



Ordinary Meeting

Council Chambers
Date: 20 September 2017
Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 20 SEPTEMBER 2017** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

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CORPORATE AND COMMUNITY SERVICES**REGIONAL LAND USE PLANNING**

ITEM-1 **CLEANGEN PROJECTS PTY LTD - MATERIAL CHANGE OF USE - UTILITY INSTALLATION (SOLAR FARM) LOT 413 NR4876 - LOCKWOOD ROAD, MAREEBA - DA/16/0050**

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Cleangen Projects Pty Ltd	ADDRESS	Lockwood Road, Mareeba
DATE LODGED	8 November 2016	RPD	Lot 413 on NR4876
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Utility Installation (Solar Farm)		

FILE NO	DA/16/0050	AREA	341.858 hectares
LODGED BY	Cleangen Projects Pty Ltd	OWNER	Rankine Farms Pty Ltd
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 27 July 2017
3. Ergon Energy Advice Agency response dated 28 February 2017

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details which was lodged under the now superseded Mareeba Shire Planning Scheme 2004. Being code assessable, the development application was not required to undergo public notification.

Cleangen Projects Pty Ltd (the applicants) propose to construct a 60 Mega Watt solar farm on a 341 hectare rural property approximately 5 kilometres south-west of Mareeba. The solar farm operations will cover an approximate area of 143 hectares and will utilise solar photovoltaic (PV) panels constructed on single axis frames which will rotate in an east to west direction during the day following the movement of the sun to maximise energy generation.

The solar farm infrastructure will avoid the 140 hectare portion of the site currently being cropped and will not impede the continued farming of this land. Energy collected from the solar farm will be fed back into the grid network via the high voltage power lines that run through the site and link back to the Ergon Energy Turkinje substation, situated approximately two (2) kilometres west of the site. Once operational, the solar farm will produce up to 137,000 Mega Watt hours per annum, enough to power at least 34,000 homes and offset approximately 112,000 tonnes of carbon emissions per annum.

The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Mareeba Shire Planning Scheme 2004 (including codes and policies) and is not considered to be in conflict with any relevant planning instrument.

Key planning issues to consider are ensuring the developments impacts on Council's road network during its construction stage are appropriately managed, and that the solar farm infrastructure is appropriately screened from view from adjoining properties and Lockwood/Fichera Road users. It is considered these issues can be adequately managed through conditions of approval.

Once operational, the solar farm will have a negligible impact on Council's road network, is not likely to produce any negative environmental outputs such as dust, noise and odour, and will have minimal impact on surrounding agricultural uses.

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

OFFICER'S RECOMMENDATION

"1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Cleangen Projects Pty Ltd	ADDRESS	Lockwood Road, Mareeba
DATE LODGED	8 November 2016	RPD	Lot 413 on NR4876
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Utility Installation (Solar Farm)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use -
Utility Installation (Solar Farm)

(B) APPROVED PLANS:

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

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval (i.e. prior to operational/building work commencing).
 - 2.2 Prior to the commencement of use, the applicant must demonstrate to Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition/s within these conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.5 Noise Nuisance

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

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

3.6 Waste Management

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

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

3.7 Flood Immunity

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

3.8 Bushfire Management

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

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

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

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

3.9 Signage

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

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

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

3.10 Damage to Council Infrastructure

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

4. Infrastructure Services and Standards

4.1 Access

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

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

4.2 Traffic Management Plan & Road Rehabilitation Program

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

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

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

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

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

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

4.3 Construction Management Plan

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

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

4.4 Stormwater Drainage/Water Quality

- 4.4.1 Prior to the commencement of construction stage of the development, the applicant/developer must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the

standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

- 4.4.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.4.3 Prior to the commencement of construction stage of the development, the applicant/developer must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- 4.4.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- 4.4.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- 4.4.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge. The ponding or runoff of stormwater onto existing Ergon Energy infrastructure and easement/s must be avoided at all times.

4.5 Car Parking/Internal Driveways

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

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

- 4.5.2 Prior to the commencement of the use, a minimum of 6 car parking spaces must be provided in proximity to the site office. The car parking spaces must be constructed to a compacted gravel standard, delineated and appropriately drained and maintained in this condition for the life of the development, to the satisfaction of Council's delegated officer.

- 4.5.3 All internal roads and access tracks associated with the approved use are to be surface treated and maintained so that the risk of erosion and dust generation is minimised, to the satisfaction of Council's delegated officer.

4.6 Landscaping and Fencing

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

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

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

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

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

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

4.7 Lighting

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

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as

documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.8 On-Site Wastewater Management

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

4.9 Decommissioning and Rehabilitation

4.9.1 At the end of the lifecycle of the solar farm, or if it is not used for the generation of electricity for a continuous period of 12 months, whichever occurs first, the use shall be considered decommissioned.

4.9.2 Within one (1) month of the use being decommissioned, the applicant/developer must submit a Decommissioning and Rehabilitation Management Plan prepared and certified by a suitable qualified person. The plan must include but is not limited to:

- (i) The identification of structures, including but not limited to all solar panels and trackers/frames, substations, inverters, battery storage, offices, control buildings, fencing and electronic infrastructure including above and below ground infrastructure to be removed, except where any infrastructure has been transferred to or is in the control of Ergon Energy, and how that infrastructure will be removed;
- (ii) Measures to reduce impacts of the development on the environment and surrounding land uses; and
- (iii) Details of how the land will be rehabilitated back to its pre-development condition, including slope and soil profile.

4.9.3 Within 18 months of the development being decommissioned, the site shall be returned as far as practically possible back to its pre-development condition in accordance with the certified Decommissioning and Rehabilitation Management Plan.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

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

(F) RELEVANT PERIOD

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

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

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

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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

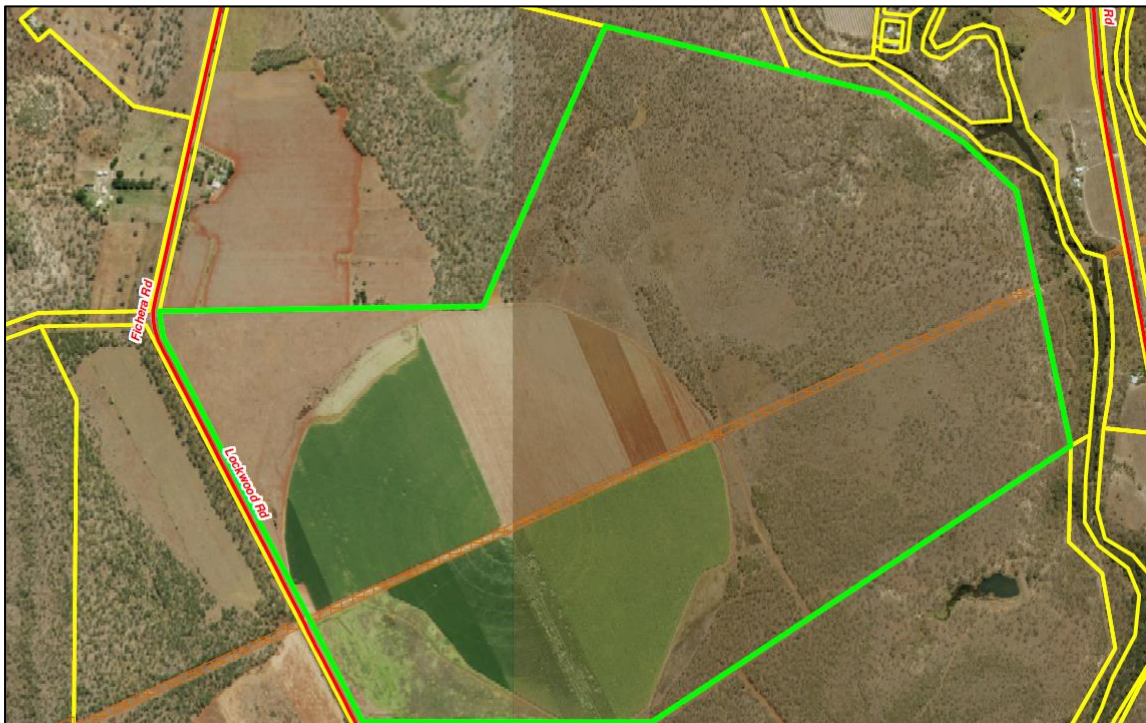
Note Council identified the potential dust impact as part of the pre-lodgement advice to the applicant and indicated that Council would not include conditions to seal the local roads on the basis that it would not be liable for dust nuisance resulting from Council roads or operations in the future."

THE SITE

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

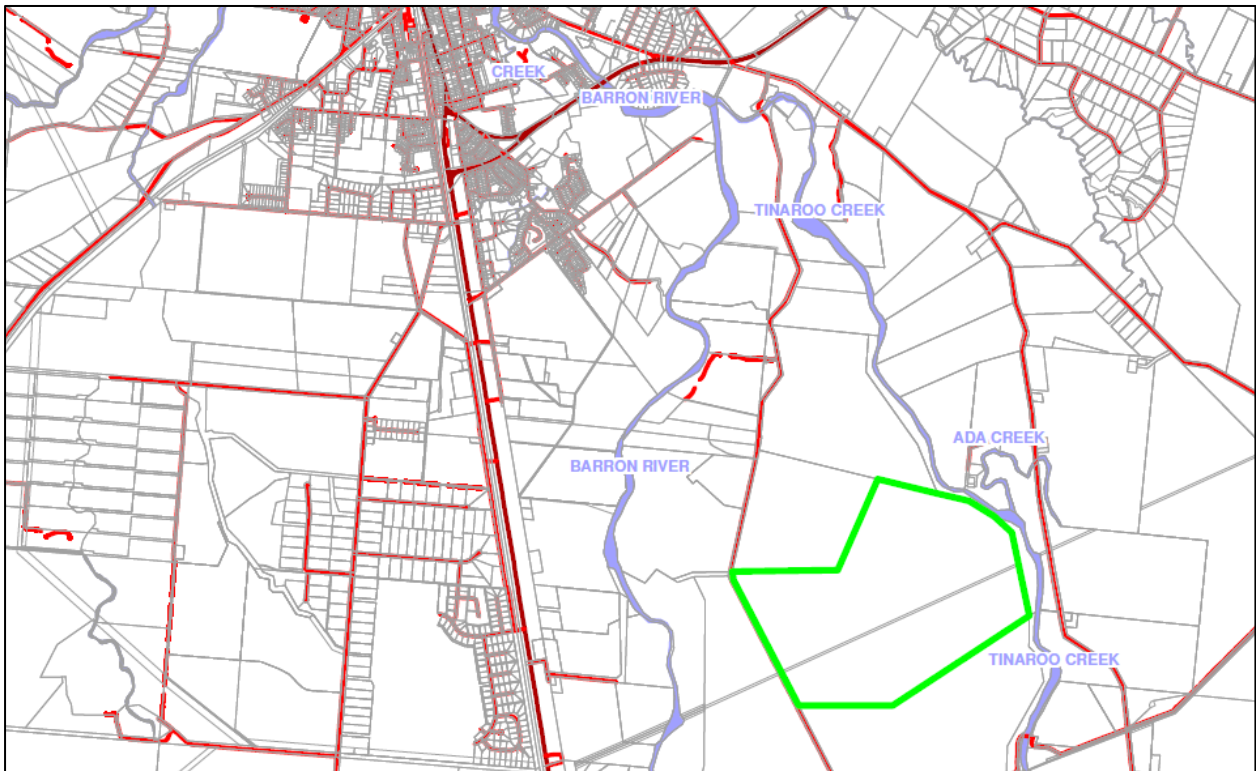
At present, the only known improvements on the site are two centre pivot irrigators which irrigate a large circular cropped area approximately 140 hectares in size. Cropping on the site is limited to this irrigated area with the remaining areas of the site appearing to remain unused. Regarding topography,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

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



Map Disclaimer:

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

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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Utility Installation (Solar Farm) in accordance with the plans shown in **Attachment 1**.

Cleangen Projects Pty Ltd (the applicants) propose the construction of a 60 Mega Watt solar farm on a 341 hectare rural property approximately 5 kilometres south-west of Mareeba. The solar farm operations will cover an approximate area of 143 hectares and will utilise solar photovoltaic (PV) panels constructed on single axis frames which will rotate in an east to west direction during the day following the movement of the sun to maximise energy generation (see below diagram).

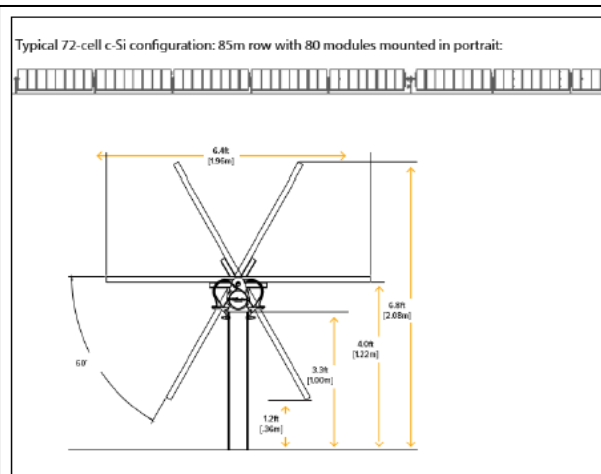


Figure 19 Typical Single axis tracker height

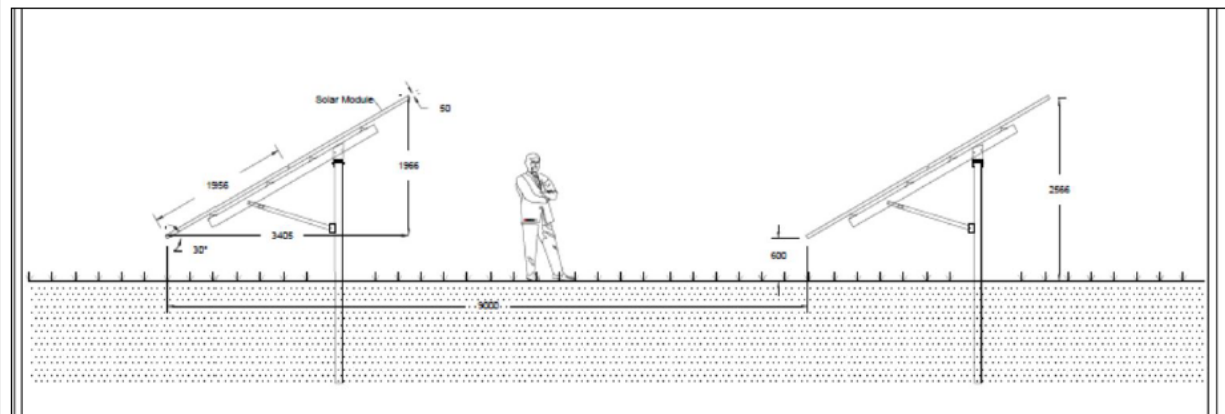


Figure 20 Panel Height

The solar farm infrastructure will be sited outside the 140 hectare area of the site that is currently cropped (sugar cane) and will not impede the continued farming of this land. Energy collected from the solar farm will be fed back into the grid network via the Ergon Energy Turkinje Substation situated 2 kilometres west of the subject site.

Infrastructure associated with the proposed solar farm will include, but not be limited to the following:

- Approximately 196,000 solar photovoltaic (PV) panels (71,525 KWp total DC capacity) covering an area of approximately 110 hectares.
- Inverters and medium voltage step up transformers;
- Underground electrical conduits and cabling to connect the solar arrays to the inverters and DC transformers;
- >22kV step-up transformer station and switchgear;
- Battery storage (optional in future, approx. 6,000m²);
- Overhead/underground electricity lines to connect into existing electrical network;
- A supervisory control and data acquisition (SCADA) control system;
- A site office and maintenance building;

- Main access gate;
- Security cameras;
- Internal access tracks;
- Laydown and storage area (approx. 1.075 hectares);
- Perimeter fencing (approx. 9,150 lineal metres); and
- Vegetation buffering.

The applicants state the following with regards to traffic generation:

"Vehicle traffic will depend on the phase of the project. Estimates are listed below based on experience with similar projects. A return trip in and out of the gate is counted as 2 movements of traffic per day. The main gate will be used as the main entry.

- *Stage 1 of construction (based on 50FTE employees)*
 - *Less than 12 minimal heavy vehicle movements on site per day.*
 - *A shuttle bus will be used to transport the majority of employees to and from site during operational hours.*
 - *Without the shuttle bus there will be 66 light vehicle trips per day.*
- *Stage 2 of Construction (based on 150 FTE maximum staff on site)*
 - *At least 1100 semi-trailer truck movements each with a 40 foot container over 3 months which is approximately 9 heavy vehicles per day.*
 - *A shuttle bus to be used for 75% of employees with 12 bus movements per day*
 - *Remainder of staff to create approximately 38 light vehicles entering and leaving per day and an additional trip per day totalling 133 light vehicles per day.*
- *Operations (based on 6-8 FTE staff)*
 - *At least 30 vehicle trips are expected per day."*

Once operational, the solar farm will produce up to 137,000 Mega Watt hours per annum, enough to power at least 34,000 homes and offset approximately 112,000 tonnes of carbon emissions per annum.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Mareeba Dimbulah Irrigation Area
Zone:	Rural Zone
Overlays:	Natural and Cultural Heritage Features Overlay Airport and Aviation Facilities Overlay Natural Disaster - Bushfire Overlay

Planning Scheme Definitions

The proposed use is defined as:-

"Utility installation means the use of premises for the purpose of carrying out any undertaking in relation to:

- (a) road, air transport, wharf or river undertakings,
- (b) the provision of sewerage or drainage services,
- (c) the supply of water, sewerage treatment, hydraulic power, electricity or gas."

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

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

DRO 1.1 Biodiversity Conservation			
Land Use Policy		Complies	Comments
1.1.1	Urban development within the regional landscape and rural production area is located outside of areas of high ecological significance (see map 3).	✓	Complies - The proposed solar farm development footprint will avoid areas mapped as high ecological significance.
1.1.4	Urban development in or adjacent to areas of general ecological significance (see map 3) is located, designed and operated to avoid or, where avoidance is not possible, minimise any adverse impacts on ecological values where possible.	✓	Complies - The proposed solar farm development footprint does include areas mapped as general ecological significance. Give the significant size of the development footprint, avoidance was not possible in this instance. The development application was referred to the State for veg clearing matters and will be conditioned to ensure water quality objectives are met.

DRO 2.1 Regional Landscape Values		
Land Use Policy		Comments
2.1.1	<i>The value of the landscape for nature conservation, primary production, renewable energy resource areas, priority carbon sequestration, cultural heritage, outdoor recreation and scenic amenity is given appropriate recognition in land use planning and development assessment.</i>	✓ <i>Complies - The proposed development will be sited on a large rural property in close proximity to required high voltage electricity infrastructure and substation site. The proposed development will not impact on the sites existing cropping activities.</i>

DRO 2.4 Primary Production & Fisheries		
Land Use Policy		Comments
2.4.1	<i>Good quality agricultural land is protected from urban development outside the urban footprint.</i>	✓ <i>The majority of the subject site is mapped as Good Quality Agricultural Land (GQAL) although cropping on the subject site is currently limited to a 140 hectare (approx.) area under centre pivot irrigation (sugar cane). The proposed solar farm development footprint will exclude this existing cropped area.</i> <i>The proposed solar farm is not considered to be a sensitive land use and is not likely to result in future land use conflict with agricultural activity both on the subject site and adjoining properties. Although the solar farm development footprint will include large portions of mapped GQAL, the solar panel infrastructure is able to be constructed on site with minimal earthworks and disturbance to the soil profile, and minimal disturbance at decommissioning and rehabilitation stage.</i> <i>The proposed development will utilise unused GQAL only and there will not be a permanent loss of GQAL elsewhere on the site.</i>

DRO 4.1 Compact Urban Form		
Land Use Policy	Complies	Comments
4.1.1 Urban development is contained within the urban footprint	✓/x	Although not situated within the urban footprint, the proposed solar farm will be appropriately sited in a rural area on the outskirts of Mareeba with a low population density surrounding the site and in proximity to the high voltage electricity network and the Turkinje substation site. Siting such a development within the urban footprint would be illogical.
4.1.2 Urban development is sequenced to ensure logical and orderly land use and infrastructure delivery.	✓	Although not situated within the urban footprint, the proposed solar farm will be appropriately sited in a rural area on the outskirts of Mareeba with a low population density surrounding the site and in proximity to the high voltage electricity network and the Turkinje substation site. Siting such a development within the urban footprint would be illogical.

DRO 5.4 Primary Industries		
Land Use Policy	Complies	Comments
5.4.2 Threats to primary production from incompatible development are identified and managed through land use planning and where appropriate, by developer established buffers.	✓	Complies - The proposed solar farm development footprint will exclude those parts of the site currently used for cropping. The proposed development is not considered a sensitive land use and is not considered incompatible with primary production. Solar farms are commonly sited in rural areas in proximity to agricultural/primary production uses.
5.4.3 Potential conflict between primary industries and urban activities is managed through land use planning and, where appropriate, developer-established buffers.	✓	The proposed development is not considered a sensitive land use and is not considered incompatible with primary production. Solar farms are commonly sited in rural areas in proximity to agricultural/primary production uses.

DRO 6.3 Energy		
Land Use Policy	Complies	Comments
6.3.1 Viable renewable energy source generation, including sugar mill, landfill, hydro, solar and wind farm generators, are recognised as acceptable land uses and supported for their contribution to reducing greenhouse emissions.	✓	The proposed development is for a solar farm appropriately located within a rural area on the outskirts of Mareeba with a low surrounding population density and in proximity to the high voltage electricity network and Turkinje substation site. The proposed solar farm operation will take advantage of Mareeba's sunny climate.

(b) State Planning Policy

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

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

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
Biodiversity A development application where the land relates to a matter of state environmental significance, if the application is for: (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares.	✓	<p>Development:</p> <ul style="list-style-type: none"> (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: <ul style="list-style-type: none"> (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts. <p>Comment</p> <p>Part of the solar farms development footprint is mapped as Category B on the regulated vegetation management map as well as Category A or B area that is a least concern regional ecosystem. The development application was referred to the State Assessment and Referral Agency (SARA) as a Concurrence Agency (DNRM) for vegetation clearing matters. A Concurrence Agency response was issued on 27 July 2017 subject to conditions (Attachment 2).</p> <p>Additionally, a condition will be attached to any approval requiring the preparation and submission of a stormwater management plan and stormwater quality management plan to ensure desired water quality objectives are met during construction.</p>

<p>Water quality</p> <p><u>Receiving waters</u> - a development application for any of the following:</p> <ol style="list-style-type: none"> (1) a material change of use for urban purposes that involves a land area greater than 2500 square metres that: <ol style="list-style-type: none"> (a) will result in an impervious area greater than 25 per cent of the net developable area, or (b) will result in six or more dwellings, or (2) reconfiguring a lot for urban purposes that involves a land area greater than 2500 square metres and will result in six or more lots, or (3) operational works for urban purposes that involve disturbing more than 2500 square metres of land. 	✓	<p><u>Receiving waters</u></p> <p>Development:</p> <ol style="list-style-type: none"> (1) avoids or otherwise minimises adverse impacts on the environmental values of receiving waters, arising from: <ol style="list-style-type: none"> (a) altered stormwater quality or flow, and (b) wastewater (other than contaminated stormwater and sewage), and (c) the creation or expansion of non-tidal artificial waterways, and (2) complies with the SPP code: Water quality (Appendix 2). <p>Comment</p> <p>A condition will be attached to any approval requiring the preparation and submission of a stormwater management plan and stormwater quality management plan to ensure desired water quality objectives are met during construction. Once operational, the solar farm development footprint will not be impervious for the most part, and is not likely to result in a significant increase in stormwater discharge from the site.</p>
<p>Natural hazards</p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <ol style="list-style-type: none"> (1) a flood hazard area, or (2) a bushfire hazard area, or (3) a landslide hazard area, or (4) a coastal hazard area. 	✓	<p>For all natural hazards:</p> <p>Development:</p> <ol style="list-style-type: none"> (1) avoids natural hazard areas or mitigates the risks of the natural hazard, and (2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and (3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and (4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and (5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and <p>Comment</p> <p>The subject site is not impacted by flood, landslide or coastal hazards.</p> <p>A condition will be attached to any approval requiring the preparation of a detailed Bushfire Management Plan.</p>

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

Relevant Development Codes

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

Part 4, Division 14	Rural Zone Code
Part 5, Division 2	Natural and Cultural Heritage Features Overlay Code
Part 5, Division 4	Airport and Aviation Facilities Overlay Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code

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

Relevant Codes	Comments
Rural Zone Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code apart from the following:</p> <ul style="list-style-type: none"> 4.78 Building Siting, Scale and Amenity - Probable Solution PS2.2 4.78 Building Siting, Scale and Amenity - Probable Solution PS10 (no probable solution prescribed) <p>In each case, compliance with the higher order specific outcomes can be achieved. Refer to planning discussion section of report.</p>
Natural and Cultural Heritage Features Overlay Code	The application can be conditioned to comply with the relevant specific outcome contained within the code (no acceptable/probable solutions prescribed).
Airport and Aviation Facilities Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Natural Disaster - Bushfire Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

No. 4 - Development Manual

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

REFERRALS

Concurrence

The application triggered referral to the Department of Infrastructure, Local Government and Planning (SARA) as a Concurrence Agency (DNRM - Veg Clearing).

That Department advised in a letter dated 27 July 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

The application triggered referral to Ergon Energy as an Advice Agency.

Ergon Energy advised in a letter dated 28 February 2017 that, in principle they have no objection to the proposed development, provided their Advice Agency conditions were attached to any approval (**Attachment 3**).

The Ergon Energy Advice Agency conditions have been incorporated into the officer's recommendation section of this report.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Non-compliance with the relevant acceptable/probable solutions contained within the relevant development codes are summarised below. Where the development does not comply with an acceptable/probable solution, compliance with the higher order specific outcome can be achieved.

Rural Zone Code

4.78 Building Siting, Scale and Amenity

S2 Agricultural activities are protected from incompatible land uses.

PS2.1 ... (not applicable).

PS2.2 Non agriculture or agriculture - intensive uses which adjoin any other agriculture or agriculture - intensive uses are protected from spray drifts by the maintenance of a separation distance of 300 metres between the agriculture or agriculture - intensive uses and the non agriculture or agriculture - intensive uses.

Comment

The subject site was chosen to accommodate the proposed development because of its size, rural nature and location in proximity to the high voltage electricity network and Turkinje substation site. The solar farms development footprint will avoid those areas of the site that are currently cropped (sugar cane). Furthermore, the solar farm use is not considered a sensitive or incompatible land use within the rural zone and is not likely to cause future land use conflict. Solar farm developments are generally sited in rural areas and have minimal impact on farming operations.

The proposed development is considered to comply with specific outcome S2.

S10 Uses not dependent upon good quality agricultural land are not located on Good Quality Agricultural Land identified on Agricultural Land Quality Maps S2 to S5, unless there is an overriding need and no alternative sites.

PS10 No probable solution prescribed.

Comment

The subject site was chosen to accommodate the proposed development because of its size, rural nature and location in proximity to the high voltage electricity network and Turkinje substation site. Alternative suitable sites to the south of Mareeba for such a development are limited and are also likely be mapped as good quality agricultural land (GQAL).

The majority of the subject site is mapped as GQAL although cropping on site is currently limited to a 140 hectare (approx.) area under centre pivot irrigation (sugar cane). The proposed solar farm development footprint will exclude this existing cropped area.

The proposed solar farm is not considered to be a sensitive land use and is not likely to result in future land use conflict with agricultural activity both on the subject site and adjoining properties. Although the solar farm development footprint will include large portions of mapped GQAL, the solar panel infrastructure is able to be constructed on site with minimal earthworks and disturbance to the soil profile, and minimal disturbance at decommissioning and rehabilitation stage.

The proposed development will utilise unused GQAL only and there will not be a permanent loss of GQAL elsewhere on the site.

The proposed development is considered to comply with specific outcome S10.

Visual Amenity

The proposed solar panel infrastructure is broken into three sections, the western plot; middle plot and eastern plot (refer to attached plans). The middle plot and eastern plot will be effectively screened from view from adjoining properties and Lockwood/Fichera Road users from a combination of existing mature vegetation to be retained (both on and off site), the topography of the site (which slopes down to the rear of the site), and the sugar cane cropping occurring on site.

The western plot which is situated in the north-west corner of the site will abut Lot 414 on RP835556 as well as Lockwood/Fichera Road. In order to minimise visual impact on neighbouring properties and Lockwood/Fichera Road users, a condition will be attached to any approval requiring the planting of a 2 metre wide landscape buffer along the western and northern boundaries of the western plot.

Glare

As discussed above, a row of vegetation buffering will be established between the western plot of solar panels and Lockwood/Fichera Road and adjoining Lot 414 on RP835556. This vegetation buffering should minimise glare impact to adjoining Lot 414 and

Lockwood/Fichera Road users. The middle and eastern solar panel plots will be effectively screened from view from adjoining properties and road users.

The subject site is located approximately 3 kilometres to the north-east of the Mareeba Airport. As part of the application process the Civil Aviation Safety Authority (CASA) were contacted to seek comment on the developments potential impact on the air traffic as a result of glare. CASA responded with the following:

"CASA has assessed a number of solar farms sites around Australia in close proximity to regulated airports (Certified or Registered), and none have created glare that in our opinion would, or have been reported to, cause concern to pilots. This has been measured using the SANDIA Laboratory modelling tool developed in the USA in conjunction with the FAA (Federal Aviation Administration). Because modern solar panels are designed to absorb light and not reflect it, the level of reflection has proven to not be an issue to date."

