation management at the Granite Creek end of the Bicentennial Lakes was completed late May.
Kuranda CBD Renew Irrigation & Planting	Construction	Ongoing. This budget is used on an 'as required basis' for the continual upgrade of irrigation and plants in Coondoo Street.
Bi-Centennial Lakes - seed funding	Not Applicable	No grants identified as yet.
Mt Molloy Centre Islands, Replace irrigation and kerbing	Construction	Concrete and irrigation work complete. Garden plantings will be covered by underspends on other capital works projects.
Centenary Park Upgrade - Mareeba	Procurement	Play equipment suppliers Urban Play have advised that the installation of the play equipment will commence 12 July 2021. An extension has been sought from W4Q3 and Council are yet to be advised of the outcome.
LCRIP2 Shire-wide Park, Open spaces and Facility Upgrades	Planning	Projects to be determined in conjunction with development of the Parks and Open Spaces Strategy.
Program: 11 Water		
Chillagoe - Replace existing water reservoirs	Completed	Completed June 2021
Hilltop Close, Kuranda - New water main and booster	Construction	New booster pump has arrived and will be installed mid-July 2021.

Infrastructure Services Capital Works Summary Report - June 2021

Project Description	Project Stage	Progress Comment
Kuranda Water Treatment Plant - Replace backwash blowers	Completed	Blowers commissioned and operating May 2021.
Kuranda Water Treatment Plant - Replace clarifier bridge scraper	Completed	Completed May 2021.
SCADA Cybersecurity Upgrade	Completed	Project closed out 30 June
Mareeba and Kuranda WTP - Staged start-up of raw water pumps upgrade	Design	City Water Technology working on this project have attended site to commence planning for upgrades. Report due in new financial year.
Mareeba Water Treatment Plant - Based on a successful trial of new turbidity meters, implement automated backwash on high turbidity	Design	Works done in conjunction with City Water Technology and final report due end of August.
Mareeba, Kuranda and Dimbulah Water Treatment Plants - Replace chlorine analysers	Procurement	Delays due to unavailability of analysers due to COVID.
Mareeba Water Treatment Plant - filter 3 Install dedicated backwash pumps and reconfigure wash water feed pipes	Design	Project pending outcome of grant application for new filter block.
Chillagoe Water Treatment Plant - Install conductivity meter on raw water transfer line, trend conductivity on SCADA	Construction	New equipment was installed but there is a technical issue with the equipment and a replacement probe is pending installation.
Install a static mixer and injection quill for ACH dosing - Kuranda	Completed	Equipment on site and installed late June 2021.
Rankin Street West - Water main replacement and upgrade	Completed	Completed May 2021.
Kuranda Water Treatment Plant - Overhaul Sedimentation Tank	Completed	Completed May 2021.
Telemetry/SCADA Upgrades	Completed	Completed June 2021.
Valve Replacement Program (Reticulation)	Completed	Completed June 2021.
Mareeba Water Treatment Plant - Coagulation mixing renewal	Completed	Completed June 2021.
Mareeba Water Treatment Plant - Clarifier condition assessment	Completed	Report received, confirming clarifiers are in sound condition with a long remaining life.
Mareeba Water Treatment Plant - Optimise clarifier performance upgrade	Completed	Tank assessment report received, no issues identified.
Mareeba Water Treatment Plant - Backwash operation renewal	Design	City Water Technology working on a report, delays experienced due to COVID, report is expected August 2021.
Hydrants Renewal Program	Completed	Work completed in conjunction with the hydrant maintenance program.
Fraser Road Mt Molloy Water Main Upgrade	Completed	Project completed May 2021 following minor reinstatement works.
LER / LRCIP2 Chillagoe Bore & Water Main Construction	Construction	Pre-start meeting held, works programmed to commenced mid July 2021.
Program: 12 Wastewater		
2019/20 Mareeba Sewer CCTV & Relining Program	Completed	Completed June 2021.
Minor sewerage station H2S protection	Completed	Completed May 2021.
Telemetry/SCADA Upgrades	Completed	Completed May 2021.
2 x New standby generators for 2 priority pump stations	Completed	Completed May 2021.
2020/21 Mareeba Sewer CCTV & Relining Program	Completed	Completed June 2021.
2020/21 Manhole Rehabilitation and Replacement Program	Construction	Project progressing well with work approximately 50% complete.
Replace KSTP Bioreactor Aeration Diffusers	Completed	Project completed May 2021 and closed out June 2021.
Kuranda Wastewater Treatment Plant - Replace SMBS Dosing Pumps	Completed	Completed June 2021.
Mareeba Wastewater Treatment Plant - Aeration diffusers replacement (every 5 years)	Construction	Equipment ordered, long lead time on delivery as the ordered goods come from the USA.
Renew Mareeba and Kuranda Wastewater Reticulation Pumps	Completed	Completed June 2021.
SCADA Cybersecurity Upgrade	Completed	Completed June 2021.
LER - Mason Street Sewer Main Upgrade	Construction	Project works progressing well despite ground water inundating the excavation works.
Program: 15 Fleet		

Infrastructure Services Capital Works Summary Report - June 2021

Project Description	Project Stage	Progress Comment
GPS Vehicle Management System	Planning	Procurement to commence in August.
Replace Unit 625 Mitsubishi Truck	Construction	Delivery delayed to July 2021 due to delays with fabrication of body.
Replace Isuzu Prime Mover Unit 681	Completed	Prime mover delivered later June 2021.
Replace Unit 5432 Sewerage Jet Rodder trailer with a hydro vac truck	Procurement	Monitoring Auctions and well procure when suitable plant identified.
Program: 16 Depots and Council Offices		
Kuranda Depot Install hardstand and improve drainage	Completed	Completed June 2021.
Program: 17 Community Buildings		
Cedric Davies Community Hub	Construction	Defect Inspection completed and defect close out underway. Young Readers area Mural to be painted July, with opening to the public in early August.
Koah Tennis Court - Remove/replace the unstable timber light poles	Not Commenced	Application by Koah Community Group to build a large undercover facility has been received. Lighting project on hold awaiting outcome of this proposal.
Toilet Facility Refurbishments	Completed	Completed June 2021.
Mareeba, Dimbulah and Kuranda Aquatic Facilities - Remote monitoring upgrade for all swimming pools	Construction	Contractor delays due to COVID with August install now anticipated.
Mareeba Leagues Club roof repairs	Completed	Completed June 2021.
Program: 18 Non-Infrastructure Items		
Kuranda New Cemetery	Planning	Design consultant engaged to prepare masterplan for new cemetery, which is programmed to be finalised by late 2021.
DRFA Flood Warning Infrastructure Network MbaSC.0016.1819E.FWI - River Gauge (Biboohra)	Procurement	Tenders received and evaluation completed. Awaiting responses to post-tender clarifications before awarding the contract.
DRFA Flood Warning Infrastructure Network MbaSC.0018.1819E.FWI - Rain Gauge (7 locations)	Procurement	Tenders received and evaluation completed. Awaiting responses to post-tender clarifications before awarding the contract.
Program: 20 KIAC		
KIAC - Barron Falls Walking Track Phase 2	Completed	QPWS advise National Park section opened to the public 1 June 2021.
KIAC - New Wayfinding Signage	Construction	Minor issues identified with some products supplied, discussions with supplier are ongoing.
KIAC - Jum Rum Creek Walking Track Rehabilitation	Completed	Completed June 2021.
KIAC - Jungle Walking Track Rehabilitation	Completed	Completed June 2021.
Program: 23 W4Q3 - Works for Queensland 3		
W4Q3 Lerra Street Kerb & Drain Improvements	Completed	Completed May 2021.
W4Q3 Footpath Renewal All localities	Completed	Completed May 2021.
W4Q3 Mareeba Pound Upgrade Pound/Facility	Construction	Building works substantially complete with practical completion anticipated 26 July. Road works to be completed by early August. Extension to grant program to 31 August 2021 has been approved.
W4Q3 Rankin Street Office Air-conditioning Replacement and Refurbishment	Completed	Completed June 2021.
Program: 24 W4Q4 - Works for Queensland 4		
W4Q4 Bicentennial Lakes Solar Lighting	Construction	Solar lights are due at Kowa Street depot week of 5 July. Extension to grant program to 31 July 2021 has been approved. Lights will be installed and commissioned by end of July.
W4Q4 Dimbulah Hall replace linoleum flooring	Completed	New roller shutter installed but lock to be fitted and kitchen is operation. Small amount of works to be completed to the splashback.
W4Q4 Riverside Caravan Park refurbish shower amenity block	Planning	Inspection identified full replacement of building needed which cannot be achieved within available funding or timeframes. Propose deferral of project.
W4Q4 Dimbulah Caravan Park refurbish dongas and front office facilities	Completed	Completed June 2021.
W4Q4 Dimbulah Swimming Pool refurbish kiosk	Completed	Completed June 2021. New roller doors and shutters installed but the wrong locking mechanism installed. Supplier will need to replace the units when they arrive in 4 weeks.
W4Q4 Refurbish Kuranda Recreation Centre Hunter Park	Construction	Building contractor commenced late June. Extension to grant program to 31 July 2021 has been sought to enable works to be completed by late July.
W4Q4 Dimbulah Hall and Shire Hall Park electrical capacity upgrade	Completed	Completed May 2021.

Infrastructure Services Capital Works Summary Report - June 2021

Project Description	Project Stage	Progress Comment
W4Q4 Dimbulah Swimming Pool Solar	Completed	Completed May 2021.
W4Q4 Mareeba WWTP Solar	Completed	Completed May 2021.
W4Q4 Mareeba Swimming Pool Solar	Completed	Completed February 2021.
W4Q4 Mareeba Water Treatment Plant Solar	Completed	Completed June 2021.
W4Q4 Kuranda Water Treatment Plant Solar	Completed	Completed May 2021.
W4Q4 Community Hub Solar	Completed	Completed June 2021.
W4Q4 Centenary Booster Pump Solar	Construction	New concrete path has been constructed to the perimeter of the shed. Awaiting the installation of the new playground to finalise the path on the north edge. Extension to grant program to 31 July 2021 has been approved.
W4Q4 Mt Molloy Community Hall Refurbishments	Completed	Completed May 2021.
W4Q4 Arnold Park Toilet Upgrade	Completed	Completed June 2021.
W4Q4 Rankin Street Public Disability Toilet	Completed	Completed June 2021.

9.3 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 29 JUNE 2021

Date Prepared: 12 July 2021

Author: Director Infrastructure Services

Attachments: 1. **Minutes of the Traffic Advisory Committee Meeting held 29 June 2021**
[↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to present the Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 29 June 2021.

RECOMMENDATION

That Council:

1. receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 29 June 2021; and
2. accepts the Traffic Advisory Committee's letter of support endorsing Council's application for grant funding under the Black Spot Program for the upgrade of the Herberton / Constance streets.

BACKGROUND

The Traffic Advisory Committee (TAC) is an advisory committee to Council under Section 265 of the *Local Government Regulation 2012*. The TAC provides information and advice to Council regarding traffic, road and transport matters.

RISK IMPLICATIONS**Financial**

There are ongoing costs associated with investigation of traffic matters to ensure a safe road environment for our community. In most cases, any safety improvements on Council roads determined from these investigations will be funded from operational budgets or referred for consideration in future capital budget deliberations.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS**Capital**

Nil

Operating

Internal resources for investigation and follow up actions.

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.

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



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**MINUTES
 TRAFFIC ADVISORY COMMITTEE**

Tuesday 29 June 2021
 Commenced at 11:05am

Members Present:

Derek Garner	Queensland Police (QPS) - Senior Sergeant
John Ridgway	Queensland Police (QPS) - Sergeant
David Hamilton	Transport & Main Roads (Operations)
Kevin Davies (Chairperson)	Mareeba Shire Council (MSC) - Councillor
Sam Wakeford	Mareeba Shire Council (MSC) - Manager Technical Services
Glenda Kirk	Mareeba Shire Council (MSC) - Director Infrastructure Services
Marjorie Anthony	Mareeba Shire Council (MSC) - Secretariat

Non-Members Present:

Lucy Borland-Sentinella	Transport & Main Roads (Traffic Engineer)
Marita Stecko	Transport & Main Roads (Safety Division)
Sam Musumeci	Mareeba Chamber of Commerce
Angela Toppin	Mareeba Shire Council (MSC) - Mayor
Mario Mlikota	Mareeba Shire Council (MSC) - Councillor

1. WELCOME

Meeting opened by the Chair at 11:05am welcoming all and thanking everyone for their participation.

APOLOGIES

Graeme Nielsen	Transport & Main Roads (Grants & LGG)
Lenore Wyatt	Mareeba Shire Council (MSC) - Councillor

2. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held 3 March 2021 received as true and correct.

Moved by John Ridgway

Seconded by David Hamilton

3. BUSINESS ARISING FROM PREVIOUS MINUTES

- a) Pending Action Item List
 - Refer to attached
- b) Barron River Bridge, Kuranda - Weight Restrictions
 - TMR continues to carry out investigations, testing and repairs to better understand the issues ensuring the bridge can remain open to traffic
 - Consultant engaged by TMR propose to submit a technical report on the investigation into the condition of the bridge late October 2021
 - At this time there is no change to load limit and single lane closure will remain in place until such time as the technical report has been reviewed and considered

Derek Garner attended the meeting at 11:08am

- c) Byrnes Street Mareeba CBD - Request for bigger signage 'Through traffic keep right'
- Town Entry Treatments (TETs) installed in the Mareeba area, comments received that the visual red pavement marking appears to have slowed traffic
 - Concerns raised again with regard to heavy vehicles travelling south using left lane along Brynes Street
 - TMR investigating the option of installing bigger signage and/or road marking of "Through traffic keep right" on carriageway
- d) Byrnes Street Mareeba Intersections - Visibility Issue
- a. Herberton Street (Mobil Service Station)
- Visibility check completed by MSC identifying the new signage at the intersection of Byrnes / Herberton Streets is not an issue under the current guidelines.
 - TMR confirms it meets SISD (Safe Intersection Sight Distance) requirements however will look to relocate STOP hold line to improve sight line
- b. Basalt Street
- Visibility check completed by MSC at the intersection Byrnes / Basalt Streets identifying the blade signage will potentially interfere with the sight line when business advertising signage at the bottom of the sign are installed in future. MSC advised when the Basalt Street stop hold line was reinstated by TMR after reseal works, the line was put back almost 5m from its original position.
 - TMR advise location of the advertising signage currently meets the SISD guidelines; however, the installation of additional blades in the future will interfere with the line of sight.
 - TMR to investigate options on improving visibility including the relocation of the STOP hold line and installation of a blister island.

ACTION REQUIRED: TMR to investigate relocation of STOP hold line at both intersections and explore further options for the Basalt / Kowa Street intersection

- e) Kennedy Highway (Cairns-Mareeba) - TMR Night Audit
- Lighting at Emerald Creek Service Station on the Kennedy Highway remains an issue for drivers travelling west toward Mareeba at night. The large bright light is located on the pole near the fuel pricing signage / Telstra phone box on the Mareeba side of the Service Station.
 - Angle of light adjusted at Emerald Creek Service Station and is no longer an issue for drivers
 - TMR to undertake a night audit following the recent upgrade works

ACTION REQUIRED: TMR to undertake night audit providing the committee with feedback on the outcome

- f) Pedestrian Crossings - Byrnes Street, Mareeba
- TMR advise progress of road safety upgrade works identified for Byrnes Street.
 - Works include substantial changes to the pedestrian crossing arrangements and the installation of staggered "raised pedestrian facilities" (technically not wombat crossings) at multiple locations.
 - Works are funded under the Federal Road Safety Stimulus Package 2020/21 and are programmed for completion by 30 June 2021.
 - Mareeba Chamber raised concerns regarding the height and taper of the raised pedestrian facilities suggesting they need to be lower
 - Details of measurements provided by RoadTek confirm crossings constructed in accordance with construction plans; TMR initially advised height of 100mm and taper designed for heavy vehicles; TMR to review and advise as current height is greater than 100mm in most cases.
 - Hort Street "raised pedestrian facility" extended beyond initial design impacting on additional car parking space; MSC preference is to mill out rather than further extend any more tapers

- Lloyd Street "raised pedestrian facility" - issues with B-Doubles travelling from the north obstructing the roundabout is queued for pedestrians
- Mareeba Chamber raised concerns about the volume of traffic on Byrnes Street due to the time it takes to travel Byrnes Street;
- MSC identified an increase of traffic on local roads around Byrnes Street; traffic counters deployed on local roads to establish increase
- The Post Office crossing facility is a fully signalised crossing
- Post Office crossing will be closed for approximately 2 weeks to undertake works, no temporary crossing will be installed during works
- MSC requests surrounding businesses be provided ample notification before works commence; TMR to release COMMS

ACTION REQUIRED: Following this meeting TMR to inspect height of the raised pedestrian facilities

- g) School Crossing Request - St Stephen's Catholic College (SSCC), Mclver Road, Mareeba
- St Stephen's Catholic College requested a school crossing be installed on Mclver Road located near the intersection of Cater Road.
 - TMR investigating request, conducting a pedestrian count prior to Easter with a second count carried out after the Easter School holidays.
 - MSC advised upgrade works over the coming years were planned to upgrade and undertake rehabilitation of Mclver Road; if there is a need for a school crossing, installation could be included at that time with possible STIP (School Transport Infrastructure Program) funding being sought in 2021/22 FY.
 - Investigation completed by TMR (Safety Division); however, TMR do not fund crossings for High Schools; approval to train teacher aids at the school to operate the potential crossing can be sought
 - SSCC will be provided road safety education material by TMR (Safety Division) to assist the school in educating parents and students on appropriate use of loading zones on Mclver Road
- h) Herberton / Petford Road (Irvinebank-Herberton) - Request for flood marker on second causeway
- Resident/s at a recent Irvinebank Meeting advised recent rains highlighted the need for a flood marker on the second causeway.
 - Request forwarded to TMR seeking the installation of a flood marker
 - MSC to undertake installation under RMPC once approved by TMR

ACTION REQUIRED: The installation of a flood marker on the second causeway going from Irvinebank to Herberton to be listed under the RMPC works by MSC once approved by TMR

4. NEW REQUESTS / CORRESPONDENCE

- a) Queensland Police Service - Basalt / Kennedy Streets intersection visibility
- Following a recent fatal traffic crash investigation, QPS advised a risk was identified where a large tree on the corner of Basalt / Kennedy Streets was a potential obstruction of the GIVE WAY sign.
 - MSC inspected, removing the tree on 22 April 2021. No further action required.
- b) Mareeba Heritage Centre - Request for improvements - entry / exit to Visitor Information Carpark
- Letter of request acknowledged by TMR advising safety upgrades on Byrnes Street near the Centenary Park are currently unfunded and will be prioritised against other safety projects.
 - TMR working jointly with MSC on possible options
- c) Mareeba-Dimbulah / Carman Road Intersection - Request for improvements - Road alignment / signage

- Council investigations undertaken identifying line marking and signage proposed for Council controlled road. Concept plan forwarded to TMR for information when assessing options of intersection management on the Mareeba-Dimbulah Road.
 - TMR and MSC will work together on this matter.
- d) Mareeba Chamber of Commerce - Request for regulatory speed signage on Hansen, Spring and Chettle Road
- 'End 80' signage installed on Springmount Road on 25 June 2021 by MSC, investigations identified no signage required on Chettle Road as it is a rural default 100kph. Hansen Road is under the control of Tablelands Regional Council. No further action required.