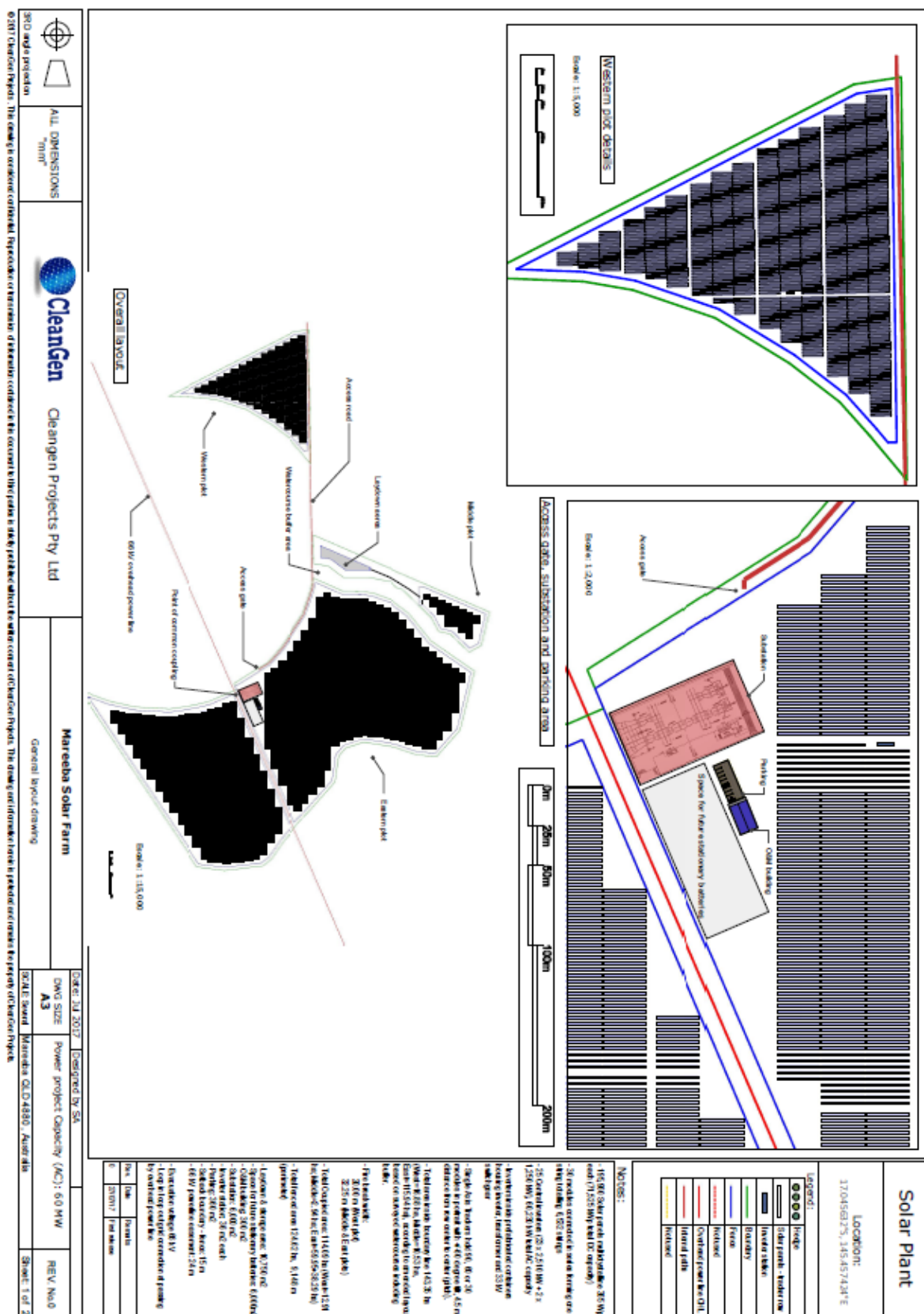
"CASA cannot give a definitive yes or no answer as to whether the proposed solar farm near Mareeba will or will not be a safety concern to aircraft operations. Based on our experience in reviewing similar Development Applications the Mareeba solar farm is unlikely to present a glare hazard to pilots using the Mareeba Airport. The farm is not runway aligned, so aircraft on approach and departure will not be flying over the site, the panels will be facing north (away from the airport itself) and for aircraft tracking to Mareeba from the north, the panels will present less glare than a lake surface or flying directly into the sun itself."

Based on the information obtained from CASA, It is unlikely that the proposed development will impact on air traffic using the Mareeba Airport.

Date Prepared: 23 August 2017

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3274807)





ATTACHMENT 2

Department of Infrastructure,
Local Government and Planning

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

27 July 2017

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

Attention: Mr Brian Millard

Dear Mr Millard

Concurrence agency response—with conditions

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

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

Applicant details

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

Site details

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

Application details

Proposed development:	Development permit for material change of use – Utility installation (solar farm)
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SDA-1116-035354

Aspects of development and type of approval being sought

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

Referral triggers

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

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

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

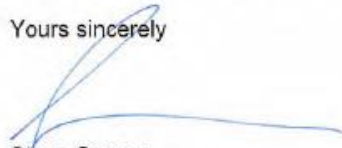
The department requires that the following plans and specifications set out below and in Attachment 3 must be attached to any development approval.

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

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

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

Yours sincerely



Steve Conner
 A/Deputy Director-General

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

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

SDA-1116-035354

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

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development permit for material change of use – utility installation (solar farm)		
Schedule 7, Table 3, Item 10 – Clearing vegetation —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The clearing of vegetation is not to exceed 65.07 hectares as identified as Area A (parts A1 and A2) on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-1116-035354 dated 29 June 2017.	At all times
2.	Any person(s) engaged or employed to carry out the clearing of vegetation must be provided with a full copy of this concurrence agency response, and must be made aware of the full extent of clearing authorised by the relevant development approval.	Prior to clearing
3.	<p>(a) Clearing of assessable vegetation in Area A (parts A1 and A2) must not occur within 10 metres of the defining bank of the watercourse labelled 'X' on the Referral Agency Response (Vegetation) Plan (RARP) SDA-1116-035354 dated 29 June 2017.</p> <p>(b) Infrastructure must not be established in or within 42.25 metres from the defining bank of the watercourse labelled 'X' on the Referral Agency Response (Vegetation) Plan (RARP) SDA-1116-035354 dated 29 June 2017.</p> <p>Note: the location of the watercourses shown on the RARP is indicative only and the actual location of the watercourses may vary in the landscape. It is the responsibility of the permit holder to ensure that the actual location of the defining bank of any mapped watercourses is used in meeting these conditions.</p>	<p>(a) While clearing is occurring</p> <p>(b) At all times</p>
4.	<p>(a) Prepare a Management Plan addressing Salinity. The management must be prepared by a suitably qualified professional and recommend salinity management measures to ensure :</p> <p>i. no worsening of the salinity levels of the soil and surface or ground water as a result of changes in the hydrology of the subject land; and</p> <p>ii. no increase in the incidence of waterlogging.</p> <p>(b) Submit a copy of the Management Plan mentioned at part (a) of this condition to:</p> <p>Vegetation Management Department of Natural Resources and Mines Address: PO Box 5318 Townsville QLD 4810 Email: northvegetation@dnrm.qld.gov.au</p> <p>(c) (Implement and maintain all required salinity management measures identified within the Management Plan mentioned at part (a) of this condition.</p>	<p>(a) and (b) Prior to clearing commencing</p> <p>(c) For the duration of the clearing</p>

SDA-1116-035354

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

Attachment 2—Reasons for decision to impose conditions

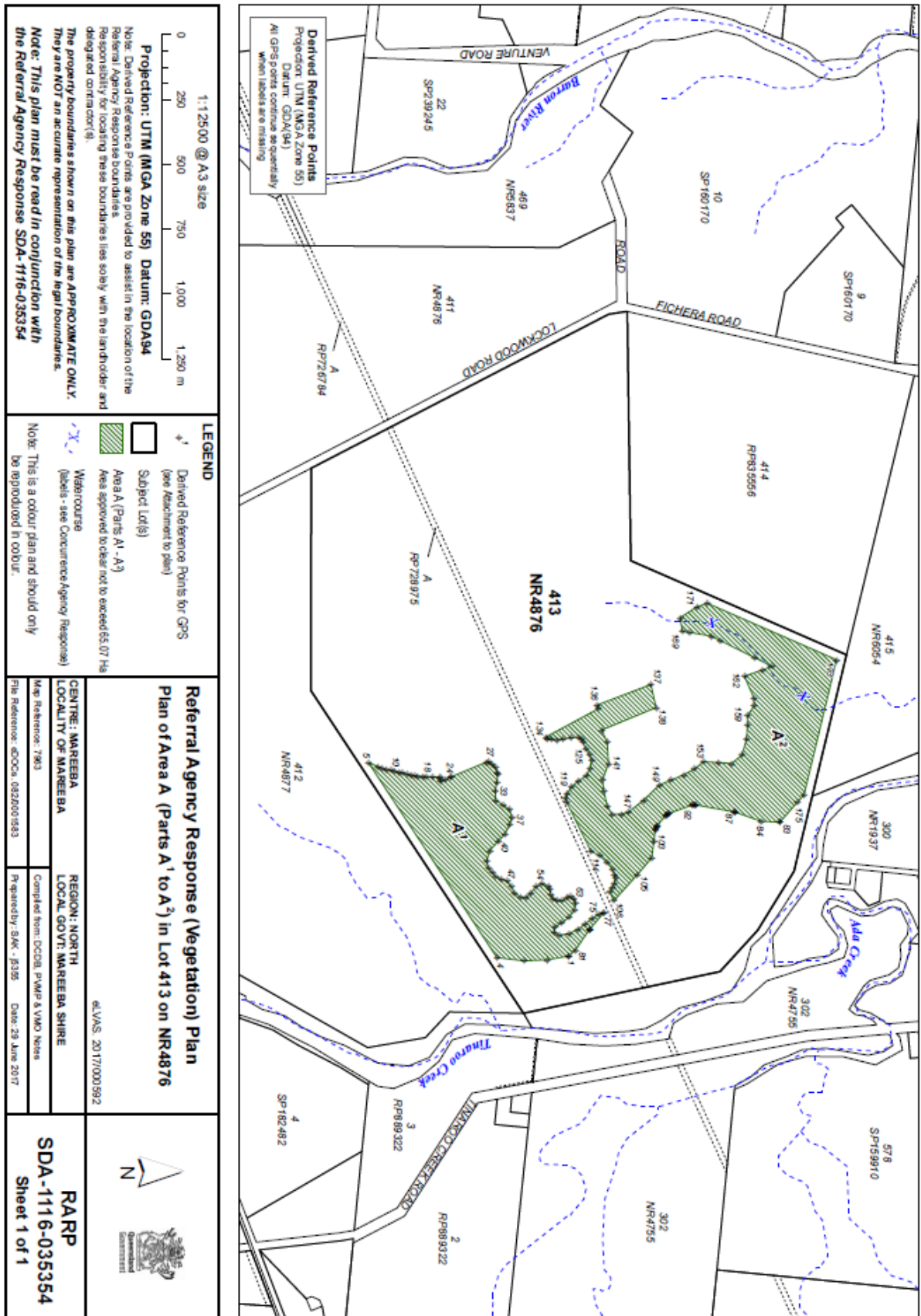
The reasons for this decision are:

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

SDA-1116-035354

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

Attachment 3—Approved plan and specifications



Attachment to Plan: SDA-1116-035354
Derived Reference Points for GPS

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

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

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
A1	1	337431	8114389	A1	81	337205	8114384	A2	121	336735	8114458
A1	2	337445	8114308	A1	82	337201	8114398	A2	122	336708	8114472
A1	3	337450	8114217	A1	83	337209	8114409	A2	123	336677	8114478
A1	4	337437	8114112	A1	84	337225	8114416	A2	124	336655	8114470
A1	5	336685	8113617	A1	85	337254	8114412	A2	125	336632	8114456
A1	6	336700	8113654	A1	86	337281	8114391	A2	126	336608	8114445
A1	7	336706	8113670	A1	87	337304	8114382	A2	127	336596	8114440
A1	8	336711	8113686	A1	88	337319	8114337	A2	128	336587	8114429
A1	9	336714	8113703	A1	89	337339	8114333	A2	129	336588	8114398
A1	10	336717	8113716	A1	90	337350	8114353	A2	130	336594	8114367
A1	11	336721	8113734	A1	91	337344	8114391	A2	131	336597	8114344
A1	12	336724	8113747	A1	92	337328	8114425	A2	132	336596	8114322
A1	13	336730	8113768	A1	93	337308	8114452	A2	133	336592	8114306
A1	14	336732	8113781	A1	94	337286	8114478	A2	134	336585	8114302
A1	15	336735	8113795	A1	95	337270	8114503	A2	135	336477	8114504
A1	16	336737	8113807	A1	96	337263	8114523	A2	136	336463	8114500
A1	17	336737	8113827	A1	97	337263	8114528	A2	137	336383	8114707
A1	18	336738	8113839	A1	98	337326	8114472	A2	138	336472	8114727
A1	19	336740	8113865	A1	99	337328	8114470	A2	139	336559	8114517
A1	20	336741	8113893	A1	100	337329	8114470	A2	140	336607	8114538
A1	21	336745	8113893	A1	101	337408	8114415	A2	141	336688	8114544
A1	22	336757	8113898	A1	102	337431	8114389	A2	142	336751	8114520
A1	23	336750	8113913	A2	83	336914	8115204	A2	143	336796	8114526
A1	24	336740	8113935	A2	84	336910	8115131	A2	144	336853	8114538
A1	25	336740	8113935	A2	85	336875	8115031	A2	145	336883	8114556
A1	26	336683	8114071	A2	86	336875	8115030	A2	146	336883	8114562
A1	27	336680	8114080	A2	87	336874	8115028	A2	147	336877	8114619
A1	28	336688	8114094	A2	88	336848	8114881	A2	148	336829	8114679
A1	29	336704	8114109	A2	89	336848	8114877	A2	149	336771	8114740
A1	30	336721	8114114	A2	90	336848	8114873	A2	150	336753	8114783
A1	31	336728	8114116	A2	91	336848	8114869	A2	151	336731	8114834
A1	32	336760	8114112	A2	92	336849	8114865	A2	152	336710	8114873
A1	33	336794	8114107	A2	93	336881	8114776	A2	153	336681	8114910
A1	34	336829	8114109	A2	94	336882	8114772	A2	154	336684	8114968
A1	35	336849	8114138	A2	95	336884	8114769	A2	155	336688	8115018
A1	36	336865	8114163	A2	96	336887	8114765	A2	156	336655	8115058
A1	37	336898	8114170	A2	97	336890	8114762	A2	157	336594	8115076
A1	38	336925	8114163	A2	98	336926	8114731	A2	158	336540	8115080
A1	39	336961	8114143	A2	99	336930	8114729	A2	159	336504	8115080
A1	40	336988	8114118	A2	100	336934	8114728	A2	160	336486	8115105
A1	41	337024	8114085	A2	101	336939	8114725	A2	161	336436	8115105
A1	42	337066	8114073	A2	102	336944	8114724	A2	162	336352	8115068
A1	43	337091	8114080	A2	103	336990	8114719	A2	163	336327	8115136
A1	44	337109	8114098	A2	104	337053	8114710	A2	164	336314	8115174
A1	45	337125	8114109	A2	105	337118	8114654	A2	165	336280	8115107
A1	46	337134	8114129	A2	106	337218	8114564	A2	166	336214	8114975
A1	47	337142	8114152	A2	107	337181	8114547	A2	167	336197	8114940
A1	48	337163	8114168	A2	108	337165	8114557	A2	168	336183	8114856
A1	49	337187	8114181	A2	109	337151	8114564	A2	169	336178	8114828
A1	50	337203	8114203	A2	110	337131	8114570	A2	170	336126	8114818
A1	51	337205	8114224	A2	111	337116	8114568	A2	171	336084	8114884
A1	52	337189	8114242	A2	112	337095	8114557	A2	172	336070	8114924
A1	53	337163	8114262	A2	113	337089	8114537	A2	173	336288	8115423
A1	54	337151	8114286	A2	114	337044	8114510	A2	174	336810	8115297
A1	55	337162	8114311	A2	115	337027	8114476	A2	175	336838	8115272
A1	56	337174	8114317	A2	116	336836	8114382	A2	176	336914	8115204
A1	57	337194	8114320	A2	117	336821	8114376				
A1	58	337209	8114329	A2	118	336804	8114384				
A1	59	337218	8114346	A2	119	336778	8114400				
A1	60	337218	8114364	A2	120	336755	8114427				

ATTACHMENT 3

825 Ann Street Fortitude Valley 4006
PO Box 264 Fortitude Valley 4006

ergon.com.au

28 February 2017

Chief Executive Officer
Mareeba Shire Council
Development Assessment
(sent via email: info@msc.qld.gov.au)

Attention: Brian Millard

cc Cleangen Projects
(sent via email – kreddy@cleangen.com.au)

Attention: Koovashni Reddy

Dear Brian,

ADVICE AGENCY RESPONSE
MATERIAL CHANGE OF USE (UTILITY INSTALLATION – SOLAR FARM)

LOCKWOOD ROAD MAREEBA

LOT 413 NR4876

COUNCIL REFERENCE: DA/16/0050
ERGON ENERGY REFERENCE: EE17/023667

This response is made on behalf of Ergon Energy Corporation Limited ACN 087 646 062 (Ergon Energy) pursuant to section 292 (advice agency response) of the *Sustainable Planning Act 2009* (Act).

In accordance with table 3, item 7 and item 8 of Schedule 7 of the *Sustainable Planning Regulation 2009*, referral is triggered due to the presence of an easement.

It is understood that the proponent intends establishing a solar farm on the subject site, and supplying power to the wider electricity grid via connection into the existing Ergon 132/66kV substation.

Ergon Energy Corporation Limited ABN 50 087 646 062
Ergon Energy Queensland Pty Ltd ABN 11 121 177 802

In principle, Ergon Energy (in our capacity as a referral agency under the *Sustainable Planning Act 2009*) has no objection to the proposed development. We strongly recommend that the proponent makes early contact with Ergon Energy to commence connection discussions should they not already have taken place.

Should council decide to approve the proposed development, we ask that the following conditions be included:

1. All easement conditions must be maintained.
2. Access to our infrastructure must be available at all times.
3. Any proposed earthworks do not result in an increase in ponding or runoff of stormwater onto existing electricity infrastructure and easements.
4. Should changes to Ergon Energy infrastructure be proposed or required as part of the development, those changes are made with Ergon Energy's consent and at the developer/owner's expense (unless otherwise agreed to by Ergon Energy).

This referral response does not constitute approval for connection to our network.

We respectfully request that a copy of the decision be provided in accordance with section 334 (1) (b) of the Act. Please contact me on 3851 6530 or via email address: townplanning@ergon.com.au for any further information.

Yours sincerely,



Ian Turton
Principal Town Planner
Ergon Energy

ITEM-2 **LOUGHTON HOLDINGS PTY LTD - MATERIAL CHANGE OF USE - LOW IMPACT INDUSTRY (MOTOR VEHICLE WORKSHOP) & SHOWROOM - LOT 1 RP700542 & LOT 45 SP243989 - 275 & 277-289 BYRNES STREET, MAREEBA - DA/17/0016**

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Loughton Holdings Pty Ltd	ADDRESS	275 & 277-289 Byrnes Street, Mareeba
DATE LODGED	12 May 2017	RPD	Lot 1 on RP700542 & Lot 45 on SP243989
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Low Impact Industry (Motor Vehicle Workshop) and Showroom		
FILE NO	DA/17/0016	AREA	Lot 1- 936m2 Lot 45 - 6,071m2
LODGED BY	Max Slade Designs Pty Ltd	OWNER	Loughton Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme - July 2016		
ZONE	Centre zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response - 13 June 2017

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 (including codes and policies) and is not in conflict with any aspect of the planning scheme.

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	Loughton Holdings Pty Ltd	ADDRESS	275 & 277-289 Byrnes Street, Mareeba
DATE LODGED	12 May 2017	RPD	Lot 1 on RP700542 & Lot 45 on SP243989
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Low Impact Industry (Motor Vehicle Workshop) and Showroom		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Low Impact Industry (Motor Vehicle Workshop) and Showroom

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M15-4344 A100	Aerial Site and Locality Plan	Max Slade Designs	5/8/2017
M15-4344 A101	Proposed Layout Plan	Max Slade Designs	5/8/2017
M15-4344 A102	Unnamed	Max Slade Designs	5/8/2017
M15-4344 A103	Existing Layout Plan	Max Slade Designs	5/8/2017
M15-4344 A104	Roof Framing Plan	Max Slade Designs	19/5/2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

 (a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.

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

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

- 3.4 Noise Nuisance

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

maximum noise level of 8dB(A) above background levels as measured from commercial locations.

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

3.5 Waste Management

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

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

4. Infrastructure Services and Standards

4.1 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening affect on surrounding land as a consequence of the development.
- (b) Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

4.2 Car Parking/Internal Driveways

All car parking spaces, display areas and internal driveways must be concrete or bitumen sealed, line marked 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.

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

4.3 Landscaping & Fencing

- (a) Within three (3) months of the removal of the dwelling house from Lot 1 on RP700542, a landscape plan must be prepared for Lot 1 on RP700542 and submitted to Council's delegated officer for consideration and approval. The landscape plan must include, at minimum, a 1 metre wide landscape strip along the Byrnes Street frontage of the site.

Lot 1 on RP700542 must be landscaped in accordance with the approved landscape plan within three (3) months of the removal of the dwelling house from Lot 1 on RP700542.

- (b) All landscaping must be mulched, irrigated and maintained to the satisfaction of Council's delegated officer.
- (c) Prior to the commencement of the use, the applicant is to erect the following screen fencing to the satisfaction of Council's delegated officer:
- (i) From the Byrnes Street frontage, along the northern boundary of Lot 1 on RP700542, for a distance of 7.5m, a 1.2 metre high solid (no gaps) screen fence constructed of timber or colorbond of neutral colour.
 - (ii) From the end of the fence required under (i) above, for the full remainder of the northern boundary of Lot 1 on RP700542, a 1.8 metre high solid (no gaps) screen fence constructed of timber or colorbond of neutral colour.
 - (iii) For the full eastern boundary of Lot 1 on RP700542, a 1.8 metre high solid (no gaps) screen fence constructed of timber or colorbond of neutral colour.

4.4 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be

provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

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

4.5 Frontage Works

Within three (3) months of the removal of the dwelling house from Lot 1 on RP700542, the developer is required to construct the following works, designed in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- A concrete footpath with a minimum width of 2.0 m must be constructed for the full frontage of Lot 1 on RP700542 to Byrnes Street.
- Footpath earthworks, topsoiling and turfing reinstatement of all disturbed footpath areas.
- Adjustments and relocations necessary to public utility services resulting from these works.

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

4.6 Sewerage Main Relocation

The developer, at their cost, must relocate the section of sewer main currently beneath the proposed workshop extension, to be clear of the proposed building footprint, in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

A Compliance Permit for Plumbing Works must be obtained from Council prior to the commencement of these works.

(D) ASSESSMENT MANAGER'S ADVICE

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

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and

Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(c) Compliance with Acts and Regulations

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 13 June 2017.

(F) RELEVANT PERIOD

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

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

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

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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing Works"

THE SITE

The subject site comprises of land described as Lot 1 on RP700542 and Lot 45 on SP243989, situated at 275 and 277-289 Byrnes Street, Mareeba respectively.

Lot 1 is regular in shape with an area of 936m² and a frontage of approximately 17.6 metres to Byrnes Street. A single storey dwelling house is established adjacent to the Byrnes Street frontage, with the rear two thirds remaining as a vacant grassed area.

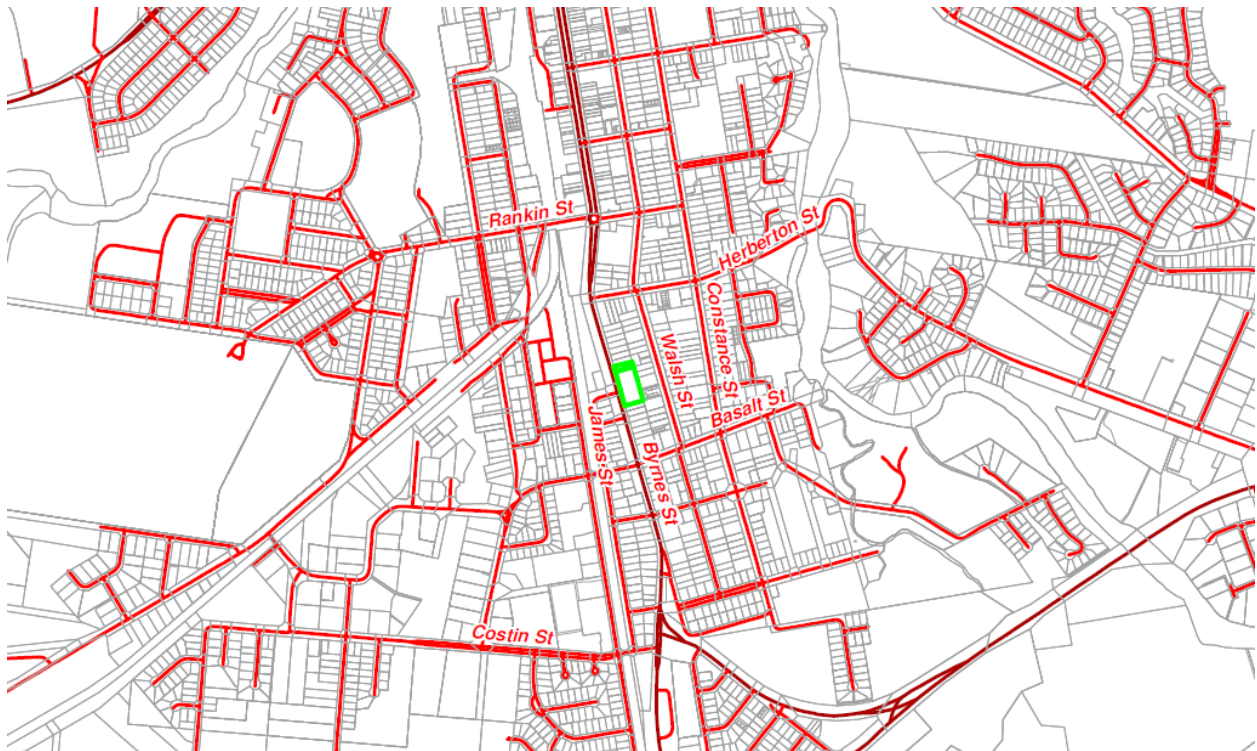
Lot 45 is rectangular in shape with an area of 6,071m² and a frontage of approximately 106 metres to Byrnes Street. The Mareeba Toyota/Hansen Ford car dealership has been continuously established over most of Lot 45 since late 1989. The car dealership buildings comprise a large showroom, motor vehicle workshop and training centre. The balance of Lot 45 consists of bitumen sealed outdoor vehicle display area.

Access to the subject site is via Byrnes Street, a State controlled road. The section of Byrnes Street fronting the subject site is constructed to a sealed, kerb to kerb width, of approximately 15 metres.



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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The subject site is within the Centre zone of the Mareeba Shire Council Planning Scheme 2016. The adjoining properties on Byrnes Street are also within the Centre zone and are used for a single dwelling house and vehicle repair station respectively.

The properties adjoining the western boundary of the subject site (fronting Walsh Street) are zoned Medium Density Residential and developed with either dwelling houses or multiple dwellings.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Low Impact Industry (Motor Vehicle Workshop) and Showroom in accordance with the plans shown in **Attachment 1**.

The applicant proposes the expansion of the Mareeba Toyota/Hansen Ford car dealership business within existing Lot 45 on SP243989 and also onto adjoining Lot 1 on RP700542.

Approximately 1,022m² of Lot 45, comprising the vacant bitumen sealed area located immediately to the south of the existing training building, is to be incorporated into the general car dealership activities. No new buildings are proposed within this part of Lot 45.

The rear area of Lot 1 on RP700542 is to be used for an extension to the existing motor vehicle workshop and a small increase in on-site parking. The workshop extension will have a GFA of approximately 310m².

The established dwelling house at the front of Lot 1 on RP700542 is planned to be retained for approximately 5 – 10 years, at which time it will be demolished and this part of Lot 1 will be landscaped and sealed forming an extension to the car display area.

The existing accesses from Byrnes Street will remain unchanged and no additional on street works are proposed. The existing water supply will remain unchanged as will the existing stormwater management system. The section of existing sewerage main below the proposed workshop extension will be relocated to avoid any construction over sewer.

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:	<i>Land Use Categories</i> <ul style="list-style-type: none">• Centre Area
Zone:	Centre Zone
Local Plan:	Mareeba - Town Centre Fringe
Overlays:	Airport Environs Overlay Code

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<i>Low impact industry</i>	<p>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:</p> <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 <p>the use is primarily undertaken indoors.</p>	<p>Repairing motor vehicles, fitting and turning workshop</p> <p>Note—additional examples may be shown in SC1.1.2 industry thresholds.</p>	<p>Panel beating, spray painting or surface coating, tyre recycling, drum reconditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry</p>
<i>Showroom</i>	<p>Premises used primarily for the sale of goods of a related product line that are of a size, shape or weight that requires:</p> <ul style="list-style-type: none"> • a large area for handling, display or storage • direct vehicle access to the building by members of the public for loading and unloading items purchased or hired. 	<p>Bulky goods sales, motor vehicles sales showroom, bulk stationary supplies</p>	<p>Food and drink outlet, shop, outdoor sales</p>

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme - July 2016**Strategic Framework****3.3 Settlement pattern and built environment****3.3.1 Strategic outcomes**

- (2) Mareeba Shire is supported by a network of compact, *activity centres* of varying scales. These *activity centres* form the primary focus for population growth. Each *activity centre* will maintain its individual character while growing to support and service the local economies of its catchments. The level of service provision within each *activity centre* is consistent with its role and function within the defined activity centre hierarchy. Growth is managed to ensure a high level of centre amenity and streetscape character is maintained, thus fostering vibrant, lively hubs of social interaction, trade and exchange.

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.*
- (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.*
- (4) *Ribbon or strip commercial activities along state controlled roads and local collector roads is generally avoided outside of the centre areas where possible.*
- (5) *Centre areas provide vibrant settings for community activity, social interaction and trade. Each centre retains its individual character.*
- (6) *Centre areas provide high quality and attractive streetscapes, active shopfronts, comfortable pedestrian environments and spaces for social interaction.*

Comment

The subject land is in within the Centre zone of the Mareeba township and has frontage to Byrnes Street.

The application is proposing the expansion of the long established Mareeba Toyota/Hansen Ford car dealership.

The development complies.