5. ROAD, TRAFFIC & TRANSPORT MATTERS BY AGENCY

a) QPS

John Ridgway advised there was a lack of speed signage on the Mulligan Highway. There were long distances between the 100 speed signs, between Mt Molloy and Desailly's Range.

ACTION REQUIRED: TMR to undertake a review of speed signage on Mulligan Highway between Mt Molloy and Desailly's Range

b) MSC

Cr Mario Mlikota raised concerns with regard to heavy vehicles experiencing difficulties entering Kay Road from the Kennedy Highway. Heavy vehicles are having to cross both lanes to manoeuvre the turn. TMR are aware of the matter and are investigating options.

ACTION REQUIRED: TMR to investigate options to improve turning for heavy vehicles entering Kay Road from the Kennedy Highway

Cr Mario Mlikota commented on the amount of litter on the Kennedy Highway between Kuranda and Mareeba and asked what can be done to address this matter? Reports of waste being discharged from contractor trucks coming up to Mareeba.

ACTION REQUIRED: MSC to raise the matter with SUEZ at an upcoming contract meeting to ensure waste is covered and secured

c) TMR Update

Nil

Traffic Changes

Nil

Minor temporary traffic changes

Nil

6. GENERAL BUSINESS

Randazzo / Tyrconnell Roads - Possible works being carried out; TMR representatives not aware of any works at this location. MSC to raise with Sunwater.

TAC Minutes 29 June 2021

Sam Musumeci advised of a visibility issue at Pickford Road / Mulligan Highway intersection due to TMR road works signage. TMR to follow up, however this type of incident should be reported to TMR immediately .

ACTION REQUIRED: TMR to investigate possible visibility issues signage located at the intersection of Pickford Road / Mulligan Highway

Mareeba Shire Council is making application under the Federal Government's Black Spot Program seeking funds to undertake safety improvements works at the intersection of Herberton / Constance Streets. The Herberton / Constance Streets intersection was identified in the Mareeba CBD Traffic Management Study for upgrading. Applications close 16 July 2021.

ACTION REQUIRED: The Traffic Advisory Committee recommends a letter of support is provided endorsing Council's application seeking funding under the Black Spot Program for the upgrade of the Herberton / Constance Streets project.

Moved by John Ridgway

Second by David Hamilton

7. NEXT MEETING

9:30am Tuesday, 21 September 2021

8. CLOSURE

The Chair thanked all for their attendance and input.

There being no further business, the meeting was closed at 12:23pm.

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9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JUNE 2021

Date Prepared: 28 June 2021
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 June 2021.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for June 2021.

BACKGROUND**Technical Services**Design, quality and investigations:

Investigation activities undertaken in June included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	83	49
Drainage Investigations	9	2
NHVR Permit Applications	0	9
Aerodrome Investigations	1	0
Traffic Count Surveys	0	16
Parks Investigations	5	2
Dial Before You Dig Requests	0	45

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 month of June:

Supplier	No. of Tests
Internal	36
External	179

Asset Inspections:

Scheduled inspections of Council's transport infrastructure assets have been undertaken during the month of June. Field inspections were directed towards the underground stormwater network within the Mareeba CBD. In addition to these field inspections, work was completed towards improving data collected for the footpath, water, sewerage, roads and kerbs.

Inspections planned for July will continue to focus on the the underground stormwater network as well as the annual inspection of Council roads and other transport infrastructure.

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 3	Under construction
Mareeba	The Edge Stage 3A	Under construction
Mareeba	Amaroo Stage 11	On-maintenance
Mareeba	The Edge Stage 2B	On-maintenance
Kuranda	3 Hilltop Close	On-maintenance
Mareeba	Mareeba Roadhouse & Accommodation Park, Williams Close	On-maintenance
Kuranda	72 - 76 Mason Road Stage 1	On-maintenance
Kuranda	112 Barnwell Road 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
2021 DRFA	Mareeba Shire activated DRFA assistance measures associated with Tropical Cyclone Imogen and Associated Low Pressure System, 2 - 12 January 2021. DRFA has been approved for Counter Disaster Operations (CDO) and Reconstruction of Essential Public Assets (REPA). Council is finalising emergent response works to those roads which only recently became accessible. A consultant has been selected to assist Council with delivery of the 2021 DRFA Program, with works anticipated to commence from July.
2019 DRFA	Gamboola Crossing remains the only site not yet completed. Commencement after the wet season, with completion prior December 2021 is anticipated. Gamboola Crossing is not yet fully accessible following flooding of the Mitchell River in January.
2019 Betterment	Preparation for delivery of the 2019 Betterment works is underway;

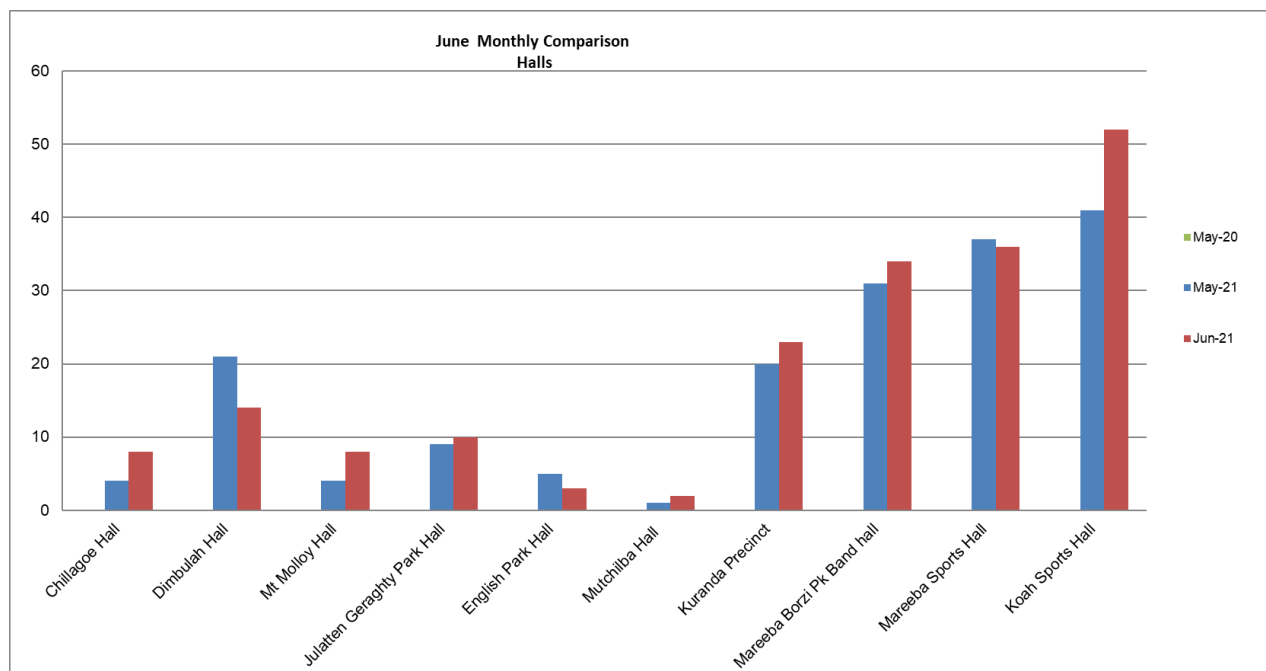
Program	Status
	<ul style="list-style-type: none"> • Fossilbrook Road, Lynd Crossing - Tender awarded, works to commence after wet season. • Shanty Creek Road, Creek Crossing - Tender awarded, works to commencing in July 2021. • Clacherty Road, Creek Crossing - completed May 2021. <p>Other betterment projects to be identified and submitted in future funding rounds.</p>

Facilities

Community Halls:

Maintaining safe and efficient access to Council Community Halls is recognised as an important aspect for the community's ongoing wellbeing. All facility users are required to comply with the conditions set out by the State Government's COVID-19 Restrictions Roadmap.

June hall hires have slightly increased against the previous month. Community groups and clubs are returning to the halls, recommencing their activities following the emergence of COVID-19.



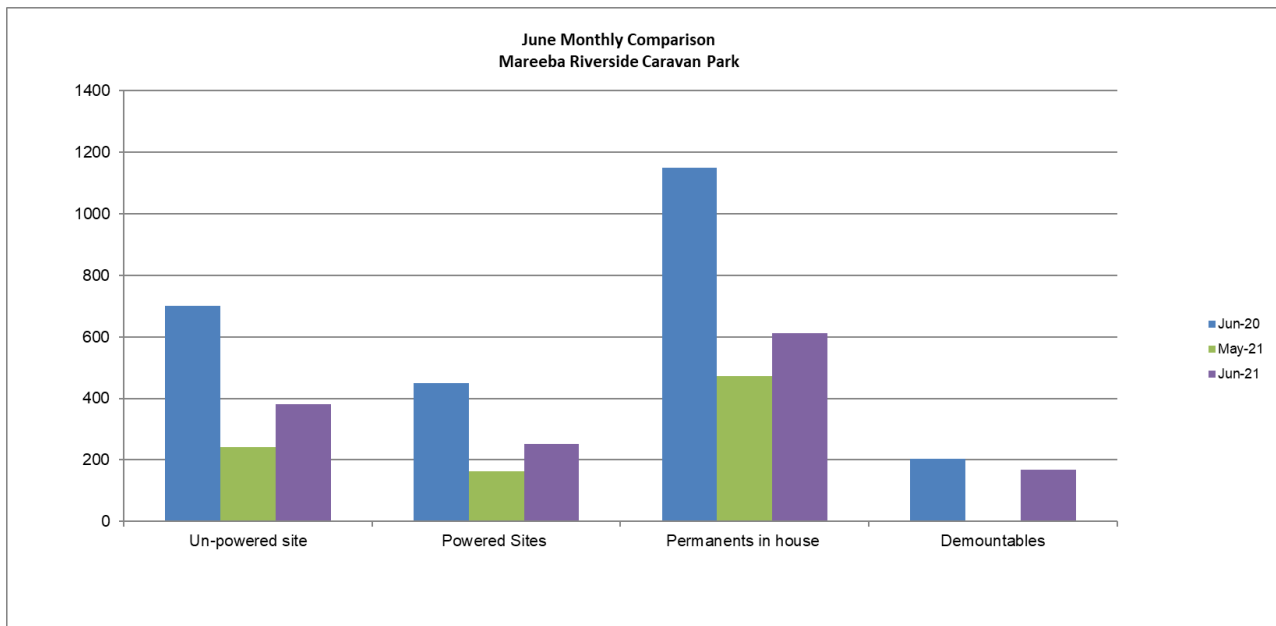
Swimming Pools

All Swimming Pools are closed for the months of June and July for the annual scheduled winter period shutdown. Maintenance is carried out during this period.

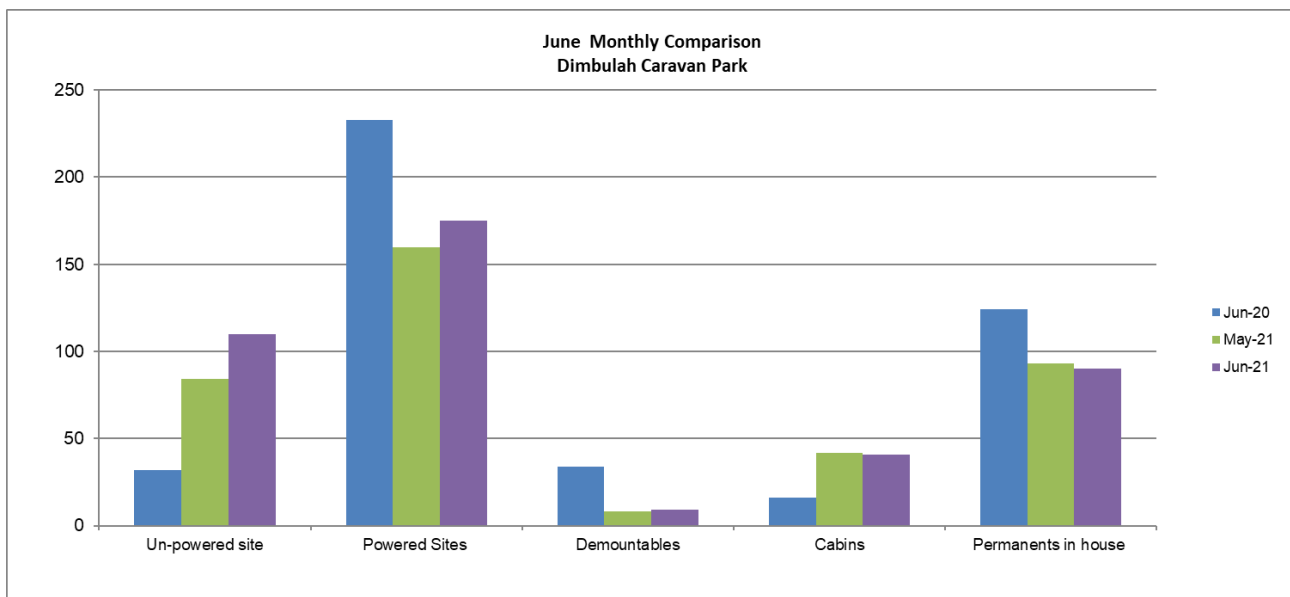
Council has released an Expression of Interest (EOI) for the Operation and Management of the three (3) pools and the Dimbulah Caravan Park, which has closed late June 2021.

Caravan Parks:

Mareeba Riverside Caravan Park utilisation increased in June. Backpackers and grey nomads are returning and are utilising the facility.



Dimbulah Caravan Park utilisation also had a slight increase compared to last month. Campers are returning.



Following the end of financial year, a brief review of park utilisation across the past three (3) years has been undertaken and is provided below.

Period	Mareeba Riverside Caravan Park	Dimbulah Caravan Park
2018/2019	32,361	7,073
*2019/2020	32,129	7,223
*2020/2021	17,187	7,050

*COVID-19 impacted years.

Utilisation numbers for the recent 2020/21 operating year for both Mareeba and Dimbulah caravan parks indicates they are still operating under previous years' numbers. Mareeba heavily relies on the backpackers, grey nomads and seasonal workers which has been impacted due to COVID.

Council has released an Expression of Interest (EOI) for the Operation and Management of the three (3) pools and the Dimbulah Caravan Park, which will close late June 2021.

Vandalism & Graffiti:

During June, four (4) reports of vandalism/graffiti were recorded for Council facilities, with annual costs provided below;

Financial Year	Actuals	Comments
2015/16	\$ 2,134.00	<ul style="list-style-type: none"> • Mareeba Sports Hall - graffiti • Mareeba Arnold Park - vandalism • Mareeba Anzac Park memorial - graffiti x 2
2016/17	\$ 16,546.00	
2017/18	\$ 23,948.00	
2018/19	\$ 14,851.00	
2019/20	\$ 14,211.18	
2020/21	\$ 62,199.62	

Note - actuals for vandalism/graffiti do not reflect costs to repairs during that period. Incoming expenses for repairs carry over until works are completed.

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

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council’s assets and reserves to ensure a sustainable future.

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.

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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.

9.5 CHILLAGOE WASTE TRANSFER STATION - CHANGE IN SCHEDULED OPERATING TIMES

Date Prepared: 12 July 2021
Author: Manager Water and Waste
Attachments: Nil

EXECUTIVE SUMMARY

Council has received requests from Chillagoe residents and commercial business operators to amend the scheduled operating times for the Chillagoe Waste Transfer Station. The drive for the requests is associated with accommodating visitors to Chillagoe on weekends and the waste volumes generated by the visitors during these periods.

The purpose of this report is to propose amendment to the operating hours for Chillagoe Waste Transfer Station.

RECOMMENDATION

That Council amend the scheduled operating hours for the Chillagoe Waste Transfer Station.

1. Rescind the Tuesday operating hours,
2. Allocate the operating hours to Mondays from 9:00am to 12:00pm.

BACKGROUND

There have been several requests from Chillagoe residents particularly commercial business operators to amend the scheduled operating times for the Chillagoe Waste Transfer Station. The drive for the requests is associated with accommodating visitors to Chillagoe on regular and extended long weekends and the waste volumes generated by the visitors during these periods.

The current operating day following weekend visitor trade is Tuesday 2:00pm to 5:00pm. It is proposed to amend the Chillagoe Waste Transfer Station operating hours to open on Mondays from 9:00am to 12:00pm and close on Tuesdays. Other operating times will remain unchanged.

The proposed change to operating hours for Chillagoe Waste Transfer Station aligns with Council's Waste Management Services Strategy to a waste management service that is flexible, reflective of the community's diversity and allows for equitable access to facilities.

RISK IMPLICATIONS**Environmental**

Potential for illegal dumping or overflowing of street bins if hours aren't amended.

Operating

The change to operating hours will have no impact on Council's operational cost.

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

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

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

IMPLEMENTATION/COMMUNICATION

If proposed amendment to operating hours is approved, waste transfer station contractor will be advised through contractual process. Residents and businesses will be notified via media, Council's website will be updated, and signage will be updated at transfer station.

9.6 WASTE DISPOSAL OPTIONS DEVELOPMENT

Date Prepared: 6 July 2021
Author: Manager Water and Waste
Attachments: Nil

EXECUTIVE SUMMARY

To date the Mareeba Landfill has been operated under a contract with SUEZ Recycling & Recovery (Regional Australia Pty Ltd). This contract was due to cease in 2020 however at its Ordinary Meeting of 20 May 2020, Council approved an extension to the Waste Disposal Agreement (WDA) with SUEZ to 30 November 2021 as there was remaining space within the current landfill cells.

This will see the closure of the current site and its capping as the current landfill cells will be at capacity.

This report proposes to assess the future waste disposal options to determine the optimal solution for Council from November 2021.

RECOMMENDATION

That Council;

1. notes the two (2) options for consideration:
 - i. Option One - Direct all Mareeba Shire Council waste to the Springmount Waste Facility;
 - ii. Option Two - Construction of new landfill cells at Mareeba Landfill to extend the operational life of the site; and
2. approves \$295,000 from the waste reserve to facilitate further investigation for option two.

BACKGROUND

Council's current landfill cell is due stop accepting waste by November 2021.

Officers have commenced investigation of costs for waste disposal in accordance with Council's resolution of 5 October 2018, where Council resolved to prepare for closure of Mareeba Landfill and approved future waste disposal at a third-party landfill following cessation of landfilling in the current cells.