3.3.3 Element—Major regional activity centre

3.3.3.1 Specific outcomes

- (1) *The role and function of Mareeba as the major regional activity centre for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.*
- (2) *Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.*
- (3) *Mareeba is characterised by a relative lack of development constraints, and is supported by an expanding major industry area and Mareeba Airport. Mareeba has significant residential, industrial and commercial growth potential.*
- (4) *The centre area of Mareeba continues to be focussed on the core area around Byrnes Street (between Rankin and Lloyd Streets), with significant expansion of centre activities within underutilised sites within the Byrnes Street core, in Walsh Street and south along Byrnes Street. New development will improve the streetscape of the town centre including streetscape improvement.*
- (5) *Regional scale services and employment are provided in Mareeba, including:*
 - (a) *primary, secondary and tertiary educational establishments;*
 - (b) *major supermarkets and large format retailers;*
 - (c) *factory outlets and warehouses;*
 - (d) *government administration;*
 - (e) *hospitals and social services;*
 - (f) *major recreation and health and fitness facilities.*

Comment

The subject land is in within the Centre zone of the Mareeba township and has frontage to Byrnes Street.

The application is proposing the expansion of the long established Mareeba Toyota/Hansen Ford car dealership.

The development complies.

Relevant Development Codes

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

- | | |
|-------|-------------------------------|
| 6.2.1 | Centre 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 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 with applicable acceptable/probable solutions/performance criteria.
Mareeba Local Plan Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Airport Environs Overlay Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Commercial Activities Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Industrial Activities Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Landscaping Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Parking and Access Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Works, Services and Infrastructure Code	The application complies with applicable acceptable/probable solutions/performance criteria.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(f) Adopted Infrastructure Charges Notice

The development application proposes an expansion of the floor area available to the existing Mareeba Toyota/Hansen Ford motor vehicle dealership.

The applicant advises that the additional floor area is not intended to accommodate extra employees or expanded services at the dealership; instead it will allow more working space for the existing site operations.

The proposed use of the additional floor area will not increase the demand on Council's infrastructure networks.

An infrastructure payment is not warranted in this instance.

REFERRALS

Concurrence

The application triggered referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency (SARA - DTMR).

That Department advised in a letter dated 13 June 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

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

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 5 July 2017 to 28 July 2017. The applicant submitted the notice of compliance on 31 July 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

NIL

Date Prepared: 23 August 2017

ATTACHMENT 1

APPROVED PLANS

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ATTACHMENT 2

Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0517-039459
Your reference: M 15- 4344

13 June 2017

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

Attention: Mr Brian Millard

Dear Mr Millard,

Concurrence agency response—with conditions

Application for Material change of use (low impact industry and showroom) on land situated at 275 and 277-279 Byrnes Street, Mareeba and described as Lot 1 on RP700452 and Lot 45 SP243989

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

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 25 May, 2017.

Applicant details

Applicant name:	Laughton Holdings Pty Ltd
Applicant contact details:	C/- Max Slade Designs Pty Ltd PO Box 834 Tolga QLD 4882 maxslade@bigpond.net.au

Site details

Street address:	275 and 277-289 Byrnes Street, Mareeba
Lot on plan:	Lot 1 on RP700542 and Lot 45 SP243989
Local government area:	Mareeba Shire

Application details

Page 1

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

SDA-0517-039459

Proposed development: Material change of use for low impact industry (motor vehicle workshop) and showroom

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material change of use	Development permit	Extension of motor vehicle workshop and showroom	Impact assessment

Referral triggers

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

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

Conditions

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

Reasons for decision to impose conditions

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

Further advice

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

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use				
Aerial Site and Locality Plan	Max Slade Designs	March 2015	Sheet No A100	-
TMR Layout Plan 664-TDist 1.3km & 1.35km RHS	Queensland Government Transport and Main Roads	19-05-17	TMR17-21325	Issue A

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

SDA-0517-039459

For further information, please contact Belinda Jones, Senior Planning Officer, SARA Far North QLD on 4037 3239, or email belinda.jones@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Laughton Holdings Pty Ltd c/- maxslade@bigpond.net.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

SDA-0517-039459

Our reference: SDA-0517-039459

Your reference: M 15- 4344

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
Schedule 7, Table 3, Item 1 – State-controlled road Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
In accordance with approved plan		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> Aerial Site and Locality Plan prepared by Max Slade Designs, dated March 2015, Sheet No A100. TMR Layout Plan 664 - TDist 1.3km & 1.35km RHS prepared by Queensland Government Transport and Main Roads, dated 19-05-17, Reference TMR17-21325, Issue A. 	At all times
Design vehicle and traffic volume		
2.	The permitted road access location is restricted to vehicles not exceeding a single body truck as detailed in TMR Layout Plan 664 - TDist 1.3km & 1.35km RHS prepared by Queensland Government Transport and Main Roads, dated 19-05-17, Reference TMR17-21325, Issue A.	At all times
Stormwater management		
3.	Stormwater management of the development must ensure no worsening or actionable nuisance to Mareeba-Dimbulah Road (Byrnes Street), a state-controlled road.	At all times

SDA-0517-039459

Our reference: SDA-0517-039459
Your reference: M 15-4344

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

SDA-0517-039459

Our reference: SDA-0517-039459
Your reference: M 15-4344

Attachment 3—Further advice

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

[illegible]



Branch/Unit:	Corridor Management/Far North Region
Projection/Datum:	Geocentric Datum of Australia (GDA) 1994
PROPERTY BOUNDARY	
SUBJECT LAND	
STATE-CONTROLLED ROAD BOUNDARY	

TMR Layout Plan 664 - TDist 1.3km & 1.35km RHS)

	Queensland Government Transport and Main Roads
Plan No:	1 / 1
Issue:	A
Date:	19-05-17
Drawn by:	SMM
File ref:	TMR17-21325

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**ITEM-3 L & A GOSTELOW - RECONFIGURING A LOT -
SUBDIVISION (1 INTO 2 LOTS) - LOT 556 NR652 - 135
SABIN ROAD WEST, MAREEBA - DA/17/0025****MEETING:** Ordinary**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	L & A Gostelow	ADDRESS	135 Sabin Road West, Mareeba
DATE LODGED	15 June 2017 - Amended 15 August 2017	RPD	Lot 556 on NR652
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

FILE NO	DA/17/0025	AREA	70.441 hectares
LODGED BY	L & A Gostelow	OWNER	L & A Gostelow
PLANNING SCHEME	Mareeba Shire Council Planning Scheme - July 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

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

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

Proposed Lot 2 is smaller than the desired minimum reconfigured lot size of 60 hectares for land within the Rural zone.

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

It is recommended that the application be refused.

This development application was amended and subsequently withdrawn from the agenda of the 16 August 2017 ordinary meeting. At the same ordinary meeting, Council requested that officers provide appropriate conditions for approval of the application, for consideration. Draft conditions of approval are provided at the end of this report.

OFFICER'S RECOMMENDATION

"1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	L & A Gostelow	ADDRESS	135 Sabin Road West, Mareeba
DATE LODGED	15 June 2017 - Amended 15 August 2017	RPD	Lot 556 on NR652
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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

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

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

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

PO1

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

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

PO2

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

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

PO3

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

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

PO6

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

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

2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

PO1

Lots include an area and frontage that:

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

AO1.1

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

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

THE SITE

The subject land is described as Lot 556 on NR652, Parish of Tinaroo, County of Nares, situated at 135 Sabin Road West, Mareeba.

The land has an area of 70.441 hectares with frontages of approximately 160 metres to Malone Road and 1,470 metres to Sabin Road West. Malone Road is constructed to seven (7) metre wide bitumen sealed standard for the extent of this frontage. Sabin Road West is constructed to 3.5 metre wide bitumen sealed standard for the entire frontage.

Emerald Creek adjoins the northern boundary of Lot 556, whilst Levison Creek traverses the south-western corner, dissecting the property into two (2) distinct areas.

Lot 556 is improved by a single dwelling house and multiple rural outbuildings which are primarily clustered in the north-eastern corner adjacent to Emerald Creek. Several smaller farm sheds are scattered throughout the land.

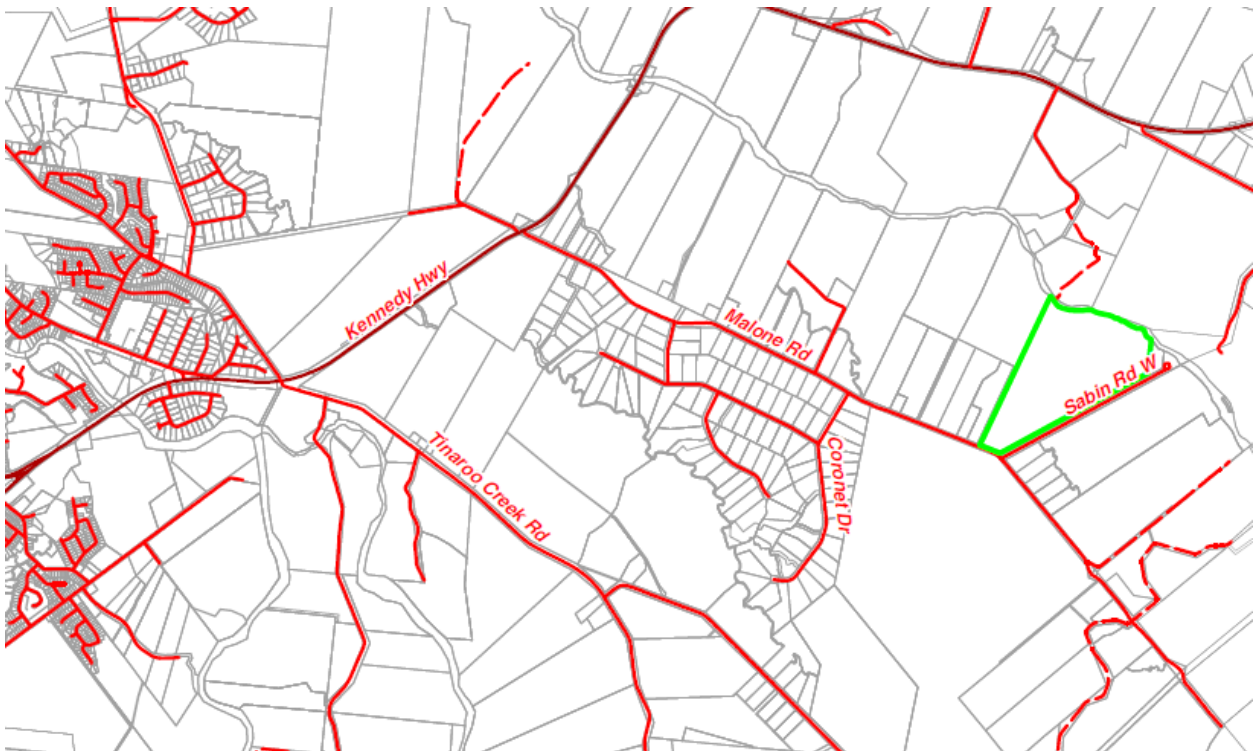
The site has been mostly cleared of native vegetation, with the exception of narrow bands vegetation adjacent to Levison Creek and Emerald Creek. The majority of Lot 556 has been intensively farmed.

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



Map Disclaimer:

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

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BACKGROUND AND CONTEXT

NIL

PREVIOUS APPLICATIONS & APPROVALS

NIL

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The details of the proposed allotments are as follows:

- Lot 1 - area of 62.971 hectares, 1,335.6 metres frontage to Sabin Road West; and
- Lot 2 - area of 7.47 hectares, 160.9 metres frontage to Malone Road and 133.7 metres frontage to Sabin Road West.

Proposed Lot 1 will contain the established farm dwelling house, multiple farm sheds and all notable farm infrastructure. Proposed Lot 2 would contain several small sheds at the time of its creation.

The existing servicing arrangements for proposed Lot 1 would remain in place. Proposed Lot 2 would require a water supply, electricity and telecommunication services.

Access to each proposed allotments would require upgrading in accordance with the FNQROC Development Manual.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

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

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme - July 2016

Relevant Development Codes

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

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

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application would conflict with the identified sections of the Agricultural Land Overlay Code and Reconfiguring a Lot Code.

Relevant Codes	Comments
Rural zone code	The application complies with applicable acceptable/probable solutions/performance criteria.
Agricultural land overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> ▪ PO1 ▪ PO2 ▪ PO3 ▪ PO6 Refer to planning discussion section of this report.
Airport environs overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Bushfire hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Environmental significance overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Transport infrastructure overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Landscaping code	The application complies with applicable acceptable/probable solutions/performance criteria.
Parking and access code	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> ▪ PO1 and AO1 Refer to planning discussion section of this report.
Works, services and infrastructure code	The application complies with applicable acceptable/probable solutions/performance criteria.

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

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

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

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

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

The developer must pay a one off payment of \$4,500.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$4,500.00)

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

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

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

REFERRALS

Concurrence

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

Advice

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

Internal Consultation

Technical services

PLANNING DISCUSSION

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

Conflicts with the Agricultural Land Overlay Code

PO1

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

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

Comment

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

Proposed Lot 1 will contain the established farm residence and farm sheds.

Proposed Lot 2 would not contain a dwelling house at the time of its creation and would have accepted development land use rights for a future dwelling house.

Any future dwelling house on proposed Lot 2 would be within the Class A area and would lead to a loss of agricultural land.

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

PO2

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

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

Comment

While the current application is for reconfiguring a lot only, it is expected that a future dwelling house would be established on proposed Lot 2 as a consequence of the reconfiguration.

Proposed Lot 2 is adjoined by Class A area in multiple directions.

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

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

P03

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

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

Comment

The significant majority of the proposed allotments is Class A area.

The excision of proposed Lot 2 will result in an additional rural living allotment. A future dwelling house will be built on proposed Lot 2 and this Class A area will be alienated from agricultural production.

Proposed Lot 2 is adjoined on multiple sides by Class A area. Establishing a further sensitive land use (dwelling house) immediately adjacent to the Class A area will constrain the future use of the Class A area.

The proposed development is in conflict with P03.

P06

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

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

A06

No acceptable outcome is provided.

Comment

The proposed development is in conflict with P06.

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

Conflicts with the Reconfiguring a Lot Code**P01**

Lots include an area and frontage that:

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

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

AO1.1

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

Comment

Table 9.4.4.3B of the Reconfiguring a Lot Code calls for a minimum rural zone lot size of 60 hectares.

Proposed Lot 1 (62.971 hectares) is compliant with AO1.1.

Proposed Lot 2 would have an area of 7.47 hectares. The area of proposed Lot 2 is not consistent with the design of other farming lots in the surrounding area (acknowledging that multiple historic small rural allotments are established along Malone Road).

The proposed reconfiguration conflicts with PO1.

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

It is recommended the application be refused.

Draft conditions of approval

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	L & A Gostelow	ADDRESS	135 Sabin Road West, Mareeba
DATE LODGED	15 June 2017 - Amended 15 August 2017	RPD	Lot 556 on NR652
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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

And

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>1. The proposed development is in conflict with Performance Outcomes PO1, PO2, PO3 and PO6 of the Agricultural Land Overlay Code:</p> <p>PO1 The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) is avoided unless:</p> <ul style="list-style-type: none"> (a) an overriding need exists for the development in terms of public benefit; (b) no suitable alternative site exists; and (c) loss or fragmentation is minimised to the extent possible. <p>PO2 Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) are designed and located to:</p> <ul style="list-style-type: none"> (a) avoid land use conflict; (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash; (c) avoid reducing primary production potential; and (d) not adversely affect public health, safety and amenity. <p>PO3 Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):</p> <ul style="list-style-type: none"> (a) ensures that agricultural land is not permanently alienated; (b) ensures that agricultural land is preserved for agricultural purposes; and (c) does not constrain the viability or use of agricultural land. <p>PO6 Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n), including boundary realignments, only occurs where it:</p> <ul style="list-style-type: none"> (a) improves agricultural efficiency; (b) facilitates agricultural activity; or (d) facilitates conservation outcomes; or (d) resolves boundary issues where a structure is built over the boundary line of two lots. <p>2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:</p> <p>PO1 Lots include an area and frontage that:</p> <ul style="list-style-type: none"> (a) is consistent with the design of lots in the surrounding area; (b) allows the desired amenity of the zone to be achieved; (c) is able to accommodate all buildings, structures and works associated with the intended land use; (d) allow the site to be provided with sufficient access; (e) considers the proximity of the land to: (i) centres; (ii) public transport services; and (iii) open space; and (f) allows for the protection of environmental features; and (g) accommodates site constraints. <p>AO1.1 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</p> <p>3. That there are not sufficient grounds to justify approval, despite the identified conflicts.</p>	<p>Neighbouring allotments directly to the east and west, on Malone Road, are already developed for rural residential living, notwithstanding the underlying agricultural land classification.</p> <p>Proposed Lot 2, the vacant lot, is considerably buffered from nearby intensive rural uses by distance and established vegetation along the banks of Levison Creek. The proposed subdivision does not result in a lessening of future rural opportunities or any further alienation of quality agricultural land.</p> <p>The proposed development is considered to represent the highest and best use of the subject land.</p>

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

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
556_001D(2)	Proposal Plan Lots 1 and 2 Cancelling Lot 556 on NR652	-	15 August 2017

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

- (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.

3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

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

3.8 Charges

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

3.9 Rural Addressing

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

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage

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

4.3 Water Supply

Proposed Lot 1 must be provided with a water supply via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or

- (b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or
- (c) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L;
 - (ii) fitted with a 50mm ball valve with a camlock fitting;
 - (iii) which are installed and connected prior to the occupation or use of the development.

At the time of construction of a dwelling on proposed Lot 2, a water supply must be provided via:

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

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 2, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Electricity provision/supply

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

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

4.6 Telecommunications

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

5. Additional Payment Condition/s (section 650 of the Sustainable Planning Act 2009)

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$4,500.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk transport network servicing the land (\$4,425.00 per additional allotment)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
 - Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Easement Documents

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

- (c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply via bore/perennial watercourse

(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.341)

- Reconfiguring a Lot not requiring Operational Works – two (2) years (starting the day the approval takes effect);

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

Date Prepared: *21 August 2017*

ATTACHMENT 1

PROPOSED PLANS



**ITEM-4 PROPOSED CANCELLATION AND ISSUE OF PERMIT TO
OCCUPY - LOT 10 AP6995, LOCALITY OF KOAH****MEETING:** Ordinary**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

The Department of Natural Resources and Mines (DNRM) is giving consideration to the cancellation of Permit to Occupy 0/233685 over Lot 10 on AP6995 due to arrears.

Permit to Occupy 0/233685 covers a 25m² area on the southern bank of the Barron River at Koah. The permit is issued for water facility (pump site) purposes and is associated with two (2) residential lots within the Koah township being Lots 16 and 218 on K4135.

Due to the sale of land, the holders of the permit to occupy and the registered owners of Lots 16 and 218 on K4135 are no longer the same.

In the event that Permit to Occupy 0/233685 is cancelled, DNRM intends to issue a new permit to occupy for the same purpose, over the same area, to the current registered owners of Lots 16 and 218 on K4135.

DNRM seeks Council's views on the issue of a new permit to occupy.

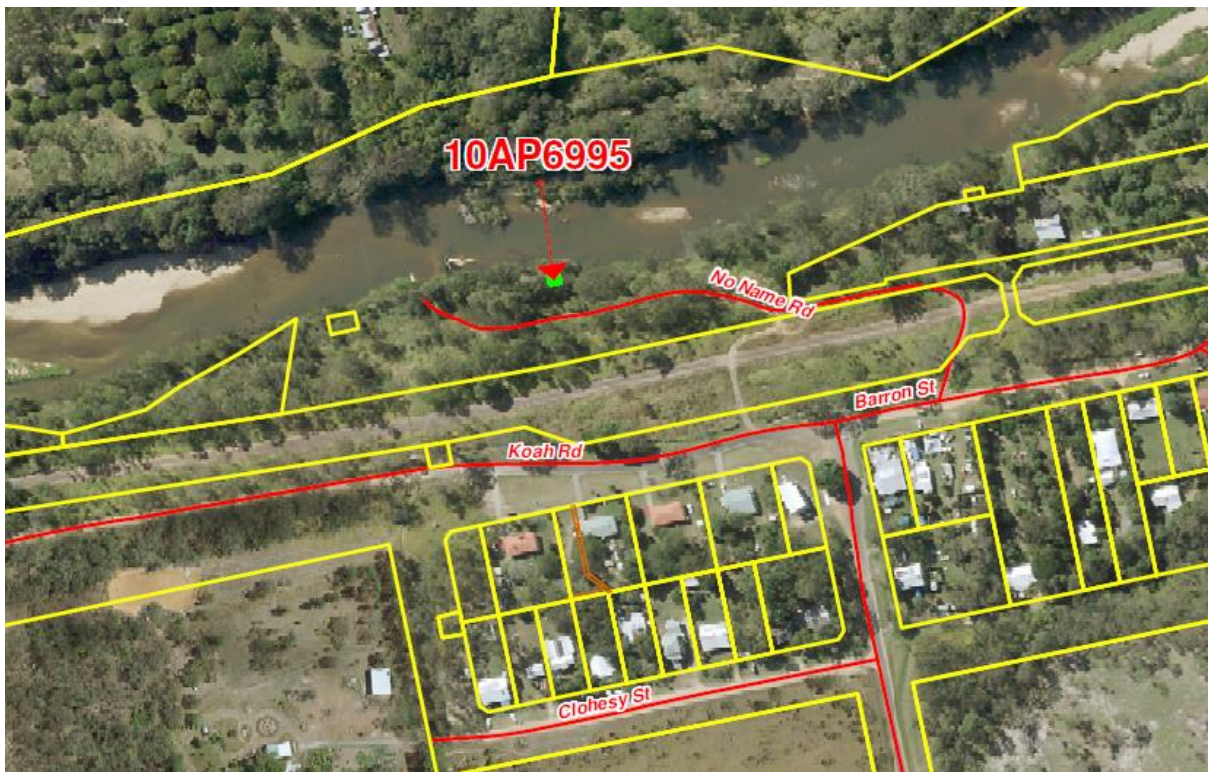
OFFICER'S RECOMMENDATION

"That Council offer no objection to the issue of a new permit to occupy to the registered owners of Lots 16 and 218 on K4135, over Lot 10 on AP6995, Locality of Koah for water facility (pump site) purposes."

BACKGROUND

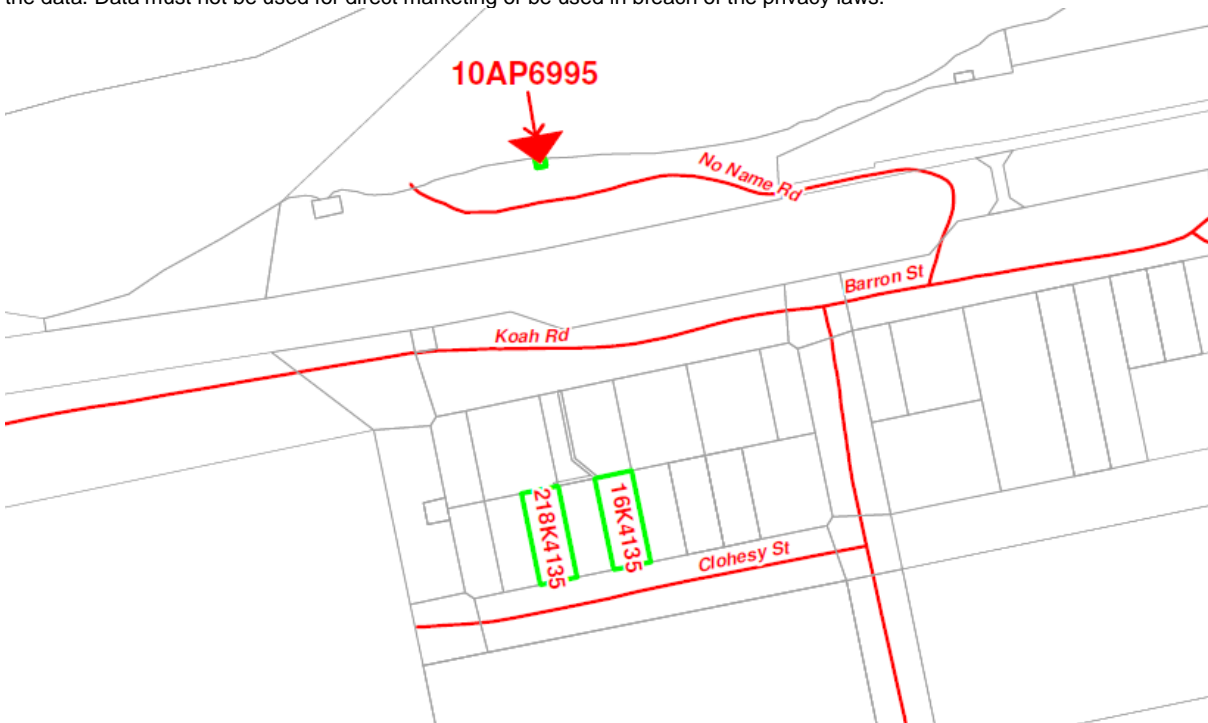
The subject land is described as Lot 10 on AP6995, Locality of Koah, having an area of 25m², and situated on the southern bank of the Barron River at Koah.

An existing permit to occupy is held over Lot 10 on AP6995 for the purpose of supplying water to residential Lots 16 and 218 on K4135, situated on Clohesy Street, Koah. Due to a change in ownership of Lots 16 and 218 on K4135, the permit to occupy is no longer held by the registered owners of Lots 16 and 218 on K4135 and is in arrears.



Map Disclaimer:

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



Map Disclaimer:

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

DNRM Policy does not allow an existing permit to occupy to be transferred to a new entity. Instead, the current permit to occupy must be cancelled/surrendered and a new permit to occupy issued. Upon cancellation of the existing permit, DNRM intends to offer a new permit for the same water facility purpose, to the registered owners of Lots 16 and 218 on K4135.

DNRM seeks Council's views on the issue of a new permit to occupy for the same purpose.

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal
Nil

External
Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

There is no objection to the issue of a new permit to occupy and the continued use of the land for a water facility (pump site).

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

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

ATTACHMENTS

1. Department of Natural Resources and Mines letter of 23 August 2017.

Date Prepared: 31 August 2017

ATTACHMENT 1*N/A URP- TEN
URP
RATES.*Department of
Natural Resources and Mines

Author: Katie Bennewith
Our Ref: 2016/007037
Unit: State Land Asset Management
Phone: (07) 4447 9172



23 August 2016

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

Dear Sir/Madam

Action notice issued for: Permit to Occupy 0/233685**Permittee's: JENNIFER JOY MILLER, MERRILYN VIRGINIA HAYES, LIAM STANLEY
GIBB & NICKY LAURA MCKILLOP**

I wish to advise that departmental records reveal that the above licence is in arrears to the extent of \$572.16 as at 20 September 2017.

As all or part of this amount has been outstanding for a period longer than 60 days, the provisions of the *Land Act 1994* require the Department to give consideration to the cancellation of the permit.

A final request for payment (Action Notice) was forwarded to the lessee on 7 August 2017 advising if payment is not received by 4 September 2017, the Department may consider cancellation of the permit (Copy attached for your information).

It is noted that the current permit and associated parcels Lot 16 and 218 on K4135 are not in the same names. Condition U44 states the permit and Lot 16 and 218 on K4135 are to be used in conjunction.

Please be advised that upon cancellation of the permit to occupy, the department will be making an offer to issue a new permit to occupy over the same area to registered owners of Lot 16 and 218 on K4135.

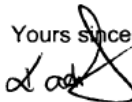
Can you please provide Council's written views on the issue of a new permit by close of business on **20 September 2017**

If you wish to provide any comment, please contact Katie Bennewith on telephone (07) 4447 9172 or email Townsville.SLAMS@dnrm.qld.gov.au and forward written advice to this office within 30 days from the date of this letter.

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department.

Please quote reference number 2016/007037 in any future correspondence.

Yours sincerely



Katie Bennewith
Acting Land Officer

Verde Tower, Level 9
445 Flinders Street Townsville
PO Box 5318, Townsville
Queensland 4810 Australia
Telephone +61 7 4447 9172
Facsimile +61 7 4447 9199
Website: www.dnrm.qld.gov.au

ABN 59 020 847 551



COPY

Department of
Natural Resources and Mines

Action Notice Cancellation

Author: Katie Bennewith
Our Ref: 2016/007037
Unit: State Land Asset Management
Phone: (07) 4447 9192

23 August 2017

Jennifer Milller & Others
Rural No197
Ganyan Drive
KURANDA QLD 4881

Dear Jennifer

Overdue Account for PO 0/233685 (Lot 10 on AP6995)
Permittee's: JENNIFER JOY MILLER, MERRILYN VIRGINIA HAYES, LIAM STANLEY GIBB
& NICKY LAURA MCKILLOP
Letter of Demand Issued: 20 February 2017

IMMEDIATE PAYMENT REQUIRED

As the registered permittees you are hereby served with this "Notice of Cancellation" in accordance with Section 180 of the *Land Act 1994* and 43D of the *Land Regulation 2009*.

Departmental records indicate the above permit is still in arrears to the extent of \$572.16 including penalty to 20 September 2017.

Penalty will continue to accrue at a rate of 8.8 % per annum compounding into the outstanding amount at the end of each month. The daily amount as at the date of this letter is approximately \$0.13 per day. It should be noted that our interest rates are adjusted on 1 July each year.

If you have recently made payment or consider the status of the account is incorrect, please advise my contact officer and provide details.

As the registered permittees of the above tenure, you are required to pay the amount outstanding within 30 days of the date of issue of this notice. If the outstanding amount is not paid within this time, it is proposed to cancel the tenure for outstanding land rent in accordance with section 43D of the *Land Regulation 2009*.

If the tenure is cancelled, you will be advised.

Level 9, Verde Tower
445 Flinders St,
PO Box 5318, Townsville
Queensland 4810 Australia
Telephone +61 7 4447 9172
Facsimile +61 7 4447 9199
Website: www.dnrm.qld.gov.au
ABN 59 020 847 551



You will be required to ensure that there are no improvements remaining on the permit area as at the date of cancellation otherwise the improvements will become the property of the State. If improvements are not removed you will be considered trespassing.

You should be aware that future dealings with other leases that you may own could be affected while payments remain outstanding on this account.

If you wish to discuss this matter please contact Katie Bennewith on (07) 4447 9172.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrm.qld.gov.au.

Please quote reference number 2016/007037 in any future correspondence.

Yours sincerely



Katie Bennewith
Acting Land Officer

Please Note: Our banking details have changed. If you are making payment by BPay or BPoint please use the Biller Code and Reference on the attached invoice to ensure processing of your payment.