As part of this investigation, officers have revisited the financial modelling that was used as the basis of that decision and found that there is sufficient need to review the options in that model based on preliminary costs provided for disposal at a third-party landfill. The indicative costs provided to Council far exceed the costs used in the financial model in 2018.

These options include:

- Option One: Direct all Mareeba Shire Council waste to the Springmount Waste Facility.
- Option Two: Construction of new landfill cells at Mareeba Landfill to extend the operational life of the site.

In the case of Option Two, there are several variables which can be considered, including the volumes, types of waste to accept and whether to accept third party waste for a fee.

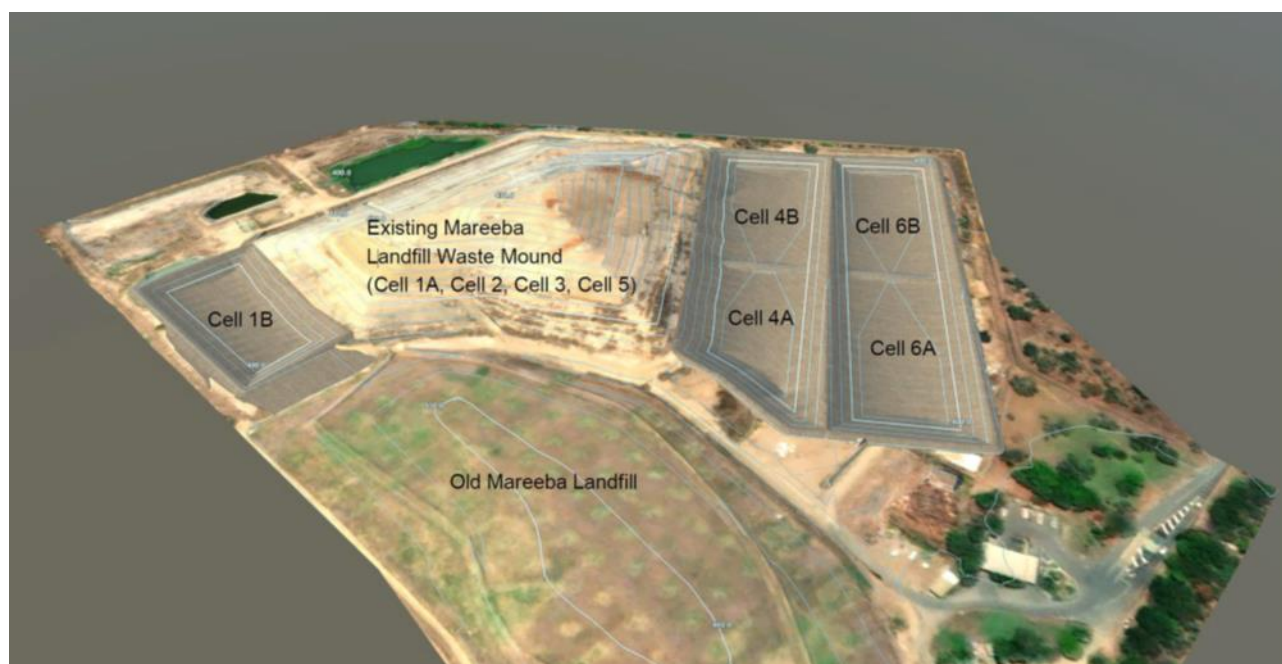
Council has engaged Golder Associates to identify the configuration and cost estimate for further waste cell development at the Mareeba Landfill site including cell construction, future capping costs and forecast cell size. The waste cells identified have different airspace, capital and capping costs which drive the cashflow and potential landfill life.

The option for Council to operate its own waste cells may provide more flexibility and potential cost savings for the community compared with transporting all Council waste to a third-party landfill.

While further analysis is required it is recommended that in the interim Council:

1. Commence the technical design and configuration for Cell 1B.
2. Complete the odour modelling for Cell 4 and Cell 6 to determine if putrescible waste can be accepted;
3. Confirm the optimum configuration of future landfill development including potential for additional cells;
4. Continue financial modelling analysis for the potential future landfilling at the Mareeba Waste facility; and
5. Investigate alternative operational models for Mareeba Landfill including testing the market for the cost to outsource the landfill management to a suitably qualified contractor.

This information will enable Council to make an informed decision regarding the future of its waste management practices.



RISK IMPLICATIONS

Legal and Compliance

Local Government Act 2009.

Waste Management and Recycling Act (Waste Levy amendments) 2019.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Council to provide consideration and approval of \$295,000 from the waste reserves.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Nil

9.7 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JUNE 2021

Date Prepared: 28 June 2021
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 June 2021.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for June 2021.

BACKGROUND**Water and Wastewater Treatment:**

All treatment plants performing satisfactorily. Water demand was slightly higher across all schemes with Chillagoe's consumption may be attributed to filling of the new water reservoir.

Inflows through the wastewater treatment plants have dropped with the Mareeba WWTP recording the most notable.

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 the month.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	6,880	810	331	373	73
Number of Connections	4,385	982	157	272	113
Average daily water consumption per connection (L)	1,569	825	2,180	1,371	646

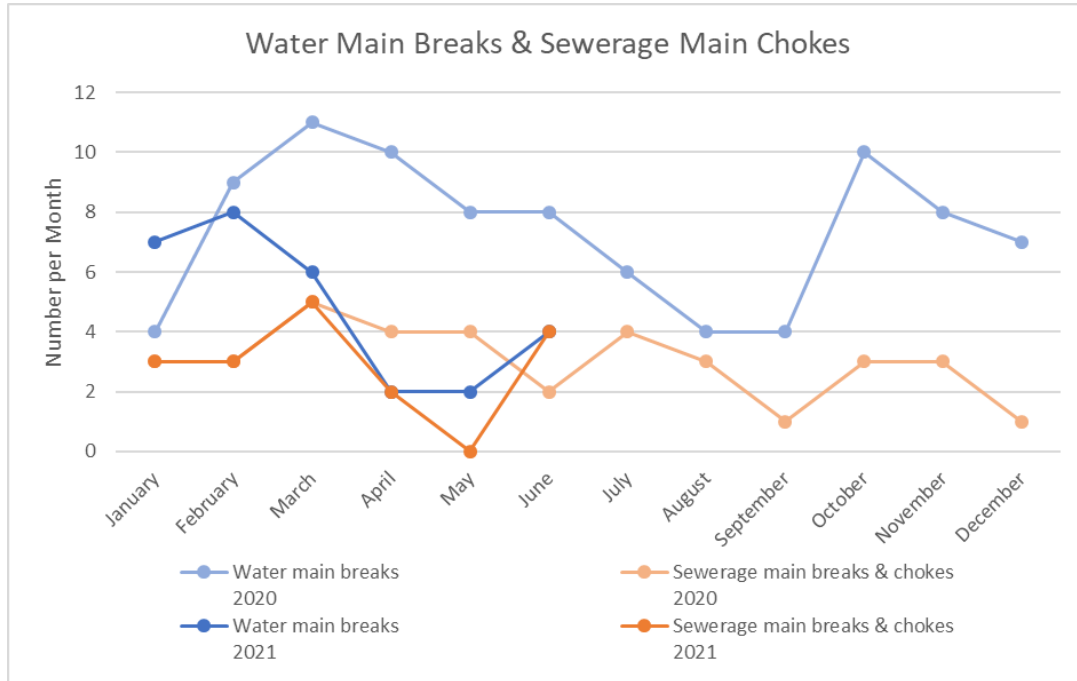
* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	2,289	203
Number of Connections	3,424	346
Average daily inflow per connection (L)	669	587

Water and Wastewater Reticulation:

Council's water reticulation crew attended to four (4) water main breaks and small water leaks and four (4) sewer main breaks this month, and average response times were within targets set out in Council's customer service standard for water services.

Monthly statistics are shown on the water reticulation main breaks and sewerage main breaks and chokes:

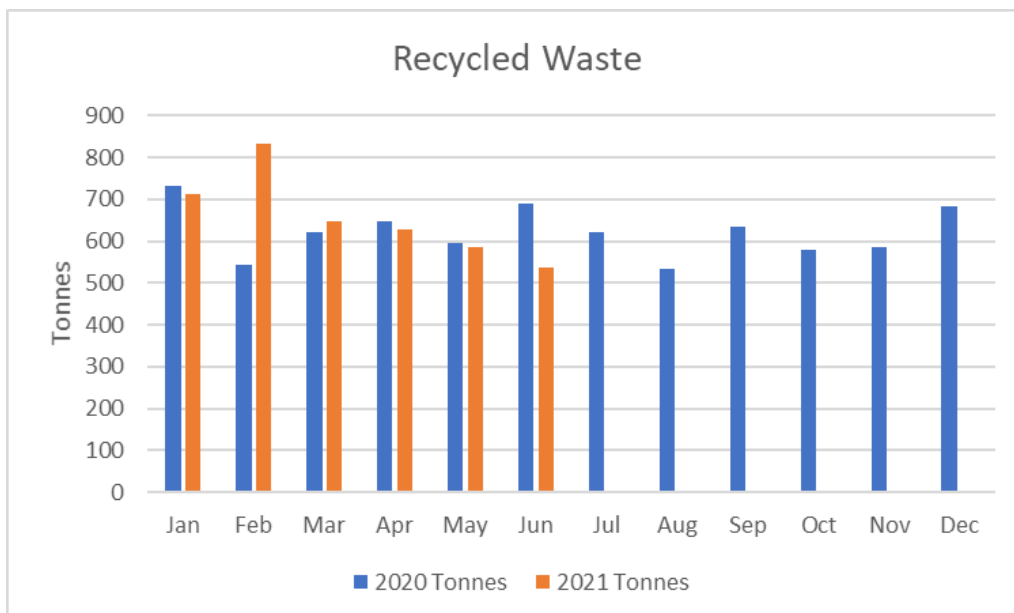


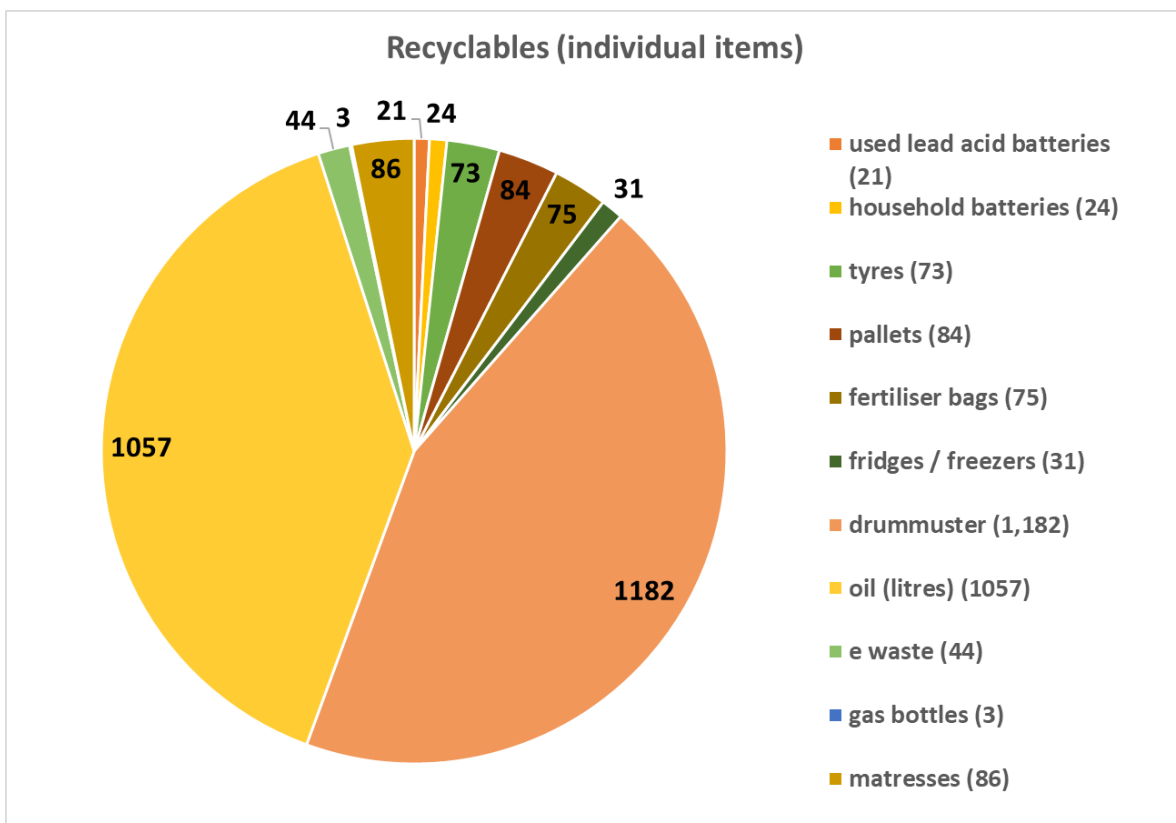
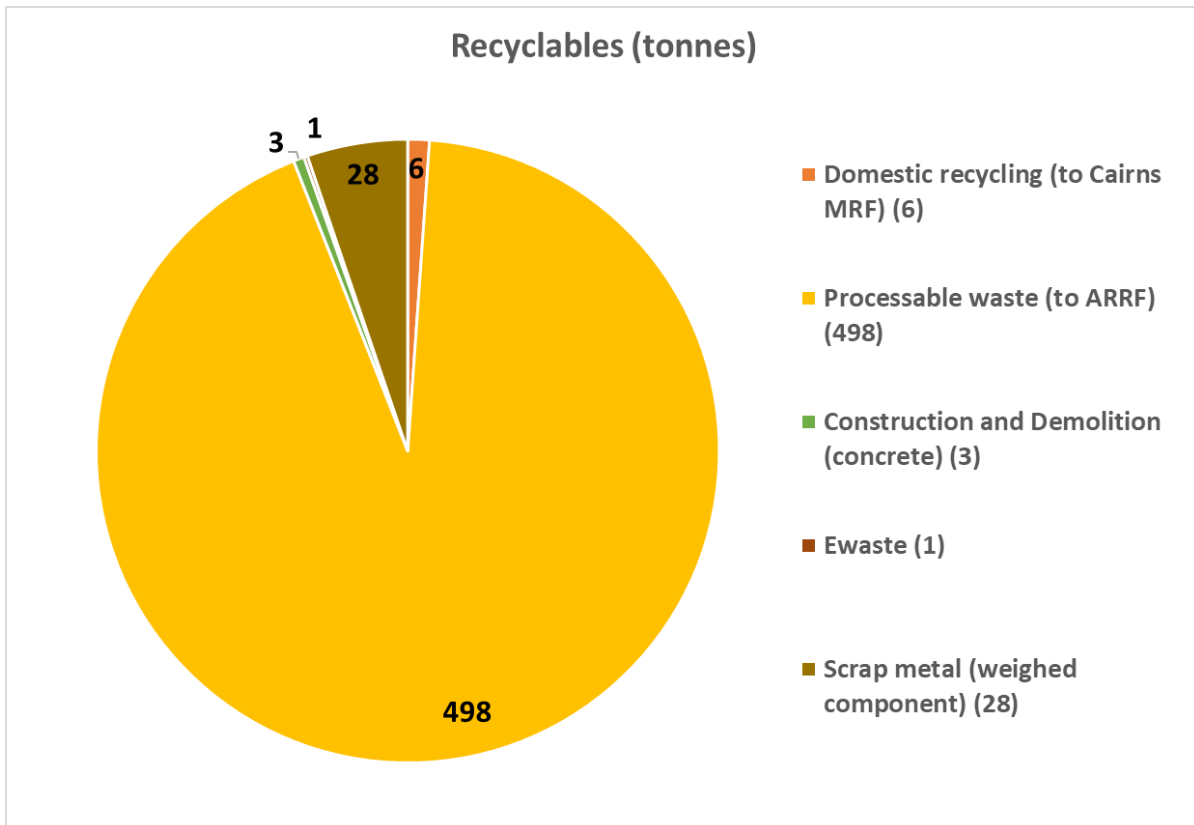
Waste Operations:

All transfer stations and Mareeba landfill are currently operational.

Recycling

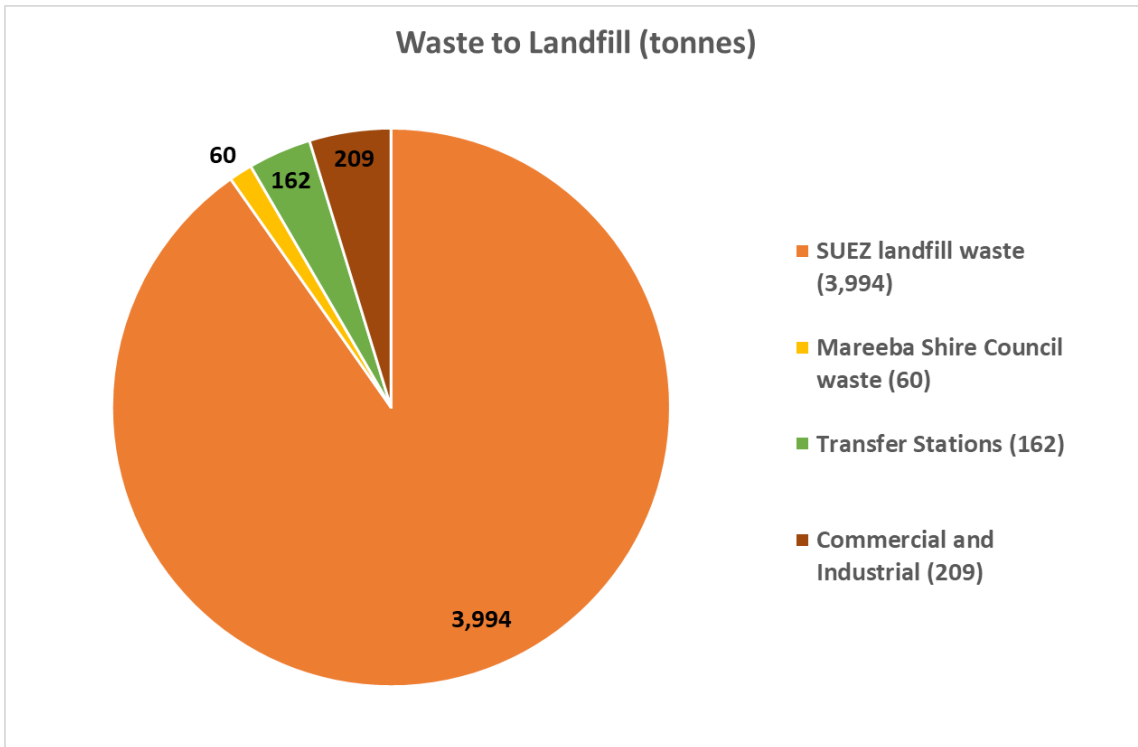
Waste material collected at each of the waste transfer stations are either deposited directly to the Mareeba landfill, recycled or transported to the SUEZ Advanced Resource Recovery Facility (ARRF) in Cairns for processing.