Please note that BPay and BPoint only accept amounts up to \$100,000.00 in one transaction, so if your payment is over \$100,000.00 you will need to split the transaction accordingly.

IF PAYING BY MAIL, PLEASE DETACH THE PAYMENT SLIP ON THE ATTACHED INVOICE AND FORWARD WITH YOUR PAYMENT

Department of Natural Resources
 and Mines
 23/08/2017 11:03:03

 LAND TENURES LEDGER
 Rental Position Report
 Report as at Effective Date of 20/09/2017
 Report as at Posting Date of 23/08/2017 23:59:59

Page: 1 of 1

Report For REGION: NORTH
 DISTRICT OFFICE: ATHERTON
 LEASE NUMBER: PO 0/233685
 TITLE REF: 40059308
 LESSEE: JENNIFER JOY MILLER,
 LIAM STANLEY GIBB
 MERRILYN VIRGINIA HAYES
 NICKY LAURA MCKILLOP
 TENURE GROUP: S183 2012 NOT FOR PROFIT

ACCOUNT SUMMARY	Account	Fund Code	Rental Position as at 20/09/2017	Payout as at 20/09/2017
	MAIN	12	\$572.16	N/A
	Outstanding Total		\$572.16	N/A

Account: MAIN

CALL TYPE: NORMAL
 ACCOUNT STATE: ACTIVE
 EXPIRY DATE:
 ACTIVE CONCESSION:
 ACTIVE EXCLUSION:
 FINANCIAL RENTAL CATEGORY: 12.1.3 - RESIDENTIAL (NOT FOR PROFIT)
 LEGAL RENTAL CATEGORY: 12.1 - RESIDENTIAL
 MULTIPLE ANNUAL
 PAYMENT IMPACT: N
 INVOICE TERM: ANNUAL
 NEXT DUE DATE: 01/09/2018

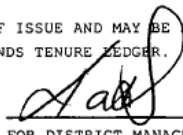
RENTAL POSITION

Current Billing Period: 01/07/2017 to 30/06/2018
 Last Invoiced Period: 01/07/2017 to 30/06/2018
 Fund Code: 12
 Control Level: 10
 Freehold/Leasehold: LEASEHOLD

CURRENT ANNUAL RATE: \$252.00 AS AT 20/09/2017
 (Exclusive of GST) FROM 20/09/2017
 AMOUNT PENDING: \$0.00 (Amount due in the near future)
 (Inclusive of GST) FROM 20/09/2017
 ACCOUNT BALANCE: \$544.49 (Negative balance means A/C in credit)
 (Inclusive of GST)
 PENALTY CHARGED: \$22.79
 PENALTY TO 20/09/2017 \$4.88 (Penalty is charged for late payments)
TOTAL AS AT 20/09/2017 \$572.16

I REFER TO YOUR REQUEST OF THE ____/____/____ REF: _____
 CONFIRMING THAT YOU ARE THE REGISTERED LESSEE OR HAVE AUTHORISATION FROM THE LESSEE TO OBTAIN
 THIS INFORMATION.

THE ABOVE INFORMATION IS CORRECT ONLY FOR THE DATE OF ISSUE AND MAY BE SUBJECT TO A BACKDATED CHANGE
 DUE TO INFORMATION NOT PRESENTLY AVAILABLE TO THE LANDS TENURE LEDGER.


 FOR DISTRICT MANAGER
 Department of Natural Resources and Mines

23/08/17

***** END OF REPORT *****

GOVERNANCE AND COMPLIANCE

ITEM-5 QPC COMPETITIVE NEUTRALITY INVESTIGATION REPORT

MEETING: Ordinary

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Manager Development & Governance

DEPARTMENT: Corporate & Community Services

EXECUTIVE SUMMARY

The Queensland Productivity Commission (QPC) issued a report to Council in response to a competitive neutrality complaint lodged with them in 2015.

The investigation identified some minor breaches by Council with regards to reporting and pricing provisions, however, did not identify that Council obtains any benefits from a procedural advantage (or disadvantage) in regards to competitive neutrality.

In accordance with Local Government Regulations, Council is now required to consider each of the recommendations by the QPC and identify any changes it wishes to implement as a result of this report.

OFFICER'S RECOMMENDATION

"That Council

1. Receive and note the report received by the Queensland Productivity Commission; and
 2. As per Attachment 1, resolves to:
 - a) Implement the recommendations for Section 1 - Financial Reporting; and
 - b) Implement the recommendations for Section 2(b) to (g) - Pricing Provisions; and
 - c) Not implement the recommendations for Section 2(a) - Pricing Provisions; and
 - d) Note the findings for Section 3 - Community Service Obligation (which made no recommendations); and
 - e) Not implement the recommendations for Section 4 - Application of the Competitive Neutrality Principles."
-

BACKGROUND

All Construction Approvals lodged a complaint with Queensland Competition Authority (QCA) on August 27, 2015. The complaint was made up of two parts:

1. Alleged that Council's certifying activity failed to comply with the principles of competitive neutrality as certain business practices and calculations in the estimated activity may lead to an advantage.
2. Council had not made certain financial statements available for inspection.

On November 20, 2015, the first part of the complaint was handed over to the Queensland Productivity Commission (QPC).

The second part of the complaint has been proven by Council to be incorrect.

Subsequent to Council receiving a final report by QPC on 30 June 2017, an amended final report was supplied to Council on 7 August 2017. This amended final report dealt with some errors that had arisen due to misstatements and misunderstandings by QPC.

Per section 55 of the *Local Government Regulations*, Council must:

1. decide, by resolution, whether to implement the recommendations in the QPC's report; and
2. The resolution must state the reasons for the local government's decision.

Analysis of QPC Report

Recommendations	Implement or Not Implement	Reason
Financial Reporting		
1) To comply with financial reporting requirements under Regulation, Council should: <ol style="list-style-type: none"> a) include, in any summary activity statements and summary estimated activity statement, a statement that is a summary only, and that a full statement could be inspected or purchased at Council's office, or inspected on Council's website. b) Include, in any estimated activity statement, a description of the nature of the CSO, as well an estimate of the CSO. 	<ol style="list-style-type: none"> a) Implement b) Implement 	<ol style="list-style-type: none"> a) Council has already published its budget papers (estimated activity statement) for 2017/18 however; the adjustment will be made to include the word "summary" in the heading of activity statement, which is included in the 2016/17 financial statements. b) Council has already published its budget papers (estimated activity statement) for 2017/18 however; the adjustment will be made to include a description of CSP in the summary activity statement for 2016/17.
Pricing Provisions		
2) The council should undertake the following actions to ensure it meets the pricing provision requirements to a level that can withstand external scrutiny: <ol style="list-style-type: none"> a) Revisit the cost allocation for 	<ol style="list-style-type: none"> a) Not Implement b) Implement c) Implement 	<ol style="list-style-type: none"> a) Council does include the customer service section costs in Council's overhead charge to every section of Council. The majority of the customer service provided to Building Services is through the Administration and

<p>customer service costs to ensure that the costs are accurately reflected in the cost base.</p> <p>b) Revisit the cost for office space and allocate a portion of total accommodation costs to the certifying activity.</p> <p>c) Continue to exclude accounts receivable from the cost base, given a private certifier does not necessarily face this cost, as it is a business decision.</p> <p>d) Calculate the payroll tax equivalent liability of Council and then attribute a portion of this to the certifying activity using an appropriate methodology.</p> <p>e) Calculate a return on capital, using a rate of which, in the local government's opinion, a comparable private sector business conducting the activity would be able to obtain the capital in the market.</p> <p>f) Reallocate costs and revenues for the certifying activity to ensure that projected total revenues are sufficient to cover projected total costs. The results should be reflected in the estimated activity statement.</p> <p>g) Revisit prices taking account of any cost adjustment recommendations.</p>	<p>d) Implement</p> <p>e) Implement</p> <p>f) Implement</p> <p>g) Implement</p>	<p>Regulatory Support services, and these costs are included in the activity report and fee calculation. QPC have been made aware of this.</p> <p>b) Currently, Council allocates the cost of office space to the area based on a market rate, as if the section had to rent office space in town. QPC has recommended that we measure the size of the area that we use to operate the Building Certification services and apportion the Rankin Street building costs accordingly.</p> <p>c) excluding accounts receivable from the cost base should be adjusted and had already been applied before the QPC recommendations were received.</p> <p>d) Council is to attribute a portion of payroll tax to the certifying activity using an appropriate methodology and should be adjusted per the recommendation.</p> <p>e) Return on Capital should be added per the recommendation.</p> <p>f) The Council should adhere to the recommendation to review the preparation of the activity statements due to the above adjustments.</p> <p>g) The recommendation to revisit the adjustments suggested should occur. The adjustments required in total would result in an immaterial adjustment of the fees and with the finite resources Council has, it would be advised to wait until 2018-19 and make the adjustments as part of the annual review.</p>
Customer Service Obligation		
2) No Recommendation was suggested.	N/A	N/A
Application of Competitive Neutrality Principles		
<p>3) The Council should address the risk of a perception of a procedural advantage by:</p> <p>a) Developing customer service standards and making them publicly available.</p> <p>b) Making clear which Council data searches are provided free of charge to both Council certifiers and private certifiers and that where fees do apply all customers are required to pay.</p>	<p>a) Not Implement</p> <p>b) Not Implement</p> <p>c) Not Implement</p>	<p>a) QPC did not identify any advantage or disadvantage; therefore we don't recommend to adjust current practices. A customer service charter would be advisable to define Council's service level further but is not a requirement.</p> <p>b) Private Certifiers are welcome to ask for information, and we will duly inform them if we can provide that at free of charge or the fee involved. Council's Planners and Plumbing</p>

c) Including in its annual report a statement that Council is meeting the principle of competitive neutrality, by removing specific financial, procedural and regulatory advantages.		Certifiers are available for advice anytime with appropriate complexities of advice taken into consideration. c) Council does not believe there is a requirement to do so
--	--	--

LINK TO CORPORATE PLAN

GOV 4 Develop a clear communication plan to engage with communities, including by increased councillor availability, to achieve greater understanding of Council decision making processes and policies.

CONSULTATION

Internal

Chief Executive Officer
 Director of Corporate & Community Services
 Manager Finance
 Acting Building Services Supervisor

External

Queensland Productivity Commission

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

1. Report is available for inspection at the Council's Service Centre
2. Within 7 days after making the resolution, give notice of the resolution to:
 - (a) the complainant; and
 - (b) the QPC

ATTACHMENTS

1. Analysis of QPC Report
2. QPC Competitive Neutrality Investigation

Date Prepared: *8 September 2017*

ATTACHMENT 1

Analysis of Queensland Productivity Commission Report

Recommendations	Implement or Not Implement	Reason
Financial Reporting		
1) To comply with financial reporting requirements under Regulation, Council should:		
a) include, in any summary activity statements and summary estimated activity statement, a statement that is a summary only, and that a full statement could be inspected or purchased at Council's office, or inspected on Council's website.	a) Implement	a) Council has already published its budget papers (estimated activity statement) for 2017/18 however; the adjustment will be made to include the word "summary" in the heading of activity statement, which is included in the 2016/17 financial statements.
b) Include, in any estimated activity statement, a description of the nature of the CSO, as well as an estimate of the CSO.	b) Implement	b) Council has already published its budget papers (estimated activity statement) for 2017/18 however; the adjustment will be made to include a description of CSP in the summary activity statement for 2016/17.
Pricing Provisions		
2) The council should undertake the following actions to ensure it meets the pricing provision requirements to a level that can withstand external scrutiny:		
a) Revisit the cost allocation for customer service costs to ensure that the costs are accurately reflected in the cost base.	a) Not Implement	a) Council does include the customer service section costs in Council's overhead charge to every section of Council. The majority of the customer service provided to Building Services is through the Administration and Regulatory Support services, and these costs are included in the activity report and fee calculation. QPC have been made aware of this.
b) Revisit the cost for office space and allocate a portion of total accommodation costs to the certifying activity.	b) Implement	b) Currently, Council allocates the cost of office space to the area based on a market rate, as if the section had to rent office space in town. QPC has recommended that we measure the size of the area that we use to operate the Building Certification services and apportion the Rankin Street building costs accordingly.
c) Continue to exclude accounts receivable from the cost base, given a private certifier does not necessarily face this cost, as it is a business decision.	c) Implement	c) excluding accounts receivable from the cost base should be adjusted and had already been applied before the QPC recommendations were received.
d) Calculate the payroll tax equivalent liability of Council and then attribute a portion of this to the certifying activity using an appropriate methodology.	d) Implement	d) Council is to attribute a portion of payroll tax to the certifying activity using an appropriate methodology and should be

Analysis of Queensland Productivity Commission Report

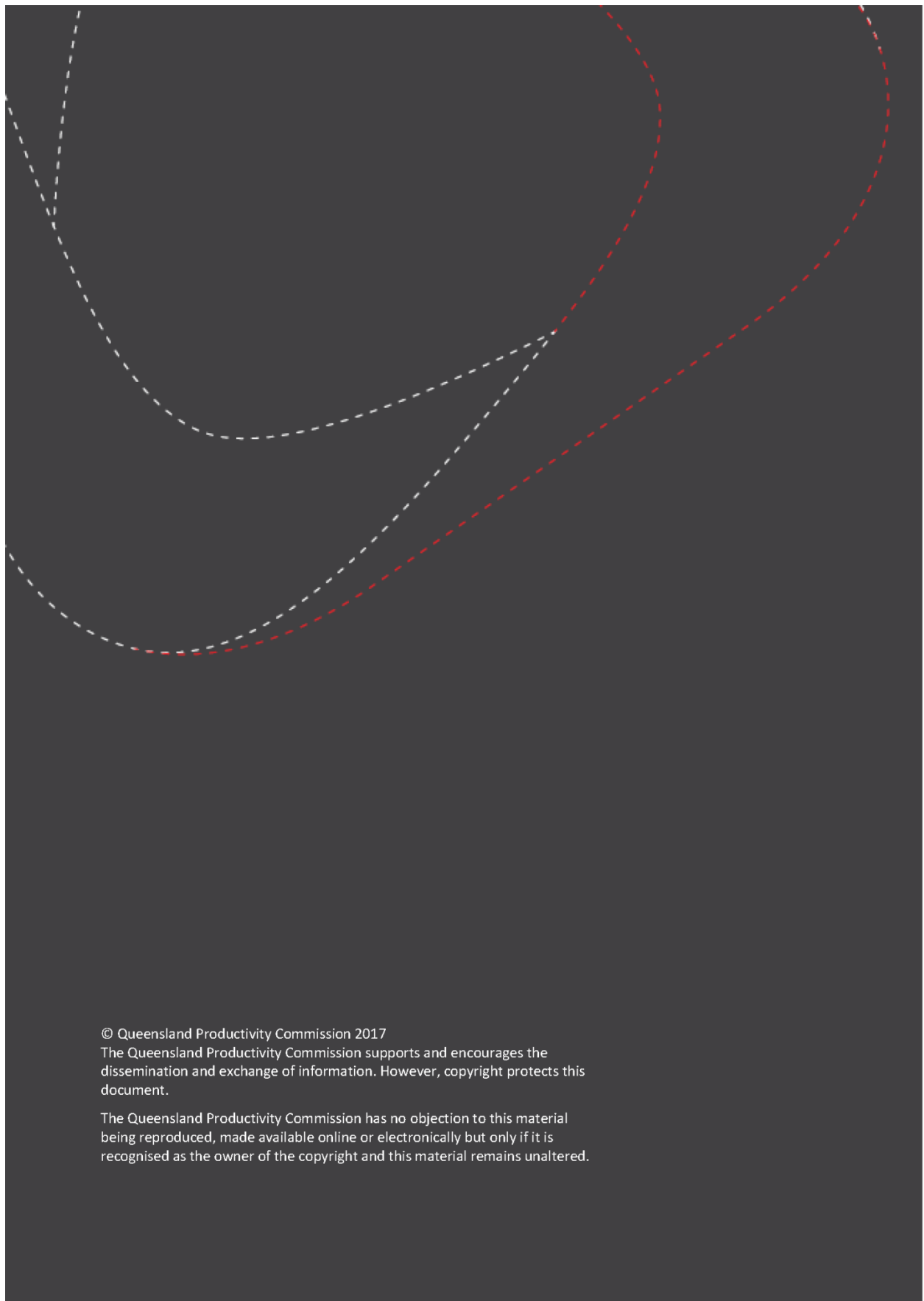
e) Calculate a return on capital, using a rate of which, in the local government's opinion, a comparable private sector business conducting the activity would be able to obtain the capital in the market.	e) Implement	e) adjusted per the recommendation. e) Return on Capital should be added per the recommendation. f) The Council should adhere to the recommendations to review the preparation of the activity statements due to the above adjustments.
f) Reallocate costs and revenues for the certifying activity to ensure that projected total revenues are sufficient to cover projected total costs. The results should be reflected in the estimated activity statement.	f) Implement	g) The recommendation to revisit the adjustments suggested should occur. The adjustments required in total would result in an immaterial adjustment of the fees and with the finite resources Council has, it would be advised to wait until 2018-19 and make the adjustments as part of the annual review.
g) Revisit prices taking account of any cost adjustment recommendations.	g) Implement	
Customer Service Obligation		
3) No Recommendation was suggested.	N/A	N/A
Application of Competitive Neutrality Principles		
4) The Council should address the risk of a perception of a procedural advantage by:		
a) Developing customer service standards and making them publicly available.	a) Not Implement	a) QPC did not identify any advantage or disadvantage, therefore we don't recommend to adjust current practices. A customer service charter would be advisable to define Council's service level further but is not a requirement.
b) Making clear which Council data searches are provided free of charge to both Council certifiers and private certifiers and that where fees do apply all customers are required to pay.	b) Not Implement	b) Private Certifiers are welcome to ask for information, and we will duly inform them if we can provide that at free of charge or the fee involved. Council's Planners and Plumbing Certifiers are available for advice anytime with appropriate complexities of advice taken into consideration.
c) Including in its annual report a statement that Council is meeting the principle of competitive neutrality, by removing specific financial, procedural and regulatory advantages.	c) Not Implement	c) Council does not believe there is a requirement to do so

ATTACHMENT 2

7 AUGUST 2017

REPORT

Mareeba Shire Council
Competitive neutrality investigation



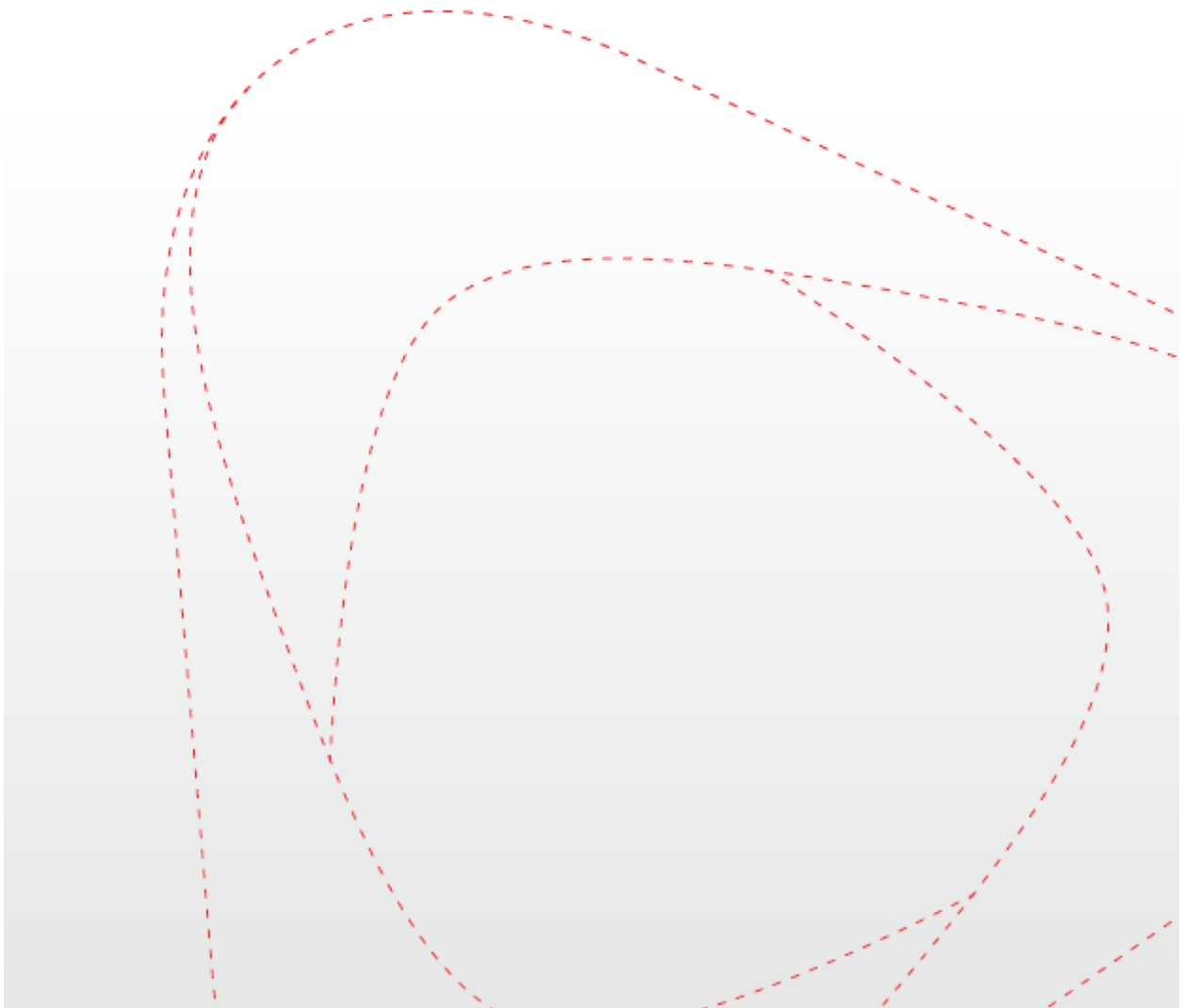


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Mareeba Shire Council
Competitive neutrality investigation





Preamble

On 30 June 2017 the Queensland Productivity Commission (the Commission) provided a report to Mareeba Shire Council (the Council) detailing the outcomes of a competitive neutrality complaint brought against it by All Construction Approvals (ACA).

Following receipt of the report, the Council expressed concern that elements of the report, including some findings, were factually inaccurate. Given these concerns, on 6 July 2017, the Commission invited the Council to provide, in writing, any evidence of factual inaccuracies for the Commission's review. ACA was also given the opportunity to provide any response to comments attributed to them in the report.

On 25 July 2017, the Council provided written comments to the Commission. This was followed by further communication with the Council to clarify any comments.¹

After further review, the Commission has determined that factual errors, requiring correction, were present in the report provided to Council on 30 June 2017. Accordingly, the Commission has amended the report, findings and recommendations with respect to:

- 'Admin & Regulatory Support Services' costs - the Commission considers that none of the 'Admin & Regulatory Support Services' costs should be excluded from the costs attributed to the certifying activity as originally reported. The Commission is now satisfied that Council has reasonably allocated 'Admin & Regulatory Support Services' cost to the certifying activity.
- The cost of providing the Council certifiers with access to Council's databases and information – the Commission has clarified that fee payments for certain searches are payments for a service that is a statutory function and all customers pay these search fees irrespective of whether they use a private or Council certifier. The Commission now considers the Council does not have a financial advantage with regard to the provision of data searches.

This report presents the amended findings and recommendations of the Commission's investigation into the competitive neutrality complaint brought by ACA against the building certifying activity of the Council.

7 August 2017

¹ A complete timeline of events is provided in Table 2 of this report



Executive Summary

This report provides the outcomes of the Queensland Productivity Commission's (the Commission) investigation into the 19 August 2015 competitive neutrality complaint brought by All Construction Approvals (ACA) against the building certifying activity (certifying activity) of Mareeba Shire Council (the Council).

The Queensland Competition Authority (QCA) received ACA's complaint on 27 August 2015. On 20 November 2015, the Commission assumed responsibility for the Queensland Government's competitive neutrality regulatory function and responsibility for the investigation into ACA's complaint.

ACA alleged that Council's certifying activity failed to comply with the principle of competitive neutrality as certain business practices and calculations in the estimated activity statement may lead to an advantage. Council had also not made certain financial statements available for inspection. The scope of the complaint is the 2014-15 activity statement and the 2015-16 estimated activity statement.

Certifying activities are a prescribed business activity under the *Local Government Act 2009* (the Act) and the *Local Government Regulation 2012* (the Regulation). The Act requires the code of competitive conduct (the Code) to be applied to a certifying activity. It is through applying the Code that the principle of competitive neutrality is implemented.

The Council has been undertaking the certifying activity since 1 January 2014. The Code has been required to be applied since that time.

The Commission has found that, in undertaking its certifying activity, Council has not fully complied with the Code. This reflects mainly technical breaches in applying the Code at the time of the complaint. This report sets out the Commission's findings and recommendations to address the issues identified from its competitive neutrality investigation.

Table 1 below provides a summary of the Commission's findings and recommendations.

The Commission's analysis follows the Code's requirements to consider financial reporting, pricing provisions, community service obligations (CSOs) and application of the competitive neutrality provisions.

Financial reporting

The Commission has found that at the time of the complaint, the Council was partly compliant with its financial reporting requirements under sections 34 and 35 of the Regulation. This is on the basis that it made a summary of its activity statement and estimated activity statement available in its annual report and annual budget respectively. However, where the statement is a summary statement only, the Council did not state that the report was a summary only and that a full statement could be inspected or purchased in accordance with section 34 and 35 of the Regulation.

Further, the Council was not compliant with the financial reporting requirements of reporting a CSO, as the summary 2015-16 estimated activity statement in the Council's budget papers did not include an estimate of the CSO or a description of its nature.

Pricing provisions

The Commission was unable to conclude whether the Council's cost benchmark was fully reflective of the costs of undertaking the certifying activity and therefore whether the price for services is appropriate. This is because the Council was non-compliant in a few areas under the pricing provisions.

Therefore, the Commission recommends Council revisit its cost allocation methodology and ensure it only allocates the costs associated with undertaking the certifying activity. This should take into account any adjustments for the advantages and disadvantages of government ownership, in accordance with the Regulation, and be able to withstand external scrutiny.



Community service obligations

A CSO is imposed by local government on a business activity to do something that is not in the commercial interest of the business entity to do. The Council provides a CSO for all building application costs to be the same for all customers, regardless of where they live in the Council area. The Commission considers the Council's CSO is a reasonable obligation for a local government to impose, and that the revenue adjustment implemented by Council is appropriate.

Application of the competitive neutrality complaint

The Commission considered two areas where Council may have had a competitive advantage.

Cost of providing the Council certifiers with access to Council's databases and information

Many data searches used by private and Council certifiers are provided free of charge but the Council charges a fee for some searches. The fee payment is for a service that is a statutory function and Council stated that all customers were required to pay the fee irrespective of whether they used a private or Council certifier. Given this, the Commission considers the certifying activity does not have a financial advantage in relation to access to the Council's databases and information.

Provision of planning information to certifiers

The Commission did not identify that Council benefits from a procedural advantage due to the Council certifiers working closely with Council planning staff. The Council confirmed that private certifiers and other external parties have access to Council planners (including via telephone or meetings at Council offices). This service is provided free of charge. However, Council certifiers proximity and direct access to planning information could potentially provide the certifying activity with a perceived procedural advantage over private competitors.

The Commission recommends the Council take steps to remove the risk of a perceived procedural advantage through transparent reporting and accounting processes.

The Commission does not consider the Council had any regulatory advantages or disadvantages.

Conclusion

Given the issues identified above, the Commission has concluded that aspects of ACA's 19 August 2015 complaint have been substantiated. The details are in Table 1.

The Commission acknowledges that in the time since the complaint was made, Council has changed some of its practices and not all issues identified continue to need rectification.

Next steps

This report has been provided to the Council for its consideration.

The Council must make a decision on whether to implement the recommendations, and set out the reasons for its decision. That decision should be documented by way of resolution.

The Regulation provides that the resolution must be made within one month of receiving the report, or if the Council does not ordinarily meet within that month, at the first meeting of the Council. The Council must give notice of the resolution to ACA and the Commission, within seven days of making the resolution.


Mareeba Shire Council
Competitive neutrality investigation

Table 1 Summary of findings and recommendations

Findings	Recommendations
Financial Reporting	
<p>1. At the time of the complaint the Council was:</p> <p>(a) compliant with section 35(1) of the Regulation, as it made a summary of its activity statement available in its annual report (2014–15).</p> <p>(b) not compliant with section 35(3) of the Regulation, as the summary statement did not state that it was a summary only and that a full statement could be purchased or inspected.</p> <p>(c) compliant with section 34(1) of the Regulation, as it did make a summary of its estimated activity statement available in its budget papers (2015–16).</p> <p>(d) not compliant with section 34(3) of the Regulation, as the summary statement did not state that it was a summary only and that a full statement could be purchased or inspected.</p> <p>(e) not compliant with section 34(2)(d) of the Regulation, as neither an estimate of the CSO, nor a description of the nature of the CSO were included in the 2015–16 estimated activity statement.</p>	<p>1. To comply with financial reporting requirements under the Regulation, Council should:</p> <p>(a) include, in any summary activity statement and summary estimated activity statement, a statement that it is summary only, and that a full statement could be inspected or purchased at Council's office, or inspected on Council's website.</p> <p>(b) include, in any estimated activity statement, a description of the nature of the CSO, as well as an estimate of the CSO.</p>
Pricing Provisions	
<p>2.1 The Council did not fully comply with the pricing provisions (based on the activity statement for 2014–15, provided on 14 March 2016) as follows:</p> <p>(a) The Council misallocated certain overheads to the certifying activity including:</p> <ul style="list-style-type: none"> over-allocating customer service costs provision of office space including accounts receivable (note Council excluded accounts receivable in 2016–17). <p>(b) The Council did not make an allocation for payroll tax in its cost base for the activity.</p> <p>(c) The Council did not make an adjustment to its cost benchmark to account for a return on capital.</p> <p>(d) Council did not meet section 2 of the pricing provisions, as it forecast an operating deficit for the year 2015–16.</p> <p>2.2 All other elements of the pricing provisions were found to be reasonably included in the cost benchmark</p>	<p>2.1 The Council should undertake the following actions to ensure it meets the pricing provision requirements to a level that can withstand external scrutiny:</p> <p>(a) Revisit the cost allocation for customer service costs to ensure that the costs are accurately reflected in the cost base.</p> <p>(b) Revisit the cost for office space and allocate a portion of total accommodation costs to the certifying activity.</p> <p>(c) Continue to exclude accounts receivable from the cost base, given a private certifier does not necessarily face this cost, as it is a business decision.</p> <p>(d) Calculate the payroll tax equivalent liability of Council and then attribute a portion of this to the certifying activity using an appropriate methodology.</p> <p>(e) Calculate a return on capital, using a rate at which, in the local government's opinion, a comparable private sector business conducting the activity would be able to obtain the capital in the market.</p> <p>(f) Reallocate costs and revenues for the certifying activity to ensure that projected total revenues are sufficient to cover projected total costs. The results should be reflected in the estimated activity statement.</p> <p>(g) Revisit prices taking account of any cost adjustment recommendations.</p>

Queensland Productivity Commission

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Mareeba Shire Council
Competitive neutrality investigation

Findings	Recommendations
Community service obligations	
3.1. The Council's CSO is a reasonable obligation to be imposed by a local government.	No recommendations are made regarding the CSO.
3.2. Council has made a revenue adjustment for its CSO related to the certifying activity, and the approach to estimating the size of the adjustment is reasonable.	
Application of the competitive neutrality principles	
4.1. The Council's certifying activity does not have a financial advantage in relation to access to Council's databases and information.	4.1. Council should address the risk of a perception of a procedural advantage by: (a) Developing customer service standards and making them publicly available. These standards would be designed to ensure all customers, whether internal to government or in the private sector, are treated in the same manner, with the same time frame and with the same, or similar, service levels. (b) Making clear which Council data searches are provided free of charge to both Council certifiers and private certifiers and that where fees do apply all customers are required to pay. (c) Including in its annual report a statement that Council is meeting the principle of competitive neutrality, by removing specific financial, procedural and regulatory advantages.
4.2. The Commission did not identify that the Council benefits from a procedural advantage (or disadvantage). However, the Commission found there is a risk of a perception of a procedural advantage.	
4.3. No regulatory advantages were identified.	

Queensland Productivity Commission

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1. Introduction

The report provides the outcomes of the Queensland Productivity Commission's (the Commission) investigation into the competitive neutrality complaint brought by All Construction Approvals (ACA) against the building certifying activity (certifying activity) of Mareeba Shire Council (the Council).

The role of the Commission

The Commission assumed responsibility for the Queensland Government's competitive neutrality regulatory function on 20 November 2015, on commencement of the *Queensland Productivity Commission Act 2015*.

The investigation was conducted in accordance with the *Local Government Regulation 2012* (the Regulation). The power for the Commission to investigate is conferred under Division 7 of the Regulation, where the Commission has the function to conduct complaint investigations and to provide a report in respect of an investigation.

Competitive neutrality framework and complaint process

Competitive neutrality is the idea that a government entity undertaking a business activity in competition with a private business, should not enjoy a net advantage because it is government owned. Advantages can be financial, procedural or regulatory.

Certifying activities are a prescribed business activity under the *Local Government Act 2009* (the Act) and the Regulation. The Act requires the code of competitive conduct (the Code) to be applied to a certifying activity. The Code considers the competitive neutrality principle, financial reporting, pricing provisions and the treatment of community service obligations. More detail is at **Appendix A**.

The Regulation outlines the process for addressing competitive neutrality complaints. More detail on the requirements and how they were applied in this case is at **Appendix B**. In summary, the key requirements are:

- internal resolution between Council and the complainant as a first step
- referral to the Commission if unable to be resolved internally
- if the Commission decides to accept the complaint, it is investigated and recommendations are made to address any findings. A report is submitted to Council for its action, with recommendations provided to the complainant
- Council to publish the report and decide on any action.

Investigation process

At the time the complaint was lodged (27 August 2015), the Queensland Competition Authority (QCA) was responsible for competitive neutrality in Queensland. The governing legislation was the *Queensland Competition Authority Act 1997* (QCA Act) and the process of considering and investigating the ACA's complaint was commenced under it.

The QCA made the decision to commence an investigation of the complaint.²

To inform its investigation, the Commission sought submissions from the Council, ACA and the Department of Infrastructure, Local Government and Planning (DILGP). Further information was sought from the Council. Table 2 outlines the timeline for the investigation of the complaint.

² Section 46 of the *Local Government Regulation 2012*


Table 2 Timeline of the complaint investigation

Date	Milestone
19 August 2015	The Council received the complaint from the ACA.
27 August 2015	The Council sent a letter to ACA noting receipt of the complaint.
27 August 2015	The Council referred ACA's complaint to the QCA.
28 September 2015	The Council sent a letter of response to ACA providing the results of the Council's investigation into the complaint.
2 October 2015	The QCA sought further information from ACA by 30 November 2015 to inform its decision of whether to investigate.
5 November 2015	The QCA received further information from QCA and decided to investigate.
19 November 2015	The QCA sought submissions from Council, ACA and the DILGP. The deadline for submissions was 24 December 2015.
20 November 2015	The Commission assumed responsibility for competitive neutrality.
11 December 2015	The Commission received a submission from the Council.
17 February 2016	The Commission sent a letter to Council requesting further information.
14 March 2016	The Council provided the Commission with additional information.
30 June 2017	The Commission provided a report on the investigation to the Council.
4 July 2017	The Council provided the Commission with initial feedback on the report via teleconference
5 July 2017 (received 12 July 2017)	The Council wrote to the Commission requesting the report be rescinded and that it be provided an opportunity to respond.
6 July 2017	The Commission wrote to Council requesting written evidence of factual inaccuracies in the report.
25 July 2017	The Council provided the Commission with additional information.
28 July 2017 and 31 July 2017	The Commission and the Council discussed, via teleconference, the points raised by the Council in its letter of response of 25 July 2017.
7 August 2017	Revised report provided to Council.

Council's building certifying activity

The Council's certifying activity commenced on 1 January 2014, and the Code was required to be applied to it at that time. It sits within the Building and Plumbing section of Council which is part of the Council's Development and Governance Group within the Council's Corporate and Community Services Department (see Figure 1). The Building and Plumbing section is responsible for certifying activity and other Council statutory building functions.

More detail on building certification definitions and activity in Queensland is at **Appendix C**.

**Figure 1 Mareeba Shire Council organisational structure**

Structure of the report

The report outlines the results of the Commission's investigation, and is presented as follows:

- Chapter 2: Overview of the complaint
- Chapter 3: Overview of the investigation covering: financial reporting, pricing provisions, CSOs, and application of the competitive neutrality principle
- Chapter 4: Conclusion

Appendices provide more detail on the legal and policy framework (Appendix A), the complaints process (Appendix B) and building certification in Queensland (Appendix C).



2. Overview of the Complaint

On 19 August 2015 ACA made a complaint to Council. On 27 August 2015, the Council referred ACA's complaint to the QCA.

In its complaint, ACA alleged that the Council failed to comply with the competitive neutrality principle in conducting its certifying activity.³ ACA noted that it appeared that certain business practices and incorrect calculations in the estimated activity statement⁴ may provide the Council with an unfair advantage. Specifically, ACA noted the estimated activity statement was not available for inspection as required by the Regulation.

The Council responded to ACA in a letter dated 27 August 2015. It noted the complaint had been referred to the QCA and that Council also intended to carry out its own investigation.

The Council provided ACA with the results of its investigation on 28 September 2015. It directed ACA to view its estimated activity statement in its budget papers on its website. It also advised that with respect to its 2015–16 budget, the expenditure numbers do not give a true indication of the actual cost of certification. This was because the compliance/regulatory component of tasks undertaken by Council Building staff were not taken into account. The Council also provided ACA with a copy of its 2014–15 Activity Statement.

ACA, in email correspondence with QCA dated 5 November 2015, commented on the 2014–15 Activity Statement provided by Council on 28 September 2015. Specifically, ACA noted that:

- (a) revenue from its regulatory fees for the services are included in the total revenue for the building certifying activity
- (b) the Council has included a revenue amount for a 'community service obligation' that does not meet the intent of Section 24 of the Regulation
- (c) there is no indication of how much the Council charge themselves for access to all of the Council's databases/information such as building records, sewer maps and stormwater maps
- (d) the Council's activity statement lacks the detail required by section 34(b) of the Regulation.

ACA and the Council were unable to resolve the matter through an informal process.

The QCA decided to investigate the complaint and issued notices of investigation to ACA, the Council and the Department of Infrastructure, Local Government and Planning (DILGP). Each of the parties was invited to make a submission on the complaint. In accordance with section 46 of the QPC Act, further information was also sought from the Council and the Commission received a submission from the Council. The additional information obtained through those processes was taken into account in the Commission's investigation.

The scope of the complaint encompasses the Council's 2014–15 activity statement and 2015–16 estimated activity statement.

³ All Construction Approvals, 19 August 2015.

⁴ Estimated activity statement is defined in section 34 of the *Local Government Regulation 2012*.



3. The investigation

Council commenced the certifying activity on 1 January 2014, and the Code was required to be applied to the activity since that time. The investigation examined how the Code's provisions⁵ were applied. This chapter summarises the investigation in the following sections:

- financial reporting
- the pricing provisions
- the treatment of community service obligations; and
- application of the competitive neutrality principle.

Financial reporting

This section analyses whether the Council has met the Code's financial reporting requirements.

Requirements for estimated activity statements and activity statements

Under sections 34 and 35 of the Regulation, a local government's budget must, for each business activity, contain an estimated activity statement. The local government's annual financial statements must contain, for each business activity, an activity statement. The requirements for the activity statements are outlined in Table 3. These must be publicly available.

Table 3 Regulatory requirements for estimated activity statements and activity statements

Item	Estimated activity statement	Activity statement
Revenue	The estimated revenue that is payable to— (a) the local government; or (b) anyone else	The revenue from goods and services provided to the local government in conducting the business activity. The revenue from goods and services provided to persons other than the local government in conducting the business activity.
Expenses	The estimated expenses, including all items taken into account under the pricing provisions (other than return on capital).	The expenses for the business activity, including all items required to be taken into account under the pricing provisions (other than return on capital).
Surplus/deficit	The estimated surplus or deficit for the financial year.	The surplus or deficit for the financial year.
Community service obligations	If community service obligations are to be carried out during the business activity — (a) a description of the nature of the community service obligations; and (b) the estimated cost of performing the community service obligations, less the estimated revenue for the community service obligations.	If community service obligations were carried on during the business activity— (a) a description of the nature of the community service obligations; and (b) the cost of carrying out the community service obligations, minus the revenue from the community service obligations.

Source: Sections 34 and 34 of the *Local Government Regulation 2012*.

⁵ The Code of Competitive Conduct is set out in Division 5 of the *Local Government Regulation 2012*.



Both statements may contain a summary of the required information. However, if a summary is used instead of a full description, the statements must also state that it is only a summary, and that a full statement of the information may be inspected or purchased at the local government's public office and inspected on the local government's website.

ACA's submission

In its letter of complaint ACA noted that:

The Estimated Activity Statement is not available for inspection as required by section 34(a)(i) and (b)(iii) of the local government Regulation 2012.⁶

In its response to the QCA's request for further information (for the purposes of initiating an investigation), ACA provided the following:

Mareeba Shire Council has provided an activity statement however I have concerns with what income is included in the statement.

And further:

Mareeba Shire's activity statement lacks the detail required by s34 (b) of the LGR 2012.⁷

Council's submission

Table 4 summarises information from the estimated activity statement 2015–16 and the revised activity statement 2014–15.

The Council submitted that it was part of the Tablelands Regional Council for the 2012–13 financial year and the first six months of the 2013–14 financial year. Given this, requests for activity statements for this period were required to be directed to Tablelands Regional Council.

The Council advised that, in the six-month period following de-amalgamation from Tablelands Regional Council (1 January 2014 to 30 June 2014), no activity statement was produced for the certifying activity and it was not included in the notes to the Council's annual financial statements relating to National Competition Policy.⁸

The Council advised that an activity statement has since been prepared based on the actual revenues and expenses for the six-month period after de-amalgamation.⁹

⁶ ACA, complaint to Council, 19 August 2015.

⁷ ACA, email to the QCA, 5 November 2015.

⁸ Mareeba Shire Council, submission, 14 March 2016, p. 8.

⁹ Mareeba Shire Council, submission, 14 March 2016, attachment 6.


Table 4 Financial statements for 2014-15 and 2015-16

Revenue	Revised Activity Statement 2014-15 (\$)	Estimated Activity Statement 2015-16 (\$)
Total revenue received	248,844	190,500
Less revenue generated by activities other than Building Certification e.g. Building Record Searches, Sundry Revenue, Siting Dispensations	(15,097)	(14,425)
Less revenue from Private Certifiers	(12,820)	(28,000)
Revenue attributable to Building Certification Activity	220,927	148,075
Community Service Obligation	5,000 ¹⁰	4,000
<i>Total revenue for building certification</i>	<i>225,927</i>	<i>152,075</i>
Direct costs	144,129	110,669
Corporate Overheads allocated to Building Certification	78,032	59,742
Less other competitive neutrality adjustments	(2,870)	(1,981)
<i>Total expenditure</i>	<i>219,291</i>	<i>168,430</i>
<i>Earnings before interest and tax</i>	<i>6,636</i>	<i>(16,355)</i>
<i>Notional tax at 30%</i>	<i>(1,991)</i>	<i>0</i>
Net operating profit/loss	4,645	(16,355)

Source: Mareeba Shire Council, submission, 14 March 2016.

Findings and Recommendations

The Commission considered the following two matters in respect of the Council's estimated activity statement and activity statement:

- whether the statements have been made available, either in the Council's budget report (an estimated activity statement) or annual report (an activity statement); and
- whether the statements contain the required information.

Public availability of estimated activity statement

At the time of ACA's complaint, the Council had a summary activity statement available in its 2014–15 annual report. However, the statement did not indicate that it was a summary only. Given this, ACA's complaint has some merit, as an activity statement was available, but it was not described as a summary statement.

The Commission notes the Council has a summary activity statement included in its 2015–16 annual report. However it was not described as a summary statement and did not include a statement that a full statement was available for purchase or inspection at its public office.¹¹

After the Council investigated ACA's complaint, and in response to requests for further information from the QCA and the Commission, the Council provided a revised activity statement. This is summarised in Table 4. The Commission considers the revised statement would comply with the requirements of section 35 of the Regulation if made publicly available.

¹⁰ The revised activity statement provided with the 14 March 2016 submission noted: 'Community Service Obligation – Council policy is to provide services at equal cost throughout the Shire.'

¹¹ Mareeba Shire Council Annual Report 2015–16, at <https://policies.msc.qld.gov.au/feed/files/Annual%20Report%202015-2016.pdf>.



In response to ACA's complaint, the Council noted that its estimated activity statement could be found within the Council's budget documents published on the Council's website.¹² At the time of the Commission's investigation, the Council had made a summary estimated activity statement available in its 2015–16 budget papers, but the statements did not indicate they were a summary. On this basis, the Council has partly complied with section 34 of the Regulation and, accordingly, the Commission has determined that ACA's complaint has merit.

Information required to be in the statements

The Council has a CSO associated with its certifying activity (see later in this chapter for more details). Under the Regulation, if a CSO is to be carried out during a business activity, both the activity statement and the estimated activity statement should include a description of the nature of the CSO and the estimated cost of performing the CSO, less the estimated revenue for the CSO.

The activity statements in the Council's 2014–15 and 2015–16 annual reports include an estimate and description of the nature of the CSO. Given this, the Commission considers the Council has complied with section 35(2)(e) of the Regulation.

While the Council included a CSO line item in its 2015–16 estimated activity statement in its budget papers, it did not include an estimate of the value of the CSO, or a description of the nature of the CSO. The Commission considers that the Council has not provided enough information regarding the cost allocation of the CSO in its initial estimated activity statement, and therefore the Council has not complied with the requirements of section 34 of the Regulation.

The Commission notes that in the Council's submission dated 14 March 2016, the Council provided a 2015–16 estimated activity statement, which included a description of the nature of the CSO and details of how the cost of performing the CSO less the revenue for the CSO was estimated. In this regard, the Commission is satisfied that the Council is now complying with its requirements under sections 34 of the Regulation.

The Commission notes that Council's estimated activity statement in its 2016–17 budget papers includes an estimate of the CSO, but no description of its nature.

Financial reporting – Findings and recommendations

Findings	Recommendations
1. At the time of the complaint the Council was: (a) compliant with section 35(1) of the Regulation, as it made a summary of its activity statement available in its annual report (2014–15). (b) not compliant with section 35(3) of the Regulation, as the summary statement did not state that it was a summary only and that a full statement could be purchased or inspected. (c) compliant with section 34(1) of the Regulation, as it did make a summary of its estimated activity statement available in its budget papers (2015–16). (d) not compliant with section 34(3) of the Regulation, as the summary statement did not state that it was a summary only and that a full statement could be purchased or inspected. (e) not compliant with section 34(2)(d) of the Regulation, as neither an estimate of the CSO, nor a description of the nature of the CSO were included in the 2015–16 estimated activity statement.	1. To comply with financial reporting requirements under the Regulation, Council should: (a) include, in any summary activity statement and summary estimated activity statement, a statement that it is summary only, and that a full statement could be inspected or purchased at Council's office, or inspected on Council's website. (b) include, in any estimated activity statement, a description of the nature of the CSO, as well as an estimate of the CSO.

¹² Mareeba Shire Council, letter to ACA, 28 September 2015.



The pricing provisions

The pricing provisions require the Council to determine the total costs of conducting the certifying activity, the required revenue for deciding charges and different charges for commercial reasons. More information on the provisions is at **Appendix A**.

As the certifying activity shares resources with other Council functions and activities, such as staff, IT and accommodation, it is necessary to apportion costs between the activities to enable Council to determine the cost benchmark. This is done using a cost allocation method and cost drivers.

The **cost benchmark** must take into account all costs incurred in producing and delivering the goods and services, as well as the taxes and other government charges faced by private sector competitors.¹³ Each of the costs the Council is required to consider is provided in the pricing provisions of the Code.

The **pricing decision** is a decision made by Council on assessment and inspection fees for goods or services provided. It must ensure the projected estimated revenue (from undertaking the activity) is enough to cover the projected total costs of conducting the activity. Prices must incorporate the cost benchmark, plus a return on investment similar to that required by the owners of the private sector competitors or equivalent businesses.¹⁴

Operational costs incurred in conducting the activity

The operational costs incurred in conducting the activity¹⁵ are those which can directly and unequivocally be attributed to an activity, such as labour and materials used to produce the good or service.¹⁶

Table 5 sets out the operational cost categories as dealt with in the Council's submission, and the Commission's corresponding findings.

¹³ Queensland Treasury 2010, *Full Cost Pricing Policy – A Queensland Government Policy Statement*, p. 7.

¹⁴ Queensland Treasury 2010, *Full Cost Pricing Policy – A Queensland Government Policy Statement*, p. 7.

¹⁵ Operational costs are found in Section 4(1)(a) of the pricing provisions (Schedule 4 of the *Local Government Regulation 2012*).

¹⁶ Productivity Commission 1998, *Cost Allocation and Pricing*, p. 8.


Table 5 Overview of operating costs

Operating cost category	Council's submission	The Commission's findings
Employee costs	The employee costs include salaries and on-costs of two building certifiers. The certifiers' time is split between the certifying activity and other activities including statutory functions. The Council allocates 68 per cent of certifiers' time to the certifying activity.	The Commission is satisfied that Council has reasonably allocated employee costs to the certifying activity.
Vehicle costs	One vehicle from the Council's fleet is used for building-related functions including the certifying activity. The Council allocates 68 per cent of the annual hire charge, for the one vehicle, to the certifying activity.	The Commission is satisfied that Council has reasonably allocated vehicle costs to the certifying activity.
Electricity costs	The Council estimated the total electricity cost for the certifiers and additional admin staff by the number of FTEs. In 2014–15, there were three equivalent persons (two certifiers and one FTE administration support). Council then apportioned 68 per cent of this total electricity cost to the certifying activity.	The Commission considers use of the number of relevant employees is an appropriate cost allocation method, as the average electricity use of employees is unlikely to vary significantly across the different Council functions within the building. The Commission considers Council's methodology reflects a reasonable allocation of costs.
Licence fees, subscriptions and memberships	Annual renewal for two certifiers Australian Institute of Building Surveyors (AIBS) AIBS annual accreditation Queensland Building and Construction Commission Certifier Licence Renewal for two.	Licence, accreditation and memberships costs are costs that can be directly allocated to the certifying activity. Therefore, the Commission considers it appropriate for Council to allocate 100% of the cost of licences and memberships listed to the certifying activity.
Telephone costs	Council allocated line rental charges for four phones to the Building Unit (certifiers and the administrative support) and is allocated 68 per cent of the cost to the certifying activity.	The Commission considers reasonable costs relating to telephone usage have been allocated to the certifying activity.

Source: Mareeba Shire Council, submissions, 11 December 2015, 14 March 2016

Allocation of administrative and overhead costs

The regulation requires that administrative and overhead costs must be reasonably allocated to the certifying activity.

Council's submission

In its submission, the Council stated that:

In general, the corporate overheads are an allocation of the costs of the various service areas of Council against the individual operational or functional areas of Council.... It is in effect a type of Purchaser/Provider arrangement where for example, the Building Unit pays the Payroll section for provision of payroll services to the Building Unit's employees.¹⁷

¹⁷ Mareeba Shire Council, submission, 14 March 2016, p. 13.



The Council also noted that, in allocating the costs of the various service areas to the certifying activity, the allocation is based on the total costs, less a specified percentage for governance. For example, the total cost of the finance section is reduced by 30 per cent to cover its governance activities and the balance of 70 per cent is allocated to the various operational or functional areas.

The Council notes that corporate overheads that have been allocated by the Council include some costs that a private certifier would not have to face. These include costs relating to the Council's Corporate Services manager, the IT department (six full-time staff), the Records Management section (two full-time staff) and the Manager of Development and Governance.¹⁸

Findings and recommendations

The Commission has reviewed the Council's cost allocation methodology applied to the certifying activity's administrative and overhead costs for 2014–2015.¹⁹ It considers the Council has applied an appropriate methodology to ensure costs associated with the certifying activity are reasonably accounted for, based on the following:

- The overhead costs are allocated appropriately to cover the governance of overhead functions; for example, the Council allocates 30 per cent of the cost of finance management to the governance of this function.
- Most of the overhead costs consist of the value of staff time undertaking the activity and Council has appropriately used a time-related cost driver for the majority of the cost items.
- Given 68 per cent of the senior certifier's time and 67 per cent of the certifier's time were spent on the certifying activity, the Commission considers it reasonable to allocate 68 per cent of the overhead costs for the Building Unit to the certifying activity.

However, the Commission considers there are areas where Council has not allocated appropriate levels of costs to the certifying activity, including customer service costs; office space; and accounts receivable.

Each is discussed in more detail below. The admin & regulatory service support costs are also discussed in more detail.

Customer service costs

The Council allocated to the certifying activity the costs for redirecting any building service queries from the Council's general customer service desk to the Building, Plumbing, and Regulatory Services customer service desk.

In its 14 March 2016 submission, the Council provided an estimate for this cost of \$1,602 for 2014–15²⁰ (based on 445 actual calls). However, the allocation in the 2014–15 revised activity statement²¹ was \$7,000. This appears to be very high, and is not proportionate to the initial advice. It would roughly equate to 2,000 requests given each call is estimated to take five minutes.²²

Provision of office space

The calculation of the 2014–15 office rental component of the business activity²³ was undertaken with regard to the type of office space and facilities that would be required if a private certifier were to rent a commercial office in the town of Mareeba.

¹⁸ Mareeba Shire Council, submission, 11 December 2015, p. 8.

¹⁹ Mareeba Shire Council, submission, 14 March 2016.

²⁰ Council notes that the hourly rate for a Customer Service Officer (including 40% oncost) is approximately \$43.00 which equates to \$0.72 per minute. To create a full blown Customer Request (CR) and task it to the building section would take no more than 5 minutes maximum, the cost of which would be \$3.60. Council notes there were 445 actual CR's created in 2014-/15 and therefore the total cost based on \$3.60/CR would be \$1,602. Mareeba Shire Council, submission, 14 March 2016 page 9

²¹ Mareeba Shire Council, submission, 14 March 2016, attachment 7.

²² Mareeba Shire Council, submission, 14 March 2016, attachment 7.

²³ This is based on 39m² at a commercial rental of \$100/m² (this figure obtained from a local Mareeba Real Estate Agent). Council notes that although the actual office space occupied by the two Building Certifiers and Plumbing Inspector is only 22.4m² (and the space occupied by the Plumbing Inspector should not be counted), Council have allowed a further 1.5m² (1.5m x 1.0m) for a toilet; 4m² (2.0m x 2.0m) for a small kitchen; and 2.1m² (2.1m x 1.0m) for records storage. A further 9m² (3.0m x 3.0m) has been added as a small reception area, as provided by Mareeba Shire Council on 11 December 2015.



This type of standalone cost derivation method is a departure from the Council's predominant use of allocating a proportion of the Council's costs to the certifying activity. Allocating a proportion of the Council's costs to the certifying activity for office space/rent captures the benefit (or the cost) of being part of a larger entity. It is also more consistent with the allocation method used for other costs.

To ensure consistency and capture the benefits and the costs of being government-owned and of forming part of a larger entity (local government), the Council should pursue a consistent methodology and allocate a portion of the accommodation costs to the certifying activity.

Administration and regulatory service support

There are five administration employees who support areas within the Council, including the Building Unit. Of these, the Council estimates two staff generally provide around 45 per cent of their time supporting the Building Unit.²⁴

The Council notes that:

Discussions were held with the members of the administration pool who normally provide support to the building section ...The response was that they would spend approximately two hours per application, with minor applications such as sheds and carports taking considerable less. They also indicated that they spend approximately one hour per application processing applications lodged with Council by private certifiers.²⁵

In the 2014–15 revised activity statement (submitted 14 March 2016), the Council allocated costs associated with administration and regulatory services support to the certifying activity for the cost to process Council certified approvals only.

Certain activities included in the cost category of 'Admin & Regulatory Services Support' (noted in the Council's 11 December 2015 submission²⁶), such as 'archiving' and 'entering applications into Council's electronic records system', could potentially be interpreted as statutory functions and if so should be excluded from the costs of the certifying activity.

At a meeting on 31 July 2017, and in comments provided on 25 July 2017, Council clarified that all activities in 'Admin & Regulatory Services Support' costs are administrative support to the assessment and inspection parts of the application process. Given this, the Commission considers that none of the 'Admin & Regulatory Support Services' costs should be excluded from the costs attributed to the certifying activity. Therefore, the Commission is satisfied that Council has reasonably allocated 'Admin & Regulatory Services Support' cost to the certifying activity.

Accounts receivable

The Council is paid upfront at the time the application is lodged and does not operate accounts receivable. The Council has included a nominal allowance of \$500 (in the 2014-15 financial year) in recognition that a private certifier might incur some expense in issuing accounts to clients. The Commission notes that Council excluded accounts receivable from the cost of the certifying activity in 2016-17. It is recommended that Council continue to exclude this item, given a private certifier does not necessarily face this cost, as it is a business decision.

The costs of resources used in conducting the activity

From its investigation, the Commission did not identify any costs that relate to resources used in undertaking the certifying activity other than the operational, overhead and administrative costs already discussed in this report. On this basis, there are no findings under this provision.

²⁴ Mareeba Shire Council, submission to the Commission, 11 December 2015, p.5.

²⁵ Mareeba Shire Council, submission to the Commission, 11 December 2015, p.5.

²⁶ Mareeba Shire Council, submission to the Commission, 11 December 2015, p.6.



Depreciation

Depreciation of an asset used in conducting a relevant activity must be based on the depreciable amount for the asset allocated over its useful life. A local government may, however, decide to base the depreciation on an amount it decides is appropriate in the circumstances.²⁷

The Council submitted that, as there are no assets directly attributable to the certifying activity, depreciation is not applicable in this case. As a consequence, the Council had not made an allocation for depreciation in its calculation of the total costs of conducting the relevant activity in 2014–15.²⁸

The Commission considers that as the Building Unit does not own any assets, the Council's nil allocation for depreciation for 2014–2015 and 2015–2016 is compliant.

Equivalents for Commonwealth or State taxes

The cost benchmark for the certifying activity must include an equivalent amount for Commonwealth or State taxes.²⁹

Goods and services tax

GST applies to the Council's commercial activities.

The Commission is satisfied Council has applied GST to its certifying activity, given its rates, fees and charges schedule shows that GST has been applied on the fees and charges for the certifying activity.³⁰

Payroll tax equivalent

The yearly payroll tax threshold for the period 2012–13 to 2016–17 was \$1.1 million, based on Queensland taxable wages.³¹ At this level, a payroll tax of 4.75 per cent applied in Queensland.

The Council reported a nil payroll tax equivalent for 2014–15 and estimated a nil equivalent for the 2015–16 financial year. The Council argue that since the Building Unit's total payroll bill in 2014–15 is less than the tax exemption threshold (\$1,100,000 per year), no adjustment for payroll tax is required³². The Commission notes that the Council has, in situations where costs cannot be directly attributed to the Building Unit, taken the total cost for the Council as a whole (or a large division of the Council) and then allocated a portion to the Building Unit using an appropriate cost driver.

The Commission considers that to ensure consistency, the Council should use the same methodology when assessing the Building Unit's payroll tax equivalent. The Commission recommends the Council calculates the whole Council's payroll tax equivalent, which will not be zero given the Council's payroll will be above the \$1,100,000 threshold, and attribute a portion of this to the certifying activity using an appropriate methodology.

The Commission considers the Council's approach to payroll tax equivalents is non-compliant with section 4(1)(e) of the pricing provisions.

Income tax equivalents

The Council reported an income tax equivalent of 30 per cent on its earnings before interest and tax (EBIT) results for 2014–15, and has included an estimated tax rate of 30 per cent for the 2015–16 financial year.

The Council reported an income tax amount of \$1,991 for 2014–15 and an estimated income tax of zero for 2015–16, due to it not making a profit in that year.³³

Accordingly, the Commission considers Council has appropriately allocated income tax equivalent.

²⁷ Section 7(1) and (2) of the pricing provisions, *Local Government Regulation 2012*.