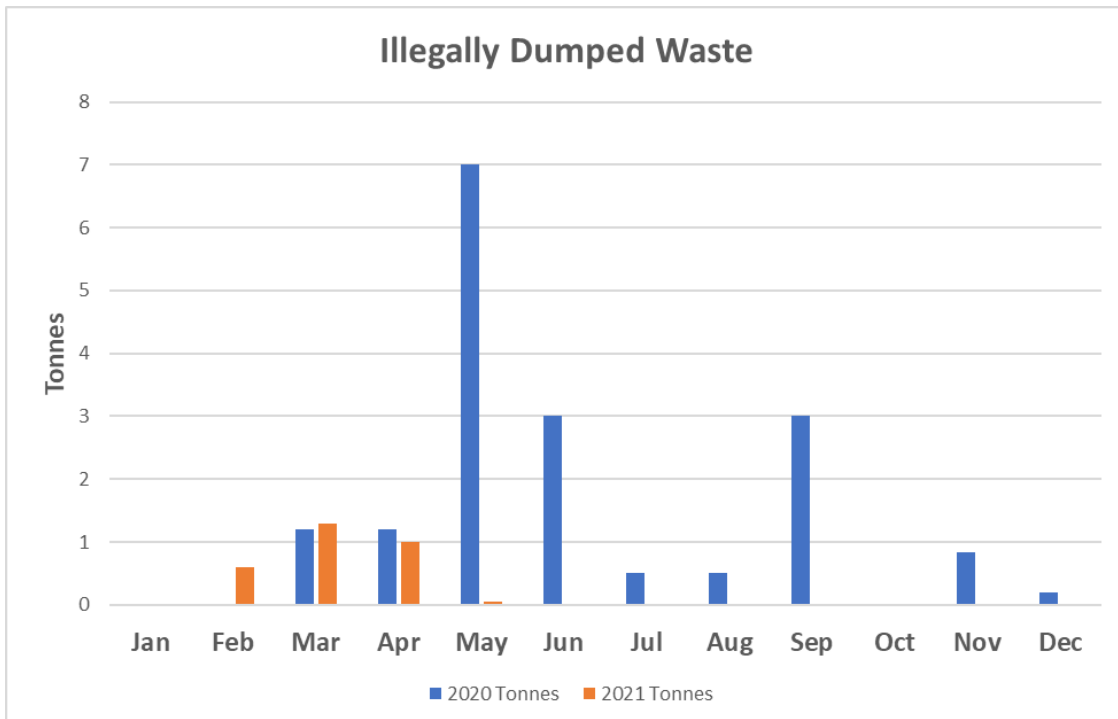
Waste to Mareeba Landfill

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.



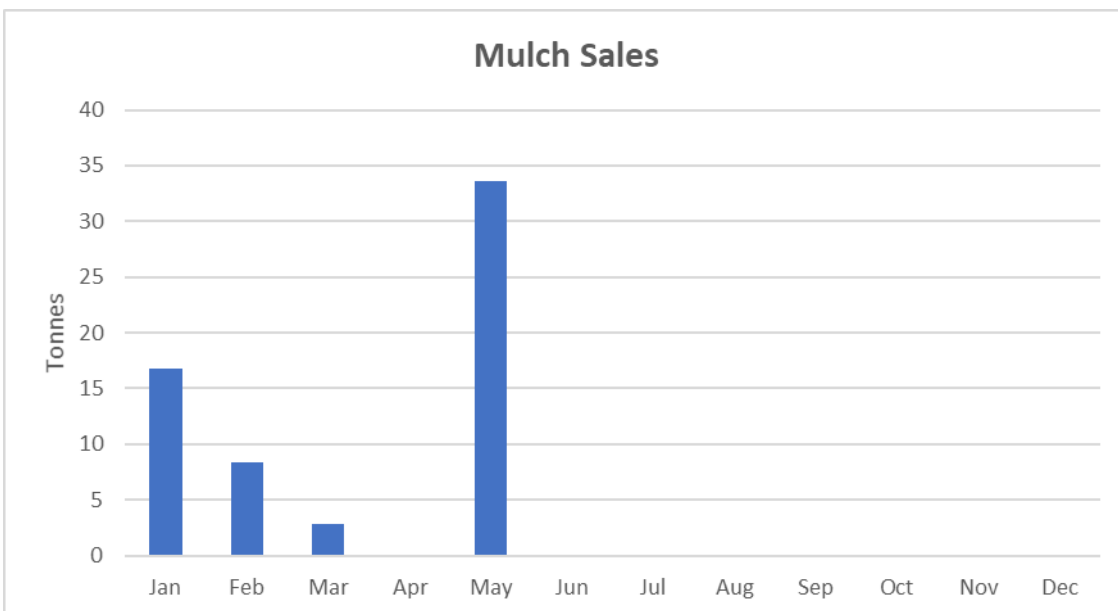
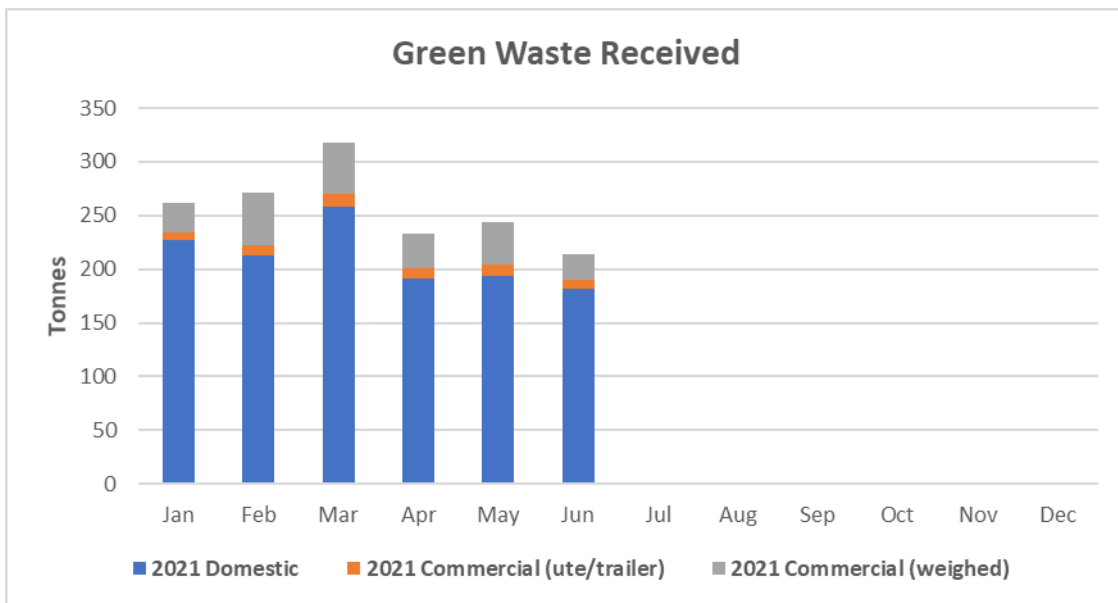
Illegally Dumped Waste

Council received one (1) illegally dumped gas bottle through Mareeba Waste Transfer Station during the month of June.



Green Waste

Council received a total of 213 tonnes of green waste in the month of July. No green waste was mulched and there were no mulch sales.



RISK IMPLICATIONS

Environmental

Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

The Environmental Authority major 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 operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

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.

9.8 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JUNE 2021**Date Prepared:** 8 July 2021**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, and Bridge operational activities undertaken by Infrastructure Services during the month of June 2021.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of June 2021.

BACKGROUND**Transport Infrastructure**Road Maintenance Activities

Unsealed road maintenance grading continued throughout the shire in June with the following roads being graded.

Area			
Chillagoe	Almaden	Western	Eastern
Aerodrome Road	Lappa-Mt Garnet Road	Fossilbrook Road*	Cowan Road
Cathedral Street	Emuford-Woepen Road	Bolwarra-Torwood Road*	Peters Road
Cemetery Road	Mt Cardwell Road	Blackdown-Bulimba Road*	Adil Road
Eastern Street		Highbury Road	Coyle Road
Frew Street		Drumduff Road	Hume Road
Exchange Road		Junevale Road*	Querin Road
Hospital Avenue		Springfield Road	Rogers Road
Georgetown Road			Rush Road
Smelter Road			Bullock Road
Weir Road			Grigg Road
Reservoir Road			
Zillmanton Road			

* Denotes roads that were started in May and have been on-going

Customer Requests

Since the start of 2021, the Works Group received 1,192 Customer Requests (CRs) with 1,115 of these requests resolved. The table below shows the number of requests lodged per month and the number of requests that were resolved.

Month	CRs Lodged	CRs Resolved
January 2021	269	197
February 2021	202	229
March 2021	195	193
April 2021	191	172
May 2021	167	177
June 2021	168	147
Total	1192	1115

At the time of reporting, the Works Group had 36 open (unresolved) requests.

Bridges and Major Culverts

In June, the bridge crew completed herbicide spraying that is done in conjunction with the Mareeba area slashing program.

Bridge maintenance and inspections were carried out in the Kuranda, Koah and Speewah areas along with capital works projects on Pin Road and Hodzic Road.

TMR Routine Maintenance Performance Contract (RMPC)

RMPC activities on the Burke Developmental Road included a medium formation grade between Disaster Recovery Funding Arrangements (DRFA) sites from Louisa Creek to Trimble's Crossing and also DRFA sites from Almaden to Chillagoe. Slashing was undertaken between Dimbulah and Almaden and herbicide spraying was completed between Dimbulah and Pump Creek and from Almaden to Old Spring Valley Grid.