²⁸ Mareeba Shire Council, submission, 11 December 2015, p. 6.

²⁹ Section 4(1)(e) of the pricing provisions, *Local Government Regulation 2012*.

³⁰ Mareeba Shire Council, submission, 14 March 2016, attachment 3.

³¹ Queensland Government, *Calculating payroll tax*, <https://www.business.qld.gov.au/running-business/employing/payroll-tax/calculating>.

³² Mareeba Shire Council, email correspondence with ACA, 27 October 2015.

³³ Mareeba Shire Council, submission, 14 March 2016, attachments 7 and 8.



Guarantees by the state

If the state guarantees repayment of a debt of a local government, the local government must, in conducting the activity, take account of amounts equivalent to the cost of funds advantage the local government may have over commercial rates. An equivalent charge must be included in the total costs of conducting the relevant activity.

The Council's costs of conducting the relevant activity did not include any reference to its cost of funds required to undertake the activity.

The Council's 2014–15 Annual Report reports borrowings through Queensland Treasury Corporation. However, the Council advised that it had not borrowed any money to set up or operate its certifying activity.³⁴

Findings and recommendations

The Commission is unable to determine whether any costs of debt were included in the Council's cost benchmark.

The Commission considers that given there are no borrowings to set up or operate the certifying activity, no adjustment is required for 2014–15. Therefore, the Commission considers the Council has complied with section 4(1)(f) of the pricing provisions.

Return on capital

The amount for the return on capital used by a local government in conducting a relevant activity must be decided using the rate at which, in the local government's opinion, a comparable private sector business conducting the activity would be able to obtain the capital in the market.

Further, in deciding the return on capital amount, a local government must have regard to the appropriate division of the rate of return for the type of business activity between equity and loan capital.

For the purposes of determining the return on capital, the pricing provisions define capital used in conducting a business activity as:

*the total value, decided using an accepted accountancy method, of the assets used for the business activity less the liabilities attributable to the activity.*³⁵

Council's submission

The Council submitted that it:

*[d]oes not have any capital (e.g. buildings, vehicles) invested in its Building Certification Activity. Rental and hire charge for buildings and vehicle have been included as part of the operational costs and overheads.*³⁶

The Council also submitted that:

*...it is advised that Council does not have a target profit margin. Council's main objective in pricing its building certification services is to ensure that the fees charged cover the full cost of providing those services.*³⁷

Findings and recommendations

The Council has not included a return on capital in its cost benchmark, whereas under the pricing provisions, this is required.³⁸

³⁴ Mareeba Shire Council, submission, 14 March 2016, p. 17.

³⁵ Section 10(5) of the pricing provisions (Schedule 4 of the *Local Government Regulation, 2012*).

³⁶ Mareeba Shire Council, submission, 11 December 2015, p. 6.

³⁷ Mareeba Shire Council, submission, 14 March 2016, p. 12.

³⁸ Mareeba Shire Council, submission, 14 March 2016, p. 12.



To comply with the competitive neutrality principle, government business activities, like its private counterparts, should earn sufficient revenue to cover its costs, including the cost of capital. If a government business does not earn a commercial return, it may be operating at a lower profit margin than its private sector counterparts, allowing for the government business activity to undercut its competitors through lower prices.

It is recommended that, within its cost benchmark, the Council include a return on capital using the rate at which, in the local government's opinion, a comparable private sector business conducting the certifying activity would be able to obtain the capital in the market.

Competitive neutrality adjustments

Under section 4(2) of the pricing provisions, a local government conducting the relevant activity is to make adjustments for advantages and disadvantages that are not otherwise eliminated.

The competitive neutrality adjustments can be either competitive advantages—for example, access to various corporate overheads free of charge³⁹—or competitive disadvantages—for example, inflexibility of public sector requirements in respect of employment conditions and security of tenure.⁴⁰

Council's submission

The competitive neutrality adjustments made by the Council include workers' compensation and superannuation adjustments. In its submission of 11 December 2015, the Council notes:

Workers Compensation- included in acknowledgement of the fact that a Private Certifier would likely have some form of accident insurance or income protection policy in place

Findings and recommendations

To derive its superannuation adjustment, the Council applied the rate applicable in the private sector (9.5 per cent of an employee's gross salary and wages)⁴¹ and the Council's superannuation contribution rate, prescribed at 12 per cent.⁴²

The Commission is satisfied the Council has made a reasonable adjustment in its cost benchmark for superannuation.

To derive its competitive neutrality adjustment for workers' compensation, the Council applied a rate of 0.49 per cent of total wages and salaries to account for the difference between the cost faced by Council and the industry workers' compensation rate.⁴³ The Commission is satisfied the Council has made a reasonable adjustment for workers' compensation.

Required revenue for deciding charges

When deciding the prices to charge for the goods or services provided in undertaking an activity, a local government must ensure its projected total revenue covers projected total costs (section 2 of the pricing provisions). Where the relevant activity is subject to the Code, pricing is for a period of more than one year but not more than five years.

Council's submission

Two issues arose in the Council's submission:

- whether revenue is sufficient to cover costs
- what revenue should be included for its revenue calculations.⁴⁴

³⁹ Department of Treasury and Finance, 2000, *Competitive Neutrality Guide to Implementation*, State Government of Victoria.

⁴⁰ Queensland Treasury 2010, *Full Cost Pricing Policy, A Queensland Government Policy Statement*, p. 11.

⁴¹ Australian Tax Office, website, accessed 15 August 2016.

⁴² Section 302 (1)(b) of the *Local Government Regulation 2012*.

⁴³ Mareeba Shire Council, AEC FCP Module – Building Cert Full Cost Pricing, attachment to an email to the QCA, 22 September 2015.

⁴⁴ Mareeba Shire Council, submission, 14 March 2016.



In the Council's 2015–16 estimated activity statement, the total revenue attributable to the certifying activity was \$152,075. This included an adjustment for a CSO. The Council estimated a net operating loss of \$16,355 for 2015–16.⁴⁵

The loss reflected staff turnover. Council advised that its estimated activity statement took account of the September 2015 resignation of its Senior Building Certifier. Since that time, the Council has operated with a single certifier. The Council has appointed an existing staff member to assist one day per week with building inspections. However, the remaining certifier is not yet fully qualified to undertake commercial building assessments. Given this, the Council has not been accepting commercial building applications. The Council's share of building approvals dropped from 76 per cent in 2014–15 to 53 per cent as at 29 February 2016.⁴⁶

The Council advised that despite its best efforts to price its services at a level that complies with legislative requirements, a situation such as loss of staff or an economic downturn can put the Council in the position where its revenues are not sufficient to cover its full costs, thereby leaving it vulnerable to complaints by private certifiers that local governments are deliberately undercutting them.⁴⁷

Findings and recommendations

The Council states that it sets its fees by either increasing the current fee by CPI, or examining each cost component and setting fees to cover the expected costs of providing the associated service, including both direct costs and an allowance for overheads.

The Council's estimated activity statement for 2015–16 forecasts a deficit. Its total projected revenue from conducting the activity is not enough to cover the projected total cost of conducting the activity. Given this, the Commission considers that the Council has not complied with section 2 of the pricing provisions.

However, in the Council's summary estimated activity statement for 2016–17⁴⁸, the Council projects a surplus of \$2,000. In this instance, the Commission considers the Council would comply with section 2 of the pricing provisions.

Different charges for commercial reasons

Under section 3 of the pricing provisions, a charge may be decided for providing particular goods or services in conducting a relevant activity that is, for commercial reasons, an appropriate charge for the good or services provided, as determined in accordance with section 3(2) of the pricing provisions.

The Council did not provide a submission on this section of the pricing provisions and no findings were made under this provision.

⁴⁵ Mareeba Shire Council, submission, 14 March 2016.

⁴⁶ Mareeba Shire Council, submission, 14 March 2016.

⁴⁷ Mareeba Shire Council, submission, 14 March 2016.

⁴⁸ Available in the Council's 2016–17 Budget papers.



The pricing provisions - Findings and recommendations

Findings	Recommendations
<p>2.1 The Council did not fully comply with the pricing provisions (based on the activity statement for 2014–15, provided on 14 March 2016) as follows:</p> <p>(a) The Council misallocated certain overheads to the certifying activity including:</p> <ul style="list-style-type: none"> • over-allocating customer service costs • provision of office space • including accounts receivable (note Council excluded accounts receivable in 2016-17). <p>(b) The Council did not make an allocation for payroll tax in its cost base for the activity.</p> <p>(c) The Council did not make an adjustment to its cost benchmark to account for a return on capital.</p> <p>(d) Council did not meet section 2 of the pricing provisions, as it forecast an operating deficit for the year 2015–16.</p> <p>2.2 All other elements of the pricing provisions were found to be reasonably included in the cost benchmark</p>	<p>2.1 The Council should undertake the following actions to ensure it meets the pricing provision requirements to a level that can withstand external scrutiny:</p> <p>(a) Revisit the cost allocation for customer service costs to ensure that the costs are accurately reflected in the cost base.</p> <p>(b) Revisit the cost for office space and allocate a portion of total accommodation costs to the certifying activity.</p> <p>(c) Continue to exclude accounts receivable from the cost base, given a private certifier does not necessarily face this cost, as it is a business decision.</p> <p>(d) Calculate the payroll tax equivalent liability of Council and then attribute a portion of this to the certifying activity using an appropriate methodology.</p> <p>(e) Calculate a return on capital, using a rate at which, in the local government's opinion, a comparable private sector business conducting the activity would be able to obtain the capital in the market.</p> <p>(f) Reallocate costs and revenues for the certifying activity to ensure that projected total revenues are sufficient to cover projected total costs. The results should be reflected in the estimated activity statement.</p> <p>(g) Revisit prices taking account of any cost adjustment recommendations.</p>

Community service obligations

The regulation requires that the cost of performing a CSO, less the revenue received from carrying it out must be treated as revenue for a business activity (section 36 of the Regulation).

A CSO is defined as:

An obligation the local government imposes on a business entity to do something that is not in the commercial interests of the business entity to do.⁴⁹

Example of a community service obligation—

giving a price concession to a particular group of customers, including pensioners, seniors and students.

Mareeba Shire Council provides a CSO to enable building application costs to be the same for all ratepayers, regardless of where they live in the Mareeba Shire area.⁵⁰

ACA's submission

ACA noted in relation to the Council's CSO:

I don't believe that this is the intent of Section 24 of LGR 2012, in that people undertaking building work on private property do not warrant a concessional fee.⁵¹

⁴⁹ Section 24 of the *Local Government Regulation 2012*.

⁵⁰ Mareeba Shire Council, submission, 14 March 2016.

⁵¹ ACA, email to the QCA, 5 November 2015.

**Council's submission**

The CSO concession relates to the additional travel time and vehicle mileage cost involved in inspections of any building work outside a 25 km radius of Mareeba. The Council calculated CSOs of \$5,000 and \$4,000, respectively in its revised 2014–15 activity statement and 2015–16 estimated activity statements.

Findings and recommendations

The Commission considered two matters:

- whether the Council's CSO meets the intent of section 24 of the Regulation
- the reasonableness of the Council's CSO.

The objective of the Council's CSO is not dissimilar to the example provided in the definition of a CSO in section 24 of the Regulation. This relates to circumstances where a price concession is given to a particular group of customers.⁵² The Commission considers that, by making a concession for travel time and vehicle mileage cost for the Council certifiers involved in inspections of any building work outside a 25 km radius of Mareeba, the Council is providing a concession to a particular group of customers who might otherwise be disadvantaged, and therefore meets the requirement of section 24 of the Regulation.

However, it is not clear to the Commission whether the Council's CSO aligns with the second limb of the definition in section 24—that a CSO is 'an obligation that is not in the commercial interests' of the business entity to undertake. That is, the question is whether it is commercially worthwhile for a private certifier to service customers located more than 25 km from Mareeba.

The Commission considers that it is likely that private certifiers would consider it commercially beneficial to service customers living further than 25 km from Mareeba because it provides private certifiers with a greater customer base. However, it is likely that a private certifier would charge a higher fee to those customers to recover the additional costs of servicing this geographic area.

The CSO seeks to ensure that customers are not disadvantaged by virtue of where they reside. Accordingly, the Commission considers the Council's CSO meets the definition or intent of section 24 of the Regulation.

The Commission also considered how many certifications would be captured by the CSO. The Council advised there were 29 new dwellings in outlying areas in 2014–15, which would have required building certification. A total of 303 approvals were undertaken by Council certifiers in 2014–15. This suggests that the revenue certifying customers earned outside the 25km radius from Mareeba is approximately 10 per cent of the total revenue.

In light of this being a relatively small percentage of approvals, it does not appear the impact of the CSO goes beyond what is justifiable and reasonable. On this basis, the Commission considers the Council's CSO does not breach the principle of competitive neutrality.

The revenue from carrying out the CSO obligations is the total revenue from the fees for the certifying activity in outlying areas. Assuming full cost pricing, total revenue should be equal to the total cost of providing the certifying activity in outlying areas. Therefore, the cost of performing the CSO less any revenue received from carrying out the CSO obligations will be equal to the additional time and vehicle costs of undertaking inspections in outlying locations. The Commission considers the Council's estimate of the additional cost of providing the certifying activity in outlying townships is reasonable.

⁵² Section 24 of the *Local Government Regulation 2012*.



Community service obligations - Findings and recommendations

Findings	Recommendations
3.1 The Council's CSO is a reasonable obligation to be imposed by a local government.	No recommendations are made regarding the CSO.
3.2. Council has made a revenue adjustment for its CSO related to the certifying activity, and the approach to estimating the size of the adjustment is reasonable.	

Application of the competitive neutrality principle

Section 33(1) of the Act states that, if a local government applies the Code to a business activity, the local government must apply the competitive neutrality principle to the business activity.

If the local government conducting the business activity enjoys a net advantage over competitors, and that net advantage cannot be eliminated to comply with the competitive neutrality principle, the individual advantages and disadvantages that make up the net advantage must be taken into account in deciding the required revenue under the pricing provisions.⁵³

An advantage or disadvantage can be financial, procedural or regulatory (see Appendix A).

ACA's submission

ACA noted that there is no indication of how much the Council charges itself for access to all of the Council's databases/information, such as building records, sewer maps, stormwater maps.⁵⁴

Council's submission

The Council advised, in its submission of the 14 March 2016:

*In terms of how the Council manages the building certifying entity access to Council's databases, Council's building certifiers, like most other staff, have free and unrestricted access to maps and plans through the Council's Geographic Information System (MapInfo) which contains overlays of sewer and water installations...As most building/plumbing related records, for example sewer connections and house drainage plans, are created and/or managed by the Council certifiers and relevant administration staff, they also have free and unrestricted access to all of this type of information.*⁵⁵

The Council's 14 March 2016 submission also notes:

*In terms of external access to Council records and information (eg by private certifiers, builders, architects, designers etc), there are fees contained within the Fees & Charges Schedule (FO335, FO336, FO337, FO338) for building record searches etc. However, depending on the information required, in a lot of instances information is provided free of charge by Council eg a house drainage plan; location of a Council sewer main etc*⁵⁶

The fees include:

- building record search (domestic and commercial)
- viewing building and plumbing files in person at the counter
- building record search—including site inspection (domestic and commercial).⁵⁷

⁵³ Section 33(3) of the *Local Government Regulation 2012*.

⁵⁴ ACA, email to the QCA, 5 November 2015.

⁵⁵ Mareeba Shire Council, submission, 14 March 2016, pp.1-2.

⁵⁶ Mareeba Shire Council, submission, 14 March 2016, p.2

⁵⁷ Mareeba Shire Council, submission, 14 March 2016.



On the 31 July 2017 the Council advised that all customers pay the above building record search fees irrespective of whether they use a private or Council certifier. The fee payment is for a service that is a statutory function of Council. Neither the expenses or revenue of providing these searches is attributed to the certifying activity.⁵⁸

In addition, the Council noted, on 14 March 2016, that:

- The Council's building certifiers work closely with the Council's planning staff so they are aware of conditions applicable to particular developments and can therefore ensure that any building approvals issued for a development are in line with the development approval conditions. The Council's website provides free access for any member of the public to development approvals and building approvals issued by the Council. Minutes of the Council's meetings (also published on the website) contain the full schedule of conditions applicable to each planning approval.
- Under section 729 of the *Sustainable Planning Act 2009* (Qld), the Council is required to publish on its website all decision notices and negotiated decision notices issued by its assessment manager. This includes building approvals issued by the Council.⁵⁹

Findings and recommendations

The two areas investigated by the Commission in response to the complaint and information provided by the Council were:

- the process for accounting for the cost of providing the Council certifiers with access to Council databases and information; and
- the Council certifiers work closely with the Council's planning staff.

Cost of providing the Council certifiers with access to Council's databases and information

The Commission notes that many building and plumbing related records, for example sewer connections and house drainage plans, are free of charge for both private and Council certifiers.

However, the Council charges a fee for some searches. The Council advises that the fee payment for these searches is a payment for a service that is a statutory function⁶⁰ of Council and customers pay these search fees irrespective of whether they use a private or Council certifier. Given this, the Commission is satisfied the certifying activity does not have a financial advantage in relation to access to Council's databases and information.

Provision of planning information to certifiers

Providing site or town planning information to a private or Council certifier is one of the statutory functions undertaken by local governments under the *Building Act 1975* (the Building Act). The Council advised that its building certifiers work closely with the Council's planning staff.

The Commission notes that the Council certifiers and Council planners are in different sections of the Council's Development and Governance Group.⁶¹ The Council confirmed, at a meeting on 31 July 2017, that private certifiers and other external parties have access to Council planners (including via telephone or meetings at Council offices). This service is provided free of charge.⁶²

The Commission did not identify that Council benefits from a procedural advantage due to Council certifiers working with Council planning staff. However, easy access to planning information could potentially lead to the perception that Council certifiers have a procedural advantage over private competitors.

Council can reduce the risk of the appearance of a procedural advantage by:

⁵⁸ Mareeba Shire Council, meeting with the Commission 31 July 2017.

⁵⁹ Mareeba Shire Council, submission, 14 March 2016, p. 2.

⁶⁰ Mareeba Shire Council, submission, 14 March 2016, Attachment 3 (Fees and Charges Schedule 2013-14, 2014-15, 2015-16).

⁶¹ Mareeba Shire Council, submission, 14 March 2016 Attachment 2.

⁶² Mareeba Shire Council, meeting with the Commission 31 July 2017.



- developing customer service standards and making them publicly available. The standards would be designed to ensure all customers, whether internal to government or in the private sector, are treated in the same manner, with the same time frame and with the same service levels.
- making clear which Council data searches are provided free of charge to both Council certifiers and private certifiers and where fees do apply all customers are required to pay.
- including in its annual report, a statement that the Council is meeting the principle of competitive neutrality, and setting out how it is removing specific financial, procedural and regulatory advantages (or disadvantages).

The Commission did not identify that the Council benefits from a procedural advantage (or disadvantage), but it considers there is a risk of the appearance of a procedural advantage. There would be benefit in addressing the appearance of a procedural advantage. By doing so, the Council signals to its private sector competitors it is not benefitting from being government owned and is competing on a level playing field.

The Commission reviewed all submissions and information provided and did not find evidence of a regulatory advantage or disadvantage.

Application of the competitive neutrality principle - Findings and recommendations

Findings	Recommendations
4.1 The Council's certifying activity does not have a financial advantage in relation to access to Council's databases and information.	4.1. Council should address the risk of a perception of a procedural advantage by:
4.2 The Commission did not identify that the Council benefits from a procedural advantage (or disadvantage). However, the Commission found there is a risk of a perception of a procedural advantage.	(a) Developing customer service standards and making them publicly available. The standards would be designed to ensure all customers, whether internal to government or in the private sector, are treated in the same manner, with the same time frame and with the same, or similar, service levels.
4.3 No regulatory advantages were identified.	(b) Making clear which Council data searches are provided free of charge to both Council certifiers and private certifiers and that where fees do apply all customers are required to pay.
	(c) Including in its annual report a statement that Council is meeting the principle of competitive neutrality, by removing specific financial, procedural and regulatory advantages.



4. Conclusion

The Commission's investigation of ACA's complaint concludes that Council has not been fully compliant with the principle of competitive neutrality. The key findings are:

- At the time of the complaint, the Council was not fully compliant with the financial reporting requirements of sections 34 and 35. Summary activity and estimated activity statements were made publicly available but did not state that they were a summary only and that a full statement could be purchased or inspected.
- It is not clear whether the Council's cost benchmark is fully reflective of the costs of undertaking the certifying activity and whether the price for services is appropriate. This is because the Council was non-compliant in a few areas under the pricing provisions. Prices should be recast once a fully cost reflective benchmark is achieved.
- The Commission did not identify that the Council benefits from a procedural advantage (or disadvantage). However, it considers there is a risk of a perception of a procedural advantage.

Accordingly, the Commission considers that aspects of ACA's 19 August 2015 complaint have been substantiated, as shown in Table 6.

Table 6 Assessment of whether complaint substantiated

Complaint	Assessment
Certain business practices and incorrect calculations in the estimated activity statement may provide the Council with an unfair advantage	Partially substantiated It is not clear whether the Council's cost benchmark is fully reflective of the costs of undertaking the certifying activity and whether the price for services is appropriate. This is because the Council was non-compliant in a few areas under the Code. The Council may have under or over estimated the costs of undertaking the certifying activity
The estimated activity statement was not available for inspection as required by the Regulation	Partially substantiated Summary activity and estimated activity statements were made publicly available but did not state that they were a summary only and that a full statement could be purchased or inspected

The Commission has provided recommendations to the Council to address these issues. The Commission acknowledges that in the time since the complaint was made, Council has changed some of its practices, and not all issues identified continue to need rectification.

Next steps

Under the Regulation, the Commission must give the report to the Council upon completion of the investigation. The Commission must also provide the following to any stakeholder provided with a notice of investigation (notices were sent to ACA and DILGP):

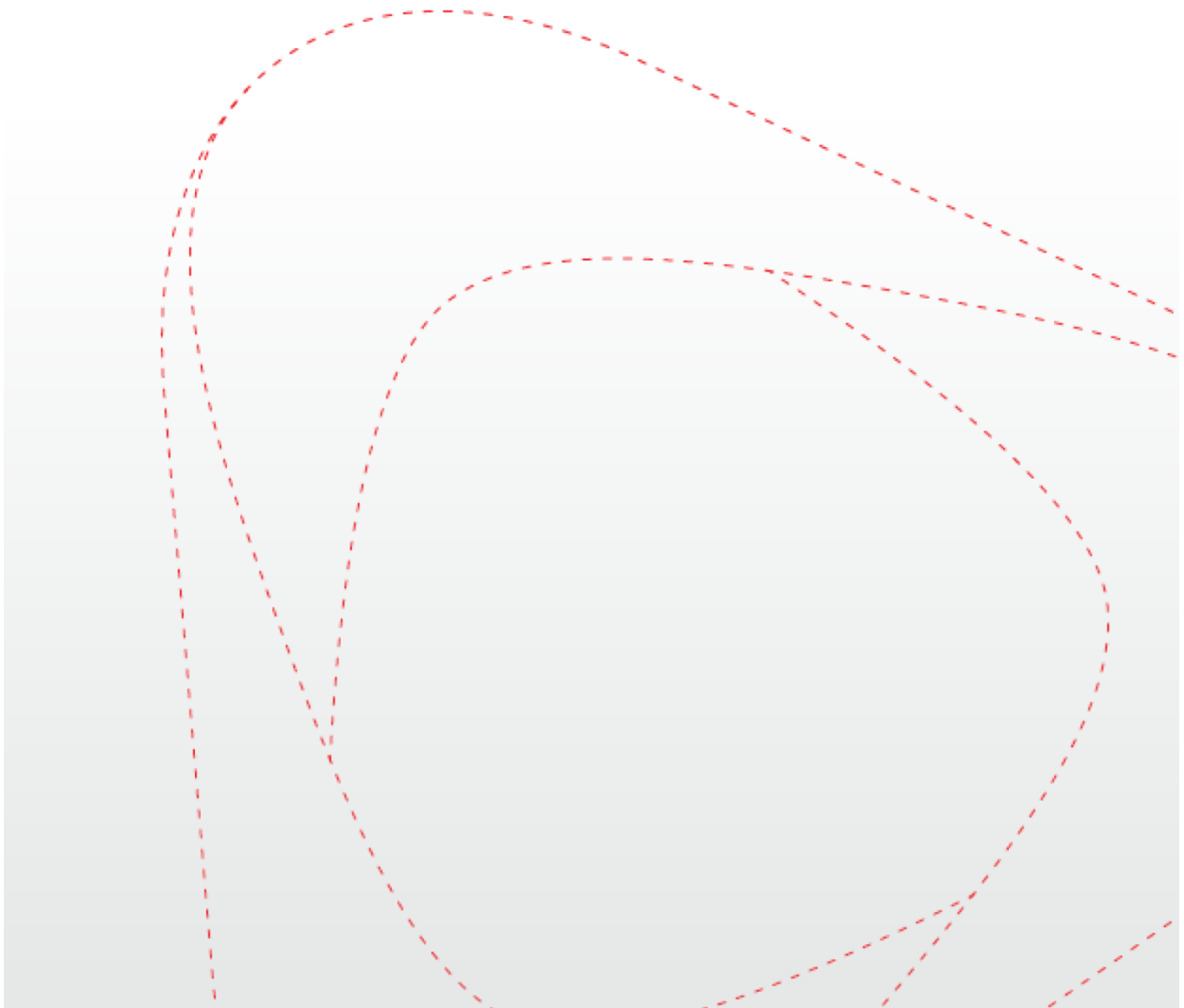
- a copy of the recommendations in the report
- notice that anyone can inspect the report, including recommendations, at the Council's public office.

It is up to the Council to:

- make the report available for inspection at the Council's public office as soon as practicable after being given the report
- make a resolution whether to implement the Commission's recommendations—the resolution must include reasons for the decision, and be made usually within a month
- give notice of the resolution to the complainant and the Commission within seven days of making the resolution.



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Appendix A: Legal and policy framework

This appendix outlines the policy and legislative framework that applies to local governments undertaking business activities in competitive markets where private businesses compete.

The *Local Government Act 2009* (the Act) requires the code of competitive conduct (the Code) to be applied to these business activities. The Code takes into account the application of the competitive neutrality principle, financial reporting, pricing provisions (or the full costs of providing the services) and treatment of community service obligations.

Competitive neutrality and building certification

The principle of competitive neutrality is that a public entity conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because it is in the public sector. An advantage or disadvantage can be financial, procedural or regulatory.

Building certifying activities (certifying activity) are a prescribed business activity under the Act and the *Local Government Regulation 2012* (the Regulation). A local government must apply the Code to the conduct of a 'certifying activity', and must also apply the competitive neutrality principle.

Competitive neutrality provisions apply to the certifying activity, as this business is open to private sector competition. The Queensland Government's competitive neutrality policy states that for smaller business activities, such as building certification, the legislative framework to be applied is the Code.⁶³

The implementation of the Code is dealt with under section 47 of the Act. Under section 47, a local government must apply the Code to the following local government business activities:

- (a) a building certifying activity; and
- (b) a roads activity, other than a roads activity for which business is conducted only through a sole supplier arrangement.

The definition of a certifying activity is a business activity that:

- (a) involves performing building certifying functions (within the meaning of the Building Act, section 10); and
- (b) is prescribed under a regulation.⁶⁴

Each financial year, a local government must decide, by resolution, whether or not to apply the Code to a business activity prescribed under regulation. If the local government decides not to apply the Code to the business activity, the resolution must state reasons for not doing so.

Further, a local government can decide to voluntarily apply the Code to other business activities it deems to be in competition for goods and services with the private sector and which are not prescribed under the Act.

Code of competitive conduct

The Code is designed to apply competitive neutrality principles by means of full cost pricing. Local governments are to make pricing decisions based on the full cost of providing the goods or services through the business activity, including taxes that would be payable if the activity were undertaken by the private sector. The Code includes all of the following:

- application of the competitive neutrality principle (section 33)

⁶³ There are three methods of reform.

⁶⁴ Defined in section 47(4) of the *Local Government Act 2009*.



- financial reporting (sections 34 and 35)
- the pricing provisions (Schedule 4)
- the treatment of community service obligations (sections 36 and 37).⁶⁵

If a local government applies the Code to a business activity, the local government must apply the competitive neutrality principle to the business activity, including for example by:

- removing any competitive advantage or competitive disadvantage, wherever possible and appropriate; and
- promoting efficiency of the use of resources to ensure markets are not unnecessarily distorted.⁶⁶

However, if the local government conducting the business activity enjoys a net advantage over competitors due to its government ownership, and that advantage cannot be eliminated to comply with the competitive neutrality principle, section 33(3) applies. Section 33(3) states:

For deciding charges to persons for goods or services provided in conducting the business activity, the individual advantages and disadvantages that make up the net advantage must be taken into account in deciding the required revenue under schedule 4, section 2.⁶⁷

Pricing Provisions

In the private sector, prices are typically set to recover the full costs of the provision of all goods and services, taxes and similar charges, plus a suitable return on the owner's investment.⁶⁸ The pricing provisions include the following components:

- total costs of conducting the relevant activity
- required revenue for deciding charges
- different charges for commercial reasons.

In Queensland Treasury's *Full Cost Pricing Policy—A Queensland Government Policy Statement* (Full Cost Pricing Policy), a distinction is made between costing and pricing:

- **Costing** involves determining the value of resources consumed in the production of goods or the provision of services. The role of costing is to act as a benchmark against which pricing and production decisions can be made.
- **Pricing** refers to the process of determining a figure at which products or services will be exchanged in a marketplace. The focus of pricing is on the income received from the exchange of the good or service.

While cost is an important consideration in pricing, optimal pricing policies will also reflect additional market and competitive considerations, as well as the need to achieve a return on investments.⁶⁹

The pricing provisions in schedule 4 of the Regulation set out which costs should be included in the 'total costs' of conducting the certifying activity. Section 2 of the pricing provisions states that in deciding charges to persons for goods or services provided in conducting a relevant activity, a local government must ensure the projected total revenue from conducting the activity is enough to cover the projected total costs of conducting the activity for:

- (a) if the relevant activity is an activity to which the code of competitive conduct applies—a period of more than one year but not more than five years; or
- (b) otherwise—each financial year in which the activity is conducted.

⁶⁵ The Code of Competitive Conduct is set out in Division 5 of the *Local Government Regulation 2012*.

⁶⁶ Section 33(1) of the *Local Government Regulation 2012*.

⁶⁷ Section 33(3) of the *Local Government Regulation 2012*.

⁶⁸ Queensland Treasury 2010, *Full Cost Pricing Policy – A Queensland Government Policy Statement*, p. 7.

⁶⁹ Queensland Treasury 2010, *Full Cost Pricing Policy – A Queensland Government Policy Statement*, p. 5.



In respect of the decision to charge for providing particular goods or services in conducting a relevant activity, section 3 of the pricing provisions states that the charge is, for commercial reasons, an appropriate charge if it could reasonably be charged if the goods or services were provided by an entity conducting the relevant activity with the primary object of making a profit from conducting the activity.

Section 4 of the pricing provisions goes on to set out the components relating to the total costs of conducting the activity. Section 4(1) requires Council to determine the total costs of conducting the certifying activity that includes (where applicable) each of the following:

- (a) the operational costs incurred in conducting the activity;
- (b) administrative and overhead costs;
- (c) the cost of resources used in conducting the activity;
- (d) depreciation;
- (e) equivalents for Commonwealth or state taxes a local government is not liable to pay because it is a local government;
- (f) equivalents for the cost of funds advantage a local government obtains over commercial interest rates because of State guarantees on borrowings; and
- (g) return on capital.

Section 5 of the pricing provisions provides that, for section 4(1)(b), a local government must make a reasonable allocation of its administrative and overhead costs to each relevant activity, having regard to all of a local government's relevant activities.

Further, section 4(2) of schedule 4 states that the total costs must be adjusted for other advantages and disadvantages of a local government in conducting the relevant activity that are not eliminated.

The remaining sections of the pricing provisions relate to the various subsections of section 4(1) of the pricing provisions, including:

- cost of resources used in conducting the activity (section 6), which applies to section 4(1)(c)
- depreciation (section 7), which applies to section 4(1)(d)
- equivalent amounts for taxes local government is not liable to pay (section 8), which applies to section 4(1)(e)
- guarantees by the State (section 9), which applies to section 4(1)(f)
- return on capital (section 10), which applied to section 4(1)(g).

Community service obligations

Section 36 of the Regulation sets out the requirements for any community service obligations (CSO) associated with the business activity. The cost of performing CSOs, less any revenue received from carrying out those obligations, must be treated as revenue for the business activity. This applies when the local government is deciding what to charge for goods or services provided in conducting the business activity.

Section 24 of the Regulation defines a CSO as:

An obligation the local government imposes on a business entity to do something that is not in the commercial interests of the business entity to do.

The Regulation provides an example of a CSO - giving a price concession to a particular group of customers, including pensioners, seniors and students.



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CSOs often relate to the equity objectives of the Government and do not normally include regulatory or policy functions.⁷⁰ CSOs can also capture a range of activities that do not provide tangible benefits to a defined group, but the Government still considers to be desirable from a broad community perspective.⁷¹

⁷⁰ Queensland Treasury 2010, *Full cost pricing policy*, A Queensland Government Policy Statement, p. 16

⁷¹ *National Competition Policy and Queensland Local governments*, A Queensland Government Policy Statement, July 1996, p.46



Appendix B: Complaints process and report

This appendix provides an overview of the complaints process and reporting requirements.

The process for dealing with competitive neutrality complaints is set out in the Regulation. Table B.1 summarises the key process elements and what transpired, or must occur after release of this report.

Table B.1 The legislative competitive neutrality complaints process

Legislative section	Stage of the complaint process	Related Action
Section 44	<p>The section sets out the minimum requirements for a local government's process for resolving a competitive neutrality complaint, including resolving a matter before making a complaint, including, for example, the process for –</p> <p>(a) a person to raise concerns about alleged failures of the business entity to comply with the competitive neutrality principle in conducting the business activity; and</p> <p>(b) clarifying the matter.</p>	<p>The Council received the complaint from the ACA. The Council formally responded to ACA in a letter dated 27 August 2015. In the letter the Council noted that the complaint had been referred to the QCA and that the Council also intended to carry out its own investigation.</p> <p>The Council provided ACA with the results of its investigation on 28 September 2015.</p> <p>ACA and the Council were unable to resolve the matter through an informal process.</p>
Section 45	<p>The section outlines the process required for a person to make a competitive neutrality complaint.</p> <p>If a person makes a competitive neutrality complaint to a local government, that local government must give the complaint to the Commission as soon as is practicable.</p>	<p>The Council referred the complaint to the QCA on the 27 August 2015.</p> <p>The QCA determined that the complaint lodged by ACA did not contain enough information to either commence an investigation, or decide to refuse to investigate. Specifically, the QCA concluded the complaint did not:</p> <ul style="list-style-type: none"> provide details of the Council's alleged failure to comply with the competitive neutrality principle in conducting the certifying activity show clearly that ACA is, or could be, in competition with the Council show how ACA is, or may be, adversely affected by the Council's alleged failure to comply with the principle of competitive neutrality.
Section 46	<p>This section states that the Commission must investigate and report on a competitive neutrality complaint received under Section 45</p>	<p>The QCA considered the complaint met the content requirements of section 45(2) of the Regulation and decided to investigate the complaint.</p>
Section 47	<p>Section 47 states that the Commission may, by notice given to a complainant, require the complainant to give the Commission further information about the complaint (the additional information) within the reasonable period stated in the notice (the stated period).</p>	<p>On 2 October 2015, the QCA requested further information from ACA. The information was necessary to help the QCA decide whether to investigate the complaint.</p> <p>After reviewing ACA's response to the information request, the QCA considered the complaint met</p>



Legislative section	Stage of the complaint process	Related Action
	However, the Commission may only require additional information that is necessary and reasonable to help the Commission to decide whether or not to investigate the complaint.	the content requirements of section 45(2) of the Regulation and decided to investigate the complaint.
Section 49	Before the Commission starts to investigate a competitive neutrality complaint, the Commission must give an investigation notice to – (a) the complaint; and (b) the relevant local government; and (c) if a corporatized business entity is conducting the business activity – the corporatized business entity.	On 19 November 2015 the QCA issued notices of investigation to and asked for submissions from: (a) ACA (b) the Council (c) the Department of Infrastructure, Local Government and Planning (DILGP).
Section 46 ⁷²	The Commission may exercise the power to require certain information under subsection (2) to receive, investigate and report on complaints about the alleged failures of government agencies to comply with the principle of competitive neutrality.	After reviewing the Council's submission, received on the 11 December 2015, the Commission determined that further information was required to inform its investigation. The Council provided a further submission on 14 March 2016. The information gathered in the submissions has been taken into consideration by the Commission throughout its investigation.
Section 51	This section outlines the matters QPC must consider when investigating the complaint.	The report outlines where these matters were considered.
Section 52	The Commission must prepare a report on the results of the Commissions' investigation of a competitive neutrality complaint, and give it to— (a) the relevant local government; and (b) if a corporatised business entity is conducting the business activity— the corporatised business entity.	The Commission has provided a copy of this report to the Council.
Section 53	A local government given a report under Section 52 must ensure the public can inspect a copy of the report at the local government's public office as soon as practicable after being given the report by the Commission.	The Council must ensure the public can inspect a copy of the report at the Council's public office, as soon as practicable after receiving the report.
Section 54	The Commission must give a copy of the recommendations in the report to any other person whom the Commission gave an investigation notice. The Commission must give a notice that the person may inspect the report, including recommendations, at the local government's public office.	The Commission has provided a copy of the recommendations and a notice that the person may inspect the report at the local governments public office to: (a) ACA (b) DILGP.

⁷² Queensland Productivity Commission Act 2015



Legislative section	Stage of the complaint process	Related Action
Section 55	<p>The relevant local government must decide, by resolution, whether to implement the recommendations in the Commission's report.</p> <p>The relevant local government must, within 7 days after making the resolution, give notice of the resolution to:</p> <ul style="list-style-type: none"> (a) the complainant; and (b) the Commission; and (c) if a corporatized business entity is conducting the business activity— the corporatised business entity. 	To be determined by the Council.

Source: Subdivision 2 of the Local Government Regulation 2012 (Complaint process)

How the Commission is to report

Section 52 of the Regulation specifies the Commission's report must, for a complaint about a certifying activity, comment on how carrying out the statutory functions has resulted in a competitive advantage.

A competitive advantage could be:

- a financial advantage — such as when a local government business is charged a lower rate of interest on a bank loan because the State guarantees the loan
- a procedural advantage — such as a local government business being able to access more information for a government approval process than a private sector business can access
- a regulatory advantage — occurs where a local government business is exempt (fully or partly) from a government approval process a private sector business must follow.

The Council must also take into consideration that the statutory functions in this context are the building functions defined under the Building Act (or the Planning Act) that only a local government can provide and that a building certifier relies on. The Commission must prepare a report on the results of its investigation of a competitive neutrality complaint. The Regulation specifies what the Commission's report must contain. The Report must:

- (a) state whether or not the Commission considers the complaint has been substantiated
- (b) include, if the Commission decides the business entity has a competitive advantage:
 - (i) recommendations on how the business entity can conduct the business activity in a way that complies with the competitive neutrality principle
 - (ii) the reasons for the recommendations.
- (c) for a complaint about a building certifying activity — comments on how carrying out the statutory building functions has resulted in a competitive advantage
- (d) take into consideration the statutory functions are the building functions under the Building Act or Planning Act that
 - (i) only a local government can provide; and
 - (ii) a building certifier under the Building Act relies on.⁷³

⁷³ Section 52 of the *Local Government Regulation 2012*.



Appendix C: Building certification in Queensland

This appendix provides an overview of building certification in Queensland and Council's building certification activity.

Until 30 April 1998, building certification in Queensland was solely offered by local governments. Deregulation of the industry occurred in April 1998 and a dual system of public/private building certification delivery commenced. The reform was aimed at:

*giving customers, developers and the building and construction industry greater and more flexible choices in relation to service delivery of building control certification.*⁷⁴

Since the introduction of private building certification, there has been a growth in private sector building certifiers, which led to increased competition within the industry, reduced building approval times, competitive pricing and the implementation of out-of-hours inspections.⁷⁵

There have been numerous reviews into the industry since deregulation occurred (listed in Table C.1). The most recent was the final report of the *Review of the Building Act 1975 and building certification in Queensland* (Wallace Report).

Table C.1 Reviews of building certification in Queensland since 1998

Date	Reform and Review of Queensland's building certification system
1998	Introduction of private building certification system following adoption of the National Competition Policy reforms.
2003	Review of mandatory planning and regulatory training, separating policy and regulatory functions in certifiers' code of conduct, improving documentation requirements and introducing on-the-spot fines for building certifiers. ⁷⁶
2011	Review in response to the increasingly complex building codes, planning schemes and pre-building requirements. ⁷⁷
2012	Parliamentary Inquiry into the former Queensland Building Services Authority (QBSA). ⁷⁸
2013	The QBSA becomes the Queensland Building and Construction Commission (QBCC).
2014	Review of the Building Act 1975 and building certification in Queensland, final report (Wallace Report).
2016	Review of reform options in response to the Wallace Report <i>Queensland Building Plan</i> . ⁷⁹

The Wallace report noted that all other jurisdictions in Australia have some form of private certification, with the majority having a dual model similar to Queensland.

The Wallace Report discussed several submissions it received that highlighted that private certifiers were being forced to work in an anti-competitive environment where local governments were offering certification services at below-cost prices, which was significantly impacting upon small private certification businesses.⁸⁰

⁷⁴ Wallace, A 2014, *Review of the Building Act 1975 and Building Certification in Queensland*, final report, p. 49.

⁷⁵ Queensland Government 2011, *Improving building certification in Queensland*, Discussion Paper (2011), p. 8.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Department of Housing and Public Works, *Building Legislation Review*.

<http://www.hpw.qld.gov.au/construction/BuildingPlumbing/Building/Pages/BuildingLegislationReview.aspx>.

⁷⁹ Department of Housing and Public Works, *Building Certification Fact Sheet 1*, website, accessed 13 March 2017.

⁸⁰ Wallace, A 2014, *Review of the Building Act 1975 and Building Certification in Queensland*, final report, p. 55.



However, the report stated that there is no physical evidence which supports allegations made by some private certifiers that local governments are not acting in accordance with the principles of competitive neutrality.⁸¹

Building certifying functions

Building certification is the act of checking and approving of building work by a building certifier (certifier) to ensure that it complies with safety, health, amenity and sustainability standards specified in legislation and building codes.

The Building Act sets out the certifying functions that a certifier carries out. A certifying function is doing any of the following:

- (a) carrying out building assessment work, other than a part of building assessment work that, under section 46, a concurrence agency may carry out;
- (b) the giving of a certificate (a compliance certificate) in the approved form that, other than for aspects of building assessment work, that under section 46 must be assessed by a concurrence agency, states building work complies with the building assessment provisions;
- (c) for a building development approval — inspecting the building work to decide whether to certify the work;
- (d) for building work for a single detached class 1a building or a class 10 building or structure, the giving of:
 - (i) a certificate in the approved form for the stage of the building work that is after excavation of foundation material and before the footings for the building are laid; and
 - (ii) a certificate (a final inspection certificate) in the approved form for the final stage of the building work; and
- (e) the giving of a certificate of classification for a building or structure of another class.⁸²

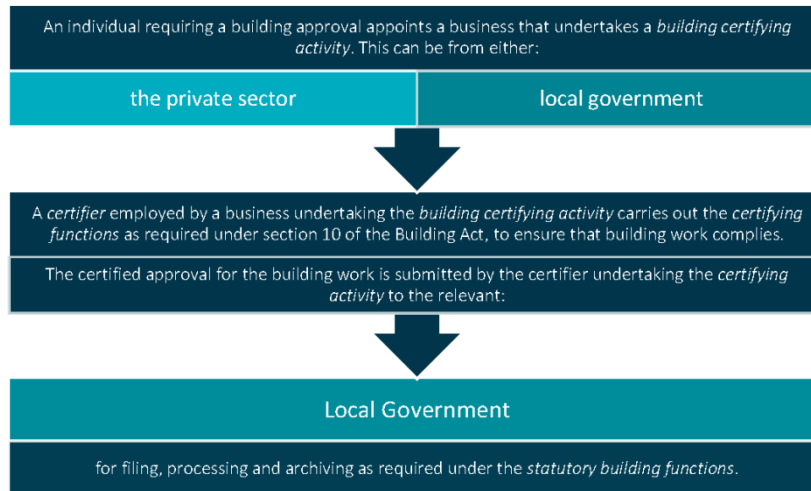
Local governments are also responsible to undertake the statutory building functions under the Building Act. Figure C.1 illustrates the dual function of local governments.

⁸¹ Wallace, A 2014, *Review of the Building Act 1975 and Building Certification in Queensland*, final report, p. 359.

⁸² Section 10 of the *Building Act 1975*.



Figure C.1 The dual function of local government



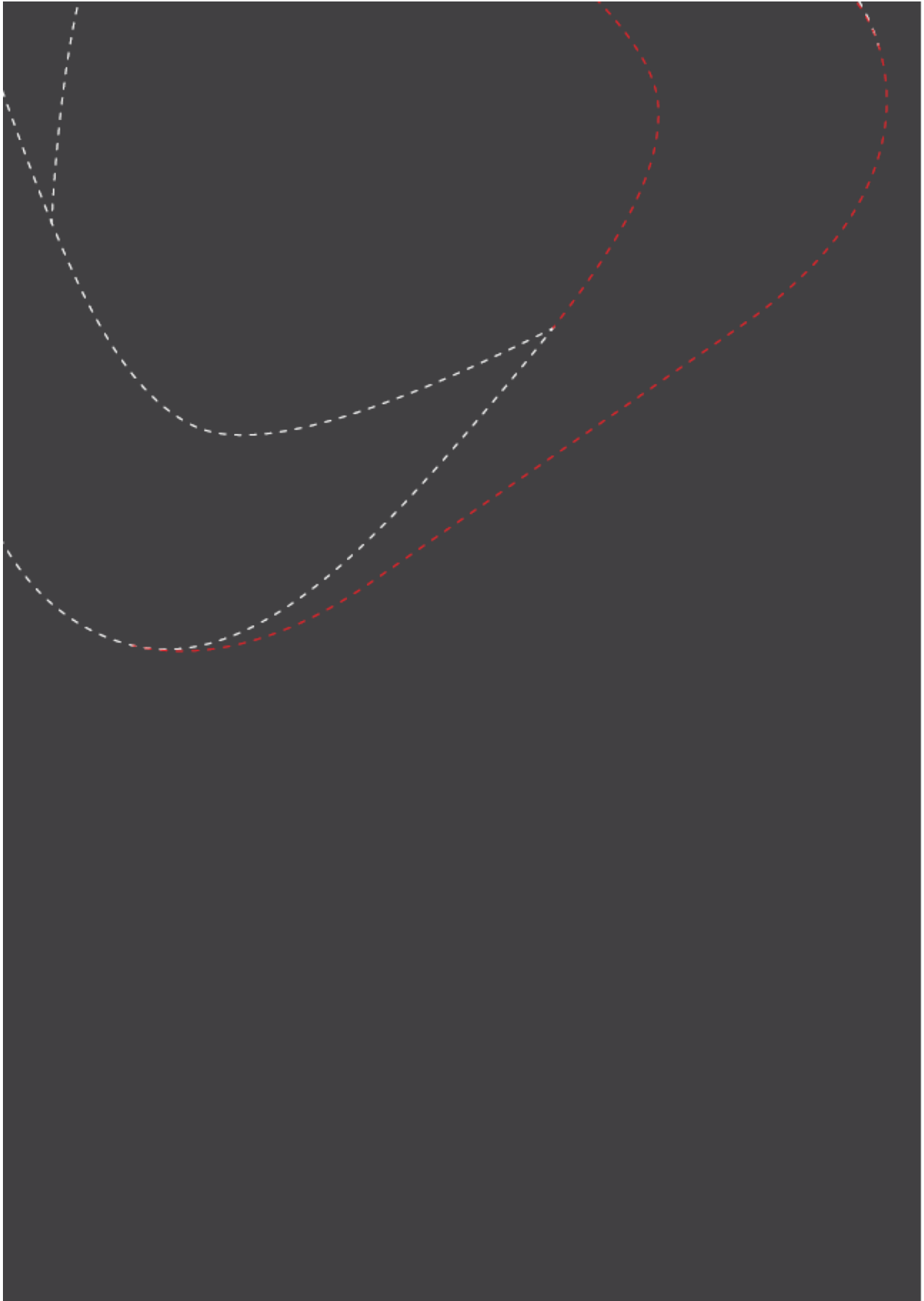
Statutory building functions

Local governments undertake certain statutory building functions required under the Building Act including:

- providing information to private certifiers, such as site or town planning information;
- receiving, processing and archiving certain documents associated with a development application (for public access if required);
- filing decisions of private certifiers for a fee that is fixed by the local government under the Building Act; and
- keeping the prescribed documents for a specified period of time and making them available for inspection by the public.⁸³

As these are the statutory activities, each must be undertaken by local governments only. In circumstances where local governments also undertake a certifying activity, a dual role exists for that local government.

⁸³ Fees for providing a service that cannot be provided by a private certifier must be reasonable and fixed by resolution of the local government (*Standard Building Regulation 1993*, section 130(2)). Queensland Government 2000, *Principles and methodology for setting local government charges under the Building Act*.





ITEM-6**DELEGATIONS UPDATE SEPTEMBER 2017****MEETING:** Ordinary**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Manager Development and Governance**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

"That:

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

BACKGROUND

Council have delegated to the Chief Executive Officer the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of his role and efficiently manage the operations of the Council.

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

The attached Tables of Delegable Powers display the legislation recently reviewed by MacDonnells and the amendments or additions to be made as a result thereof. If you require the Table of Delegable Powers in its entirety please contact Manager Development and Governance.

The updates provided are for minor administrative changes and changes to the terminology used. It is envisaged that the changes will not result in any change to Councils operations.

Building Act 1975 ('BUIA')

The BUIA has been amended by the Planning (Consequential) and Other Legislation Amendment Act 2016. The amendment has resulted in minor changes to the Table of Delegable Powers to reflect the introduction of the new Planning Act 2016.

Environmental Protection Regulation 2008 ('ENPR')

The ENPR has been amended by the Planning (Consequential) and Other Legislation Amendment Regulation 2017. The amendment has resulted in minor changes as a result of the new Planning Act 2016.

Land Act 1994 ('LANA')

The LANA has been amended by the Planning (Consequential) and Other Legislation Amendment Act 2016. The amendment has resulted in changes to the LANA as a result of the new Planning Act 2016

Development Assessment Rules under the Planning Act 2016

Macdonnells Law have formed the view that while the Development Assessment Rules are not an act or regulation, the powers therein are capable of delegation in accordance with the provisions of the Local Government Act and the Acts Interpretation Act and have therefore prepared a new Table of Delegable Powers.

Planning Act 2016 ('PLAA')

Minor updates to the Table of Delegable Powers to include some additional powers which were omitted from the prior version of the Table.

Planning Regulation 2017 ('PLAR')

A new Table of Delegable Powers has been prepared to reflect the relevant provisions of the PLAR.

Water Supply (Safety and Reliability) Act 2008 ('WSSR')

The WSSR has been amended by the Water Legislation (Dam Safety) Amendment Act 2017 and the Planning (Consequential) and Other Legislation Amendment Act 2016. The amendments have resulted in changes to Delegable Person powers.

Limitations to the Exercise of Power

All delegations are made subject to the following limitations:

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
 2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
 3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
 4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
-

5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7. Where the delegate refuses a particular matter, or an appeal is made in respect of the delegate's decision, the delegate will refer the matter to Council.
8. Where enforcement action is taken such as the issue of a notice or an order requiring compliance, the details of such action will be reported to Council for information.
9. The delegate will not exercise any delegated power where an application under a planning scheme would result in conflicting land uses, including an existing use or existing use right.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Director Corporate and Community Services

External

MacDonnells Law

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

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Amendments to Tables of Delegable Powers

Date Prepared: *1 September 2017*

Delegable Powers under the Building Act 1975 ("BUJA")

CHAPTER 4 – ASSESSMENT OF BUILDING DEVELOPMENT APPLICATION AND CARRYING OUT SELF-ASSESSABLE BUILDING WORK BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS

Part 1 - Laws and Other Documents under which Building Work must be Assessed Applying to Building Work

Division 1 – General Provisions about the Laws and Documents for the Assessment Applying to Building Work

Entity power given to	Section of BUJA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment, and IDAS .				

Part 2 - Persons Responsible for Assessing Building Development Applications

Entity power given to	Section of BUJA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
<u>Local government</u>	<u>54(2)</u>	<u>In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.</u>				

**Division 4 – Power of Particular Replacement
Assessment Managers to Decide Status of
Development Assessment Process under
Planning Act**

<u>Entity power given to</u>	<u>Section of BUJA</u>	<u>Description</u>	<u>Delegation to the CEO / Date of Resolution</u>	<u>Sub-Delegation to Officers</u>	<u>Date of Sub- Delegation</u>	<u>Limitations and Conditions</u>
Assessment manager	55(3)	In the specified circumstances power to resume or start the application process at any stage of <u>IDAS-the development assessment process under the Planning Act</u> the assessment manager considers appropriate.				

Delegable Powers under the Environmental Protection Regulation 2008 ("ENPR")

CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES

Part 1 - Environmentally Relevant Activities – General Matters

Division 3A – Development Application relating to concurrence ERAs

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government (as Assessment Manager or Referral Agency)	19BC	<p>In assessing the application, the power to consider the following matters as a code for IDAS under the Planning Act assessment benchmarks:</p> <p>a) an environmental objective assessment (to be carried out in accordance with Schedule 5, Part 2) against the environmental objectives and performance outcomes mentioned <u>stated</u> in schedule 5, part 3, table 2;</p> <p>b) the standard criteria;</p> <p>c) if the activity <u>activity</u> <u>concurrence ERA</u> is to be carried out in a strategic environmental area – the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>.</p>				

Delegable Powers under the Land Act 1994 ("LANA")

CHAPTER 1 - PRELIMINARY

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

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner who may take water under the Water Act 2000, section 96	13A(4)	<p>Power to in certain circumstances:</p> <p>(a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and</p> <p>(b) exercise a right of grazing for the person's stock over the adjacent area; and</p> <p>(c) bring an action against a person who trespasses on the adjacent area.</p>				

CHAPTER 6 - REGISTRATION AND DEALINGS

Part 4 - Dealings affecting land

Division 1 – Transfers

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee, licensee or	322(4B 3)	Power to apply for approval to transfer a lease, licence or sublease.				

the holder of a sublease							
Transferor	322(8a)	Power to appeal against the Minister's decision.					

Division 8 - Easements

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	372(2)	Power to apply for the Minister's written approval to continue a public utility easement over unallocated state land.				
Person	372(3)	Power to apply for the Minister's written approval to continue a public utility easement over a reserve.				

Division 8A - Covenants

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local government as covenantee	373A(1)	Power to make certain non-freehold land the subject of a covenant.				
The trustee of trust land, the lessee of lease land or the sublessee of subleased land.	373A(2)	Power to consent to a document creating a covenant.				

Delegable Powers under the Planning Act 2016 ("PLAA")

CHAPTER 3 – DEVELOPMENT ASSESSMENT

Part 1 - Types of development and assessment

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.				
Local Government	45(7)	Power to consider amendment or replacement of a statutory instrument or other document before deciding a properly made application.				

Part 2 - Development applications

Division 2 – Making or changing applications

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	51(5)	Power to accept a properly made application.				

CHAPTER 7 – MISCELLANEOUS

Part 3 - Public access to documents

<u>Entity power given to</u>	<u>Section of PA</u>	<u>Description</u>	<u>Delegation to the CEO / Date of Resolution</u>	<u>Sub-Delegation to Officers</u>	<u>Date of Sub-Delegation</u>	<u>Limitations and Conditions</u>
<u>Local Government</u>	<u>264(1)(a)</u>	<u>Power to keep or keep publically available documents including registers relating to local government functions as prescribed in the Reg.</u>				
<u>Local Government</u>	<u>264(2)</u>	<u>Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.</u>				
<u>Local Government</u>	<u>264(5)</u>	<u>Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg</u>				
<u>Local Government</u>	<u>264(6)</u>	<u>Power to decide if a document or information in a document prescribed under the Reg is not disclosable.</u>				

Development Assessment Rules under the Planning Act 2016 ("PLAA")

Part 1 - Application

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	1.1	Power to decide a properly made application.				
Assessment Manager	2.2	Power to give a confirmation notice.				
Assessment Manager	3.1	Power to give an action notice.				

Part 2 - Referral

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	6.2	Power to decide a properly made application.				
Referral Agency	7.1	Power to give a confirmation notice.				
Referral Agency	8.1	Power to give an action notice.				
Referral Agency	9.2	Power to give a referral agency response.				

Part 3 - Information request

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Authority	12.1	Power to make an information request.				
Assessment Authority	12.5	Power to give advice about an information request.				

Part 4 - Public Notification

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.				
Assessment Manager	19.1	Power to accept a property made submission.				

Part 5 - Decision

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.				
Assessment Manager	23.1	Power to receive a notice from a concurrence agency.				

Part 6 - Changes to the application and referral agency responses

Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.				
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.				
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.				
Assessment Manager	26.3	Power to refer a changed application to a referral agency.				
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.				
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.				
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.				

Part 7 - Miscellaneous

Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.				
Assessment Manager	34.1	Power to request third party advice from a third party about an application.				
Assessment	35.1	Power to give a further advice to an				

Manager		applicant.							
Schedule 1 Substantially different development									
Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions			
Assessment Manager	1	Power to determine if a change to an application is a minor change.							
Assessment Manager	2	Power to determine if a change would result in a substantially different development							

Delegable Powers under the Planning Regulation 2017 ("PLAR")

Part 2 - Planning Division 3 Superseded planning schemes

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).				

Schedule 11 Assessment benchmarks for development in koala habitat

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	10(1)	Power to make a requested decision.				
Local Government	10(2)	Power to give a notice of a requested decision.				
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.				

Schedule 18 Approving plans of subdivision

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	3(1)	Power to approve a request where compliant with section 2.				
Local	3(2)	Power to give notice of an approval to				

12

Government	request.								
Schedule 22 Publically assessable documents									
Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions			
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.							
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.							
Local Government	3(1)	Power to publish documents on the local government website.							
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.							
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.							
Assessment Manager	7(1)	Power to publish documents on the local government website.							
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.							
Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.							
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.							

Delegable Powers under the Water Supply (Safety and Reliability) Act 2008 ("WSSR")

CHAPTER 2 - INFRASTRUCTURE AND SERVICE

Part 3 - Service Providers

Division 2 – General powers of service providers and authorised persons

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.				

CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION

Part 1 - Referrable Dams

Division 2A – Emergency Action Planning and Reporting

Subdivision 3 – Preparation of emergency actions plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352G(4)	Power to give an emergency action plan for a dam to the chairperson of the relevant disaster management group for				

						the plan.				
Owner of a referable dam	352G(4)					Power to prepare a written response (a <i>Disaster Management Review Response</i>).				
Local government	352HB(1)					Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.				
Local government	352HB(2)					Power to consult with its local group for the plan.				

Subdivision 7 – Amending emergency action plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352Q(1)	Power to ask the chief executive to amend the approved emergency action plan for the dam to: (a) correct a minor error, or (b) make another change that is not a change of substance.				

Subdivision 9 – Emergency event reporting

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.				
Owner of referable	352T(3)(a)	Power to reasonably consider a hazard				

dam	→	no longer poses a risk to the dam.				
Owner of referable dam	352I(3)(b) →	Power to reasonably consider that a hazard no longer poses a risk to the safety of persons or property.				

Part 3 – Declaring Temporary Full Supply Levels to Mitigate Flood or Drought
Division 2 – Obtaining Information and Advising Minister

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	391(3)	Power to comply with an impact information notice given under section 391(4).				
Owner of a referable dam	392	Power to consult with the chief executive.				