In the eastern areas of the shire the remainder of the sign replacement program was completed, the entrance and shoulders to the Lyons Rest Area on the Kennedy Highway were reformed and the approaches to the Edmund Kennedy Bridge were boom slashed. On the Mulligan Highway between Mareeba and Mt Molloy a heavy shoulder grade was undertaken in sections to remove large edge breaks along with culvert inlets and outlets cleaning. On the Mossman-Mt Molloy Road surface drains were cleaned and cleared and slashing was carried out between the Rex Range and Mt Molloy and between Mt Molloy and the Desailly Range.

Parks and Open Spaces

Mareeba Parks and Gardens staff were assisting in capital works during June with the turfing of the surrounds of the refurbished toilet and new playground at Centenary Park and the new toilet at Arnold Park.

The standard activities of mowing, pruning, slashing and hedging continued throughout the month with the unseasonal rain promoting vegetation growth in the eastern parts of the shire.

Land Protection

Electric Ants: Attractant baits were laid in five (5) green waste sites and all ants collected were sent to the Electric Ant Team for identification. No target ants were detected.

Siam Weed: During June, the active sites were all been inspected. Land Protection officers carried out extended surveys of the full length of Back Creek at Petford, Emu Creek below Irvinebank and as far as the Eight Mile Mine, Sandy Creek at Mt Molloy from the Mulligan Highway down to its confluence with Rifle Creek. All plants found were removed, flowers cut off to prevent seed set and their locations marked on to Council's Weed GIS layer. This work was done in conjunction with the landowners and local Biosecurity officers.

Wild dogs: Coordinated baiting has taken place on seven (7) properties on the Lynd and the Tate Rivers These properties form an aggregate of 503,300 hectares.

Feral Pigs: Free feeding followed by the laying of toxic baits has taken place on pastoral properties in the Western area of the Shire.

Rabbits: Traps were loaned to several landowners, poison baits laid and Callisivirus was introduced into rabbit populations around Paddy's Green.

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 operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

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 COUNCILLOR ATTENDANCE AT LGAQ ANNUAL CONFERENCE AND DEVELOPING NORTHERN AUSTRALIA CONFERENCE**

Date Prepared: 24 June 2021
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council approval for the attendance of Councillors at the Local Government Association Queensland (LGAQ) Annual conference to be held at Mackay 25 - 27 October 2021 and the Developing Northern Australia Conference to be held at Darwin 16 - 18 August 2021.

RECOMMENDATION

That Council:

1. approves the attendance of Crs Bensted, Bird, Davies, Graham, and Wyatt at the LGAQ Annual Conference at Mackay 25 - 27 October 2021; and
2. approves the attendance of Cr Mlikota at the Developing Northern Australia Conference in Darwin 16 - 18 August 2021.

BACKGROUND

The LGAQ Annual Conference provides an important opportunity for councils to not only network and learn but also to debate and vote on new policy. The event doubles as the Association's AGM.

The Developing Northern Australia Conference provides a platform to unite leaders, decision makers, industry representatives and community members working to advance the northern regions.

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

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

N/A

10.2 MSC SHOW HOLIDAYS 2022

Date Prepared: 24 June 2021
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

Council has been contacted by the Office of Industrial Relations with regard to the declaration of a Show Holiday for 2022. Council is required to put in a request for the declaration of show holidays before 30 July 2021. This report recommends the current situation where three (3) separate dates are allocated across three (3) separate areas of the Shire linking them to the shows closest to them.

RECOMMENDATION

That Council request the Office of Industrial Relations to declare the show holidays within the Mareeba Shire for 2022 once determined by the show societies for the following parishes:

1. the parishes of Irvinebank, Myosotis and Western, which links to the Atherton Annual Show;
2. the Mareeba Shire Council area excluding the parishes of Irvinebank, Myosotis, Western, Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Cairns Annual Show; and
3. the parishes of Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Mossman Annual Show.

BACKGROUND

The Holidays Act 1983 provides for the declaration of a show holiday within a Local Government area and Council has been advised that if it wishes to have such a holiday/s declared, a request must be submitted to the State Government before 31 July 2021.

As the Mareeba Shire does not have an Annual Agricultural, Horticultural or Industrial Show, it has previously linked these holidays to other Annual Shows in the region and has linked specific parishes to specific shows.

Below is an extract from the State Government's Show Holiday listing for 2021 in which the various parishes have dates declared and to which shows they link. These holidays were declared by the State following a request made by the Mareeba Shire Council last year.

29 June	Mareeba Shire - that part of Mareeba district within the parishes of Irvinebank, Myosotis and Western; the communities of Malanda, Atherton and Herberton and the districts of Ravenshoe, Mt Garnet, Millaa Millaa and Yungaburra.	Atherton Annual Show
16 July	Mareeba Shire - excluding the parishes of Irvinebank, Myosotis, Western, Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks.	Cairns Annual Show

19 July	Mareeba Shire - that part of the Mareeba district within the parishes of Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks.	Mossman Annual Show
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RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the shire.

IMPLEMENTATION/COMMUNICATION

The Office of Industrial Relations will be informed of these dates if approved by Council. Should they change the department will be informed.

10.3 OFFICE CLOSURE FOR STAFF FUNCTION

Date Prepared: 12 July 2021
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

This report is presented to Council seeking authorisation is sought to close service centres for a staff function.

RECOMMENDATION

That Council approves the closure of all Council offices and libraries from 1pm - 5pm on Friday 30 July 2021.

BACKGROUND

Council service centres are open to the public throughout the whole of the year, excluding public holidays. The two (2) service centres are Mareeba (65 Rankin Street) and Kuranda (18-22 Arara Street).

In previous years, a staff function has been held just prior to the Christmas shutdown and as an opportunity to thank staff for their dedication and hard work throughout this period. Unfortunately this did not occur in 2020 due to COVID-19.

The management team have worked very closely with staff to maintain a positive culture and are recommending that service centres close at 1pm on Friday 30 July 2021 to allow all staff to attend a staff function at the Kowa Street Amenities Hall.

Council's after-hours service will operate during the afternoon and staff will be available to deal with critical and emergency issues.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

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 while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

If approved, communications will be provided both internally and externally advising of the closure period for the staff function.

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 JUNE 2021

Date Prepared: 1 July 2021

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for June 2021

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/21/0011	21/06/2021	Antonio Bruno Di Maggio Sunrise Close MAREEBA	Lot 8 on SP183708	MCU Transport Depot (Taxi Depot)	In Information Request period
MCU/21/0013	29/06/2021	Edward & Tanya Bailey 3685 Kennedy Highway Mareeba	Lot 1 on RP741738	MCU Roadside stall	In confirmation stage
RAL/21/0012	22/06/2021	Conmat Pty Ltd C/- GHD 2-4 Quill Street MAREEBA	Lot 22 on SP217220	ROL (1 into 4 Lots)	In Confirmation period
RAL/21/0013	24/06/2021	Metaci Pty Ltd C/- U&I Town Plan 6 Costin Street MAREEBA	Lot 1 on SP270090	ROL (1 into 3 Lots)	In Confirmation period

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

June 2021 (Regional Land Use Planning)

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/21/0017	1/06/2021	J Abraham C/- GMA Certification Group Pty Ltd	1842 Mossman - Mount Molloy Road, Julatten	Lot 1 on RP732519	Referral agency response for building works assessable against the Mareeba Shire Council Planning Scheme 2016 - Environmental Significance Overlay Code
CAR/21/0018	17/06/2021	E Archer C/- Northern Building Approvals	76 Churchill Creek Road, Julatten	Lot 11 on SP199698	Referral agency response for building works (class 10a shed) assessable against the Residential dwelling house and outbuilding overlay code.
CAR/21/0019	18/06/2021	R Casey C/- Baker Building Certification	61 Shaban Drive, Mareeba	Lot 21 on RP739819	Referral agency response for building work (Class 10a shed) assessable against the Mareeba Shire Council Planning Scheme 2016
CAR/21/0020	18/06/2021	P Harris & L Tarsitano C/- Baker Building Certification	5 Moondani Avenue, Mareeba	Lot 87 on SP230976	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

June 2021 (Regional Land Use Planning)

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/16/0019	09/06/2021	Rodeo Acres Pty Ltd	Mareeba - Dimbulah Road, Mareeba	LOTS 6 & 100 ON SP325387 (CANCELLING LOT 100 ON SP323251)	1 New Lot
RAL/20/0006	21/06/2021	BTM & S Stankovich Pty Ltd	Pontos Place & Dural Close, Mareeba	PLAN OF LOTS 214-216, 247-251, 355-359 & 500, EASEMENT T IN LOT 251, EASEMENT U IN LOT 355 AND EASEMENTS R & S IN LOT 500 ON SP325380 (CANCELLING LOT 114 ON SP265014)	13 New Lots + Balance Lot
RAL/21/0002	17/06/2021	Settimo Spena	Spena Road, Mareeba	PLAN OF LOTS 10 & 145 & EASEMENT A IN LOT 145 ON SP321268 (CANCELLING LOTS 10 & 145 ON SP163445)	Boundary Realignment
REC/07/0052	18/06/2021	Hockey Machinery Sales Pty Ltd	Summer Street, Mareeba	LOTS 60, 61, 85 & 100 ON SP325368 (CANCELLING LOT 56 ON SP225329)	3 New Lots + Balance Lot

June 2021 (Regional Land Use Planning)