Part 4 - Reducing Full Supply Level for Safety Purposes

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Dam owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.				
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the reduced full supply level) that lowers the risk of a				

<u>Owner</u>	<u>399B(4)</u>	<p><u>failure of the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.</u></p> <p><u>Power to consider and include in a notice:</u></p> <p>(a) <u>the reasons why it is necessary to operate the dam at the reduced full supply level; and</u></p> <p>(b) <u>the period for which it is necessary to operate the dam at the reduced supply level.</u></p>							
<u>Owner</u>	<u>399C(3)(a)</u>	<p><u>Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.</u></p>							
<u>Service provider</u>	<u>399C(3)(b)</u>	<p><u>Power to consider and decide and include in a report:</u></p> <p>i. <u>the impacts the reduced full supply level has had on the provider's customers since its reduction;</u></p> <p>ii. <u>the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and</u></p> <p>iii. <u>the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.</u></p>							

<u>Owner</u>	<u>399B(4)</u>	<p><u>failure of the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.</u></p> <p><u>Power to consider and include in a notice:</u></p> <p>(a) <u>the reasons why it is necessary to operate the dam at the reduced full supply level; and</u></p> <p>(b) <u>the period for which it is necessary to operate the dam at the reduced supply level.</u></p>							
<u>Owner</u>	<u>399C(3)(a)</u>	<p><u>Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.</u></p>							
<u>Service provider</u>	<u>399C(3)(b)</u>	<p><u>Power to consider and decide and include in a report:</u></p> <p>i. <u>the impacts the reduced full supply level has had on the provider's customers since its reduction;</u></p> <p>ii. <u>the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and</u></p> <p>iii. <u>the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.</u></p>							

BUILDING AND PLUMBING SERVICES

ITEM-7 LAPSING BUILDING APPLICATIONS

MEETING: Ordinary

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Manager Development & Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report recommends some changes to Council's process in respect to lapsing building applications, and an adjustment to the 2017/2018 Fees and Charges for Buildings & Plumbing Services for Council's consideration and endorsement.

OFFICER'S RECOMMENDATION

"That Council

1. Endorse the change in Council procedure relating to lapsing building applications; and
2. Adopt the new 2017/18 Fees and Charges for Building & Plumbing Services for lapsing applications."

BACKGROUND

Council currently has a large number of building applications that have passed the two (2) year currency period and meet the criteria "not finalised". There are also a small number of "not finalised" dwellings that have been under construction for over a decade.

The assessment of these approvals has to be carried out in accordance with the building assessment provisions - including the Building Act, Planning Act, and relevant standards such as the Building Code of Australia (BCA), that were current at the time the application was made. In the time that has passed since 2007, virtually all of these provisions have seen significant revisions, repeals and replacements.

Council's Current Process for Lapsing Applications:

Council's current standard practice is that all applications for extension of the currency period have been approved, no matter the situation, upon payment of a prescribed fee. The current fee is \$75.00.

Proposed Council's Process for Lapsing Applications:***1. Fee Adjustment***

We propose a fee of:

- \$75.00 Application
- \$190.00 Assessment
- \$200.00 Inspection.

The addition of an assessment and inspection will enable Council to document what is left to finalise the construction. This will assist the builder to understand what is left to construct and additionally, assist the building certifier in determining whether the applicant has made sufficient progress on the remaining building works if further extensions are required.

2. Lapsed Applications

The approval has lapsed and cannot be finalised. The builder will need to lodge a new building application with a private building certifier or Council. If it's with Council, the appropriate fees will be required to be paid.

Council would lapse applications when:

- a) The building work did not substantially start within the currency period nominated within the approval; or
- b) No additional building substantially started within the currency period nominated within the approved extension; or
- c) After one (1) extensions and the building approval is not "Finalised".

3. Notification

- a) Six (6) months prior to currency period expiry the applicant is notified of Council's procedure.
- b) Three (3) months prior to the currency period expired the applicant is notified of the lapsing time
- c)

4. Letter to Vacate

In the instance that owners of dwellings have taken the liberty of moving in before building certifier determining that the dwelling meets the requirements of the BCA, or despite Council's advice due to the dwelling being not suitable for habitation, Council will provide a letter to owners/occupants notifying them they are in breach of the Building Act and may be liable to prosecution.

5. Current Extended and Current Applicants

All current applicants will be given an extension providing substantial construction has been made during the currency period, and the new fee has been paid prior to lapsing.

If no substantial construction has occurred within the currency period on applications, the application will be lapsed.

If no substantial construction has occurred within the currency period on extended applications, the application will be given 6 months notification of lapsing period.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Manager Development & Governance
Acting Building Services Supervisor

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

All current applicants will be notified of the change in process and fee.

ATTACHMENTS

Nil

Date Prepared: 8 September 2017

LOCAL LAWS

ITEM-8 IGA PARKING REPORT

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S TITLE: Compliance Coordinator

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report has been prepared in response to a request for Council to regulate parking on private land and it details the necessary requirements to enable this request. The land in question is the Cornett's IGA car park located on Walsh Street, Mareeba.

OFFICER'S RECOMMENDATION

"That Council:

1. Agree to begin the process to include the IGA car park in the CBD parking area,
2. Authorise the CEO to commence the terms of an arrangement with the land owner, subject to service levels and costs; and
3. Commence the process for making new a local law and subordinate local law for parking."

BACKGROUND

Council currently conducts regulated parking patrols in the towns of Mareeba and Kuranda with Local Law No. 5 (Parking) 2011 and Subordinate Local Law No. 5 (Parking) 2011 providing the necessary head of power.

The purpose of Local Law 5 (Parking) 2011 is to complement the regulated parking provisions in chapter 5 part 6 of the *Transport Operations (Road Use Management) Act 1995* (TORUM Act) by providing for the exercise of local government powers authorised under that Act.

Section 6 of the Local Law provides for Council to declare an area of land controlled by the local government as an off-street regulated parking area and includes a reference to sections 104 and 101 of the TORUM Act which enables Council to regulate parking on private property under an arrangement with the land owner.

If Council wish to regulate parking on private property they will need to enter into an arrangement with the owner of the land and also amend the subordinate local law to enable the car park to be declared as an off-street regulated parking area. The power for the local government to enter into an arrangement as provided by section 104 of the TORUM Act does not appear to be a delegable power therefore such an arrangement must be resolved by Council.

Council has two off-street regulated parking areas declared by subordinate local law; one in Walsh Street Mareeba and one in Thooree Street Kuranda.

If Council proceed with the desired amendments a new subordinate local law will need to be made with the replacement law being titled Mareeba Shire Council Subordinate Local Law No. 5 (Parking) 2017. In order for the Local Law to have the same naming convention as the Subordinate Local Law, Council would need to make a new Local Law as well.

LINK TO CORPORATE PLAN

ECON 2 - In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

CONSULTATION

Internal

Chief Executive Office
Manager Development & Governance

External

Tallast Pty. Ltd.

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

Regulatory - ensure relevant Local Law and Subordinate Local Law are amended
Operational - CEO to be delegated authority to negotiate agreement/s with Landholder/s

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

The cost of signage and the costs associated with the drafting of an arrangement with the land owner have not been estimated or negotiated with land owner. The cost of conducting regulated parking in this particular car park is not known and has not been included in the 2017/2018 operating budget.

IMPLEMENTATION/COMMUNICATION

If Council wish to support this proposal the resulting arrangement with the land owner would need to be resolved by Council and the process to amend the local laws would need to be completed before the patrols and enforcement can commence.

Council's Local Law No. 5 (Parking) 2011 and Council's Subordinate Local Law (Parking) 2011 will need to be amended. To amend these laws, the process is the same as for making a new local law. That is Council would need to follow the process that Council adopted on 19 July 2017.

Generally this process will involve;

1. Council to make a resolution proposing to adopt Model Local Law No.5 (Parking) 2017 and to repeal the existing local law for parking
2. Identify anti-competitive provisions
3. If anticompetitive provisions exist carry out a Public Interest Test.
4. Community engagement (limited)
5. Make a resolution adopting the model local law
6. Public in notice published in the Government Gazette and on Councils website within one month of resolution
7. Make copies available for inspection and purchase
8. Forward to Minister; a copy of the notice and a copy of the local law
9. Update Council's local law register.

Note: It is suggested that to reduce the length of time for the process that Council investigate the option of adopting the model Local Law as this will negate the need for a State Interest check.

MUTCD compliant signage will need to be ordered and installed in accordance with the regulation.

ATTACHMENTS

1. Local Law Making Process as adopted by Council 19 July 2017

Date Prepared: 28 August 2017



Process for Making Local Laws

Council Policy <input checked="" type="checkbox"/>	Internal Policy <input type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft <input checked="" type="checkbox"/>	Final <input type="checkbox"/>	Version:
File ref:	Policy Section:	Development & Governance
Date Adopted:	Review Date:	
Author:	Compliance Coordinator	Review Officer: Manager Development & Governance

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1. FOREWORD

Pursuant to section 29(1) of the Local Government Act 2009 ('the LGA'), this document sets out the Council's process for making a local law.

2. INTRODUCTION

The LGA provides as follows:

29(1) Local law making process

A local government may decide its own process for making a local law to the extent that the process is not inconsistent with this part.

As section 29(1) indicates, Chapter 3, Part 1 of the Act sets out minimum procedural requirements that must be complied with by the Council in making any local law, but apart from these requirements, it is a matter for the Council to decide its own process for making a local law. The Local Government Act 2009 is much less prescriptive about local law making processes than the previous Local Government Act 1993, particularly in relation to public consultation. The former Act generally required public consultation for a minimum of 21 days for all local laws except model local laws and interim local laws.

This document sets out the general processes decided by the Council for making different types of local laws. For completeness, the document incorporates and repeats the processes required per the Act, but its main function is to fill in the gaps by indicating the Council's own processes for matters not stipulated by the Act.

3. DEFINITIONS (SEE SECTION 26, LGA)

1. A **local law** is a law made by a local government.
2. A **model local law** is a local law that the Minister has approved, by gazette notice, as being suitable for adoption by all local governments.
3. An **interim local law** is a local law that has effect for 6 months or less.
4. A **subordinate local law** is a local law that—
 - is made under a power contained in a local law; and
 - provides for the detailed implementation of the broader principles contained in the local law.

4. APPLICATION

The process set out in this document will be applicable whenever the Council decides to make a new local law (including one that amends an existing local law) unless the Council makes a resolution amending this process. The Council may, at any time, make a resolution pursuant to section 29(1) of the LGA to decide a different process for making a particular local law, as long as the process complies with the requirements of Chapter 3, Part 1 of the Act. This document indicates the elements of the local law-making process that are

stipulated by the Act and therefore cannot be changed by the Council by using the words 'legislative requirement'.

5. PROCESSES FOR MAKING LOCAL LAWS

(A). PROCESS FOR MAKING A MODEL LOCAL LAW

Step	Explanation
1. Council makes a resolution proposing to adopt the model local law and to repeal any existing local laws that would be inconsistent with the model local law.	This places Council's intention to adopt the new local law on the public record and enables consideration of any consultation or public interest test processes required. Under the Act, the model local law can include a provision to repeal any existing local law that would be inconsistent with the model local law (see s.29A(2)(b) LGA). This will avoid the need for a separate repealing local law requiring a State interest check.
2. Council reviews the model local law to identify any possible anti-competitive provisions, using the 'Guidelines to assist Local Governments to identify possible anti-competitive provisions in proposed local laws and proposed local law policies'	Legislative requirement – s.38 LGA, s.16 <i>Local Government Regulation 2012</i> .
3. If the model local law contains possible anti-competitive provisions, Council undertakes a Public Interest Test process in line with the 'National Competition Policy Guidelines for conducting public interest tests on possible anti-competitive provisions in local laws and local law policies'	Legislative requirement – s.38 LGA, s.16 <i>Local Government Regulation 2012</i> .
4. Council undertakes any appropriate community engagement in accordance with the Council's 'Community Engagement Policy' and 'Guide to Engagement'	Depending on the significance and impact of the proposed model local law, engagement might involve public advertising for a period of weeks and consideration of submissions by the public. Model local laws have already been subjected to Statewide community consultation by the State prior to gazettal, so the Council may decide not to undertake further engagement or to limit engagement to the subordinate local laws made under the model local law, as these generally contain the detailed regulation.
5. Council makes a resolution adopting the model local law (assuming any Public Interest Test/community engagement confirms the Council's desire to proceed).	Legislative requirement – local laws must be made by resolution (see s.29(2) LGA).
6. Council gives public notice of the local law by	Legislative requirement – s.29B LGA. See

publishing a notice of the making of the local law in the Government Gazette and on the Council's website, within one month of the date of the resolution to make the local law	s.29B(3) and (4) for requirements for the notices.
7. As soon as practicable after the notice is published in the Gazette, Council ensures copies of the local law are available for inspection and purchase by the public at its public office.	Legislative requirement – s.29B(5) LGA
8. Within 14 days after the notice is published in the Gazette, Council forwards to the Minister: a) a copy of the notice; and b) a copy of the local law in electronic form.	Legislative requirement – s.29B(7) LGA
9. Council updates its local law register	Legislative requirement – s.31 LGA and s.14 <i>Local Government Regulation 2012</i>

(B) PROCESS FOR MAKING A LOCAL LAW THAT IS NOT A MODEL LOCAL LAW OR INTERIM LOCAL LAW

Step	Explanation
1. Council makes a resolution proposing to make the local law.	This places Council's intention to adopt the new local law on the public record and enables consideration of any consultation or public interest test processes required.
2. Council contacts any relevant State government entities to seek their views about the overall State interest in the proposed local law.	Legislative requirement – s.29A(3) LGA.
3. Council reviews the local law to identify any possible anti-competitive provisions, using the 'Guidelines to assist Local Governments to identify possible anti-competitive provisions in proposed local laws and proposed local law policies'	Legislative requirement – s.38 LGA, s.16 <i>Local Government Regulation 2012</i> .
4. If the local law contains possible anti-competitive provisions, Council undertakes a Public Interest Test process in line with the 'National Competition Policy Guidelines for conducting public interest tests on possible anti-competitive provisions in local laws and local law policies'	Legislative requirement – s.38 LGA, s.16 <i>Local Government Regulation 2012</i> .
5. Council undertakes any appropriate community engagement in accordance with the Council's 'Community Engagement Policy' and 'Guide to Engagement'	Depending on the significance and impact of the proposed local law, engagement might involve public advertising for a period of weeks and consideration of submissions by the public.
6. Council considers the results of the State interest check, engagement with the community and Public Interest Test consultations and makes any amendments to the	Note that if the Council decides to change the draft local law, it will then consider whether or how much further community

proposed draft local law as necessary	engagement might be required regarding the revised draft.
7. Council makes a resolution to make the local law (either in its original form or as amended during step 6)	Legislative requirement – local laws must be made by resolution (see s.29(2) LGA).
8. Council gives public notice of the local law by publishing a notice of the making of the local law in the Government Gazette and on the Council's website, within one month of the date of the resolution to make the local law	Legislative requirement – s.29B LGA. See s.29B(3) and (4) for requirements for the notices.
10. As soon as practicable after the notice is published in the Gazette, Council ensures copies of the local law are available for inspection and purchase by the public at its public office.	Legislative requirement – s.29B(5) LGA
11. Within 14 days after the notice is published in the Gazette, Council forwards to the Minister: a) a copy of the notice; and b) a copy of the local law in electronic form.	Legislative requirement – s.29B(7) LGA
12. Council updates its local law register	Legislative requirement – s.31 LGA and s.14 Local Government Regulation 2012

(C) PROCESS FOR MAKING AN AMENDMENT TO AN EXISTING LOCAL LAW

To amend an existing local law requires a separate amending local law that contains the amendments. For example, the amending local law might contain only one provision, which inserts a new offence into the existing local law. To make an amendment to a local law, the process is the same as for making an entirely new local law – i.e. the process will be as per 'B. PROCESS FOR MAKING A LOCAL LAW OTHER THAN A MODEL LOCAL LAW OR INTERIM LOCAL LAW'.

This process will also apply where the Council amends an adopted model local law.

(D) PROCESS FOR MAKING AN INTERIM LOCAL LAW

The process for making an interim local law is the same as set out above under 'B. PROCESS FOR MAKING A LOCAL LAW OTHER THAN A MODEL LOCAL LAW OR INTERIM LOCAL LAW', except that steps 3 and 4 relating to anti-competitive provisions do not apply (see section 38(3) LGA). An interim local law can only have effect for 6 months or less (section 26(4) LGA) and must contain a provision stating when the local law expires (section 29(4) LGA).

(E) PROCESS FOR MAKING A SUBORDINATE LOCAL LAW

Step	Explanation
1. Council makes a resolution proposing to make the subordinate local law.	This places Council's intention to adopt the new subordinate local law on the public record and enables consideration of any consultation or public interest test processes required.
2. Council reviews the subordinate local law to identify any possible anti-competitive provisions, using the 'Guidelines to assist Local Governments to identify possible anti-competitive provisions in proposed local laws and proposed local law policies'	Legislative requirement – s.38 LGA, s.16 <i>Local Government Regulation 2012</i> .
3. If the subordinate local law contains anti-competitive provisions, Council undertakes a Public Interest Test process in line with the 'National Competition Policy Guidelines for conducting public interest tests on possible anti-competitive provisions in local laws and local law policies'	Legislative requirement – s.38 LGA, s.16 <i>Local Government Regulation 2012</i> .
4. Council undertakes any appropriate community engagement in accordance with the Council's 'Community Engagement Policy' and 'Guide to Engagement'	Depending on the significance and impact of the proposed subordinate local law, engagement might involve public advertising for a period of weeks and consideration of submissions by the public.
5. Council considers the results of any engagement with the community and Public Interest Test consultations and makes any amendments to the proposed draft subordinate local law as necessary	Note that if the Council decides to change the draft subordinate local law, it will then consider whether or how much further community engagement might be required regarding the revised draft.
6. Council makes a resolution making the subordinate local law (either in its original form or as amended during step 5)	Legislative requirement – local laws must be made by resolution (see s.29(2) LGA).
9. Council gives public notice of the subordinate local law by publishing a notice of the making of the subordinate local law in the Government Gazette and on the Council's website, within one month of the date of the resolution to make the local law	Legislative requirement – s.29B LGA. See s.29B(3) and (4) for requirements for the notices.
10. As soon as practicable after the notice is published in the Gazette, Council ensures copies of the subordinate local law are available for inspection and purchase by the public at its public office.	Legislative requirement – s.29B(5) LGA
11. Within 14 days after the notice is published in the Gazette, Council forwards to the Minister: a) a copy of the notice; and b) a copy of the local law in electronic form.	Legislative requirement – s.29B(7) LGA
12. Council updates its local law register	Legislative requirement – s.31 LGA and s.14 <i>Local Government Regulation 2012</i>

(F) PROCESS FOR MAKING AN AMENDMENT TO A SUBORDINATE LOCAL LAW

To amend an existing subordinate local law requires a separate amending subordinate local law that contains the amendments. To make an amendment to a subordinate local law, the process is the same as for making an entirely new subordinate local law – i.e. the process will be as per 'E. PROCESS FOR MAKING A SUBORDINATE LOCAL LAW'.

6. SUPPORTING DOCUMENTATION

Local Government Act 2009

Local Government (Operations) Regulation 2010

FINANCE

ITEM-9 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2017

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S TITLE: Manager Finance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2017 to 31 August 2017.

OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 31 August 2017."

BACKGROUND

Financial Summary

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

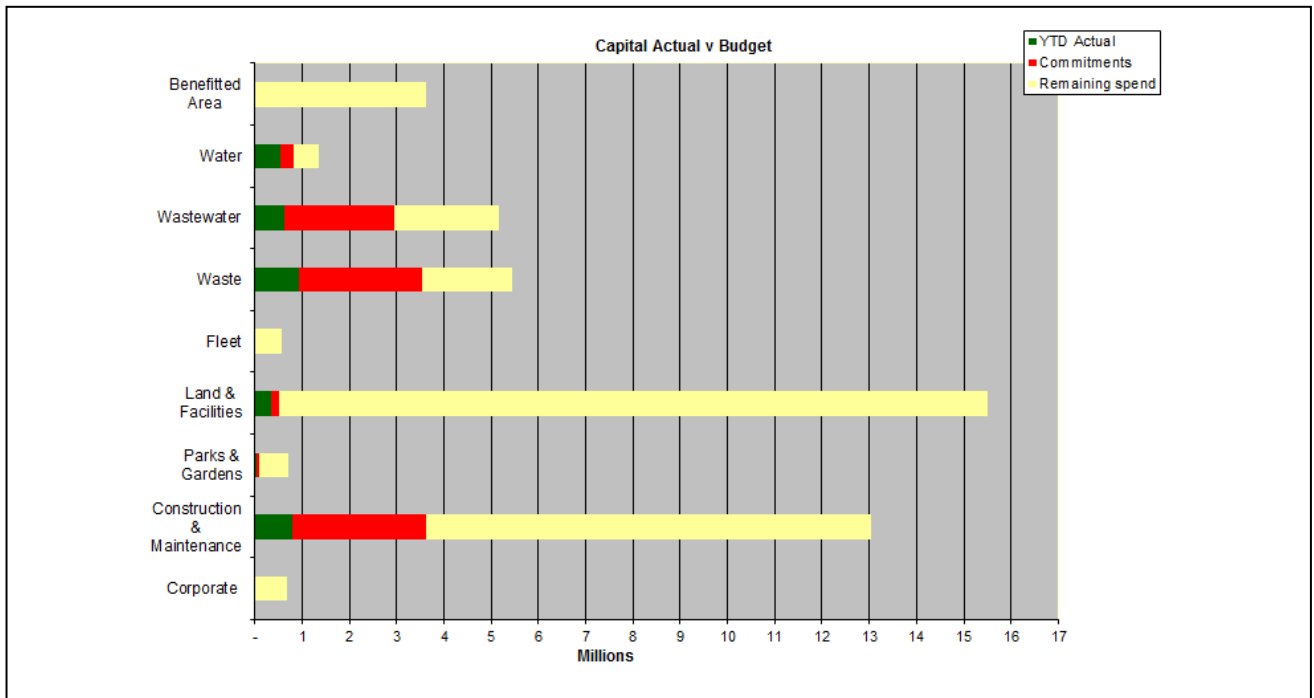
For the period ending 31 August 2017, Council shows an operational surplus of \$9,985,791 compared to a budgeted surplus of \$8,640,461. The large surplus is due to the rates for the half year, 1 July to 31 December 2017, that were issued in August. The budget reflects the 2017/18 Budget as adopted by Council at the 21 June 2017 meeting. As only two (2) months have passed, there are no major issues to discuss or areas of concern at this stage. As each month goes past, there will more financial data to analyse and any areas of concerns will be highlighted.

August 2017 - Snapshot

Total Operating Income	\$	17,029,646
Total Operating Expenditure	\$	7,043,855
Operating Surplus/(Deficit)	\$	9,985,791
Total Capital Income (grants, developer contributions)	\$	432,219
Net Result - Surplus/(Deficit)	\$	10,418,010

Capital Expenditure

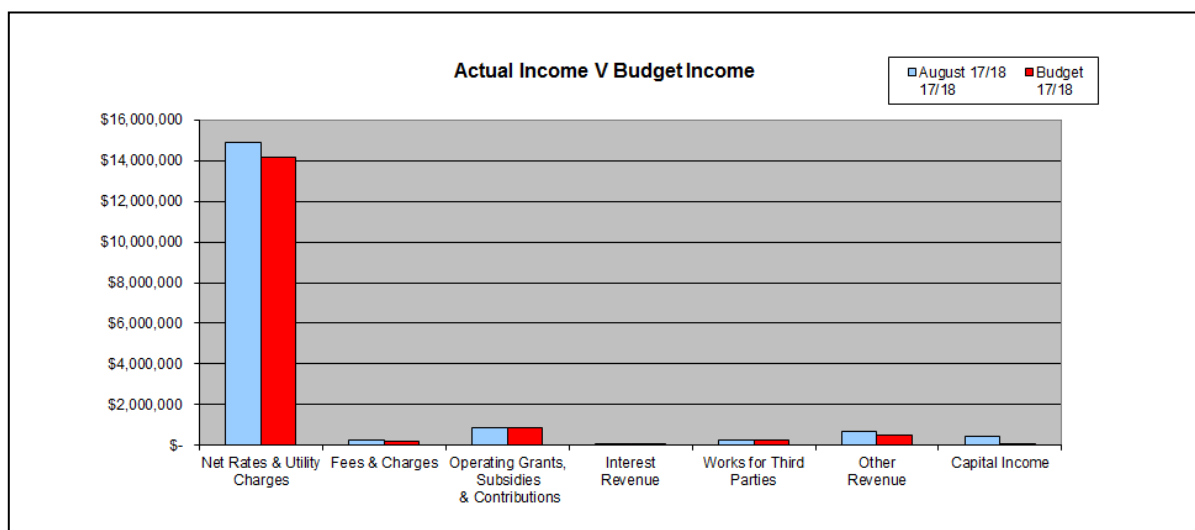
Total capital expenditure of \$11,524,160 (including commitments) has been spent for the period ending 31 August 2017 against the 2017/18 annual capital budget of \$46,093,155. This budget figure now includes carry overs from 2016/17 and new capital items as per the Three Month Capital Review Report that will be presented at this same meeting.



Income Analysis

Total income (including capital income of \$432,219) for the period ending 31 August 2017 is \$17,461,865 compared to the YTD budget of \$16,196,253.

The graph below shows actual income against budget for the period ending 31 August 2017.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	14,861,493	14,175,338	1
Fees & Charges	267,077	195,698	
Operating Grants, Subsidies & Contributions	897,881	904,881	
Interest Received	43,048	58,799	
Works for Third Parties	279,137	298,039	
Other Revenue	681,010	542,665	
Capital Income	432,219	20,833	

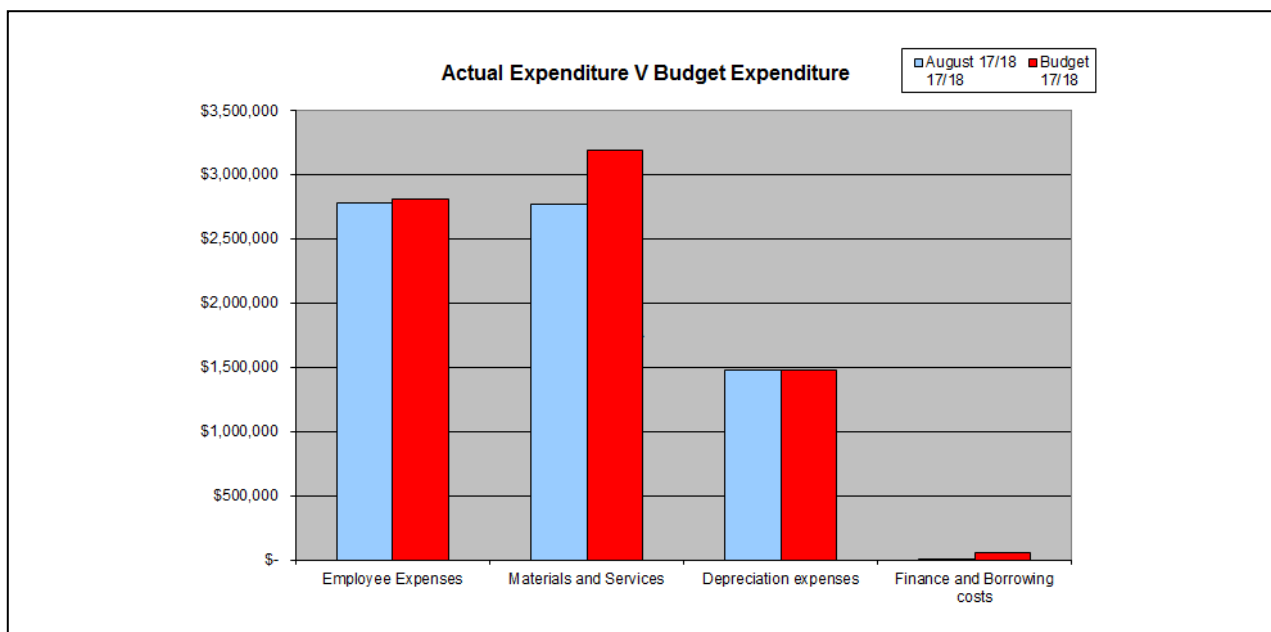
Notes:

1. Rates for the half year 1 July to 31 December 2017 were issued on 16 August. The favourable variance relates to rates discount, which is only recorded when rate payments are made. As more rate payments are received before discount date, this variance will reduce.

Expenditure Analysis

Total expenses for the period ending 31 August 2017 is \$7,043,855 compared to the YTD budget of \$7,534,959.

The graph below shows actual expenditure against budget for the period ending 31 August 2017.



Description	Actual YTD	Budget YTD	Note
Employee expenses	2,784,567	2,805,282	
Materials & Services	2,770,178	3,192,540	
Depreciation expenses	1,481,917	1,481,917	
Finance & Borrowing costs	7,193	55,220	

Loan Borrowings

Council's loan balance as at 31 August 2017 is as follows:

QTC Loans \$6,552,146

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 August 2017 is \$14,536,364.

Rates were issued on 16 August for the six (6) months July to December, with the discount closing 15 September. Total Gross Rates and Charges levied for the six (6) month period was \$16,089,752. Some of these rates have been paid since the levy date.

Collection House collected \$325,350 for the month of August. The outstanding amount for properties currently with debt collection is \$275,031.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 August 2017 is \$361,477 which is made up of the following:

Current	30 days	60 days	90 + days
\$322,202	\$13,054	\$9,440	\$16,781
89.2%	3.6%	2.6%	4.6%

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal

Director Corporate & Community Services
 Financial Accountant

External
Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Section 204 of the Local Government Regulation 2012 requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Financial Statements for the period ending 31 August 2017

Date Prepared: *7 September 2017*

MAREEBA SHIRE COUNCIL
**Budgeted Income Statement by Fund
For the period ending 31 August 2017**

	Consolidated		General Fund		Waste Services	
	Actual YTD	Budget YTD	Budget 2017/18	Actual YTD	Budget YTD	Budget 2017/18
Revenue						
Rates and utility charges	15,228,469	15,075,886	30,151,770	8,533,596	8,279,006	16,558,012
Less Discounts and Pensioner Remissions	(366,976)	(900,548)	(1,801,097)	(366,976)	(900,548)	(1,801,097)
Net Rates and Utility Charges	14,861,493	14,175,338	28,350,673	8,166,620	7,378,458	14,756,915
Fees and Charges	267,077	195,698	1,246,686	265,505	190,698	1,216,686
Operating Grants and Subsidies	897,881	904,881	6,817,316	897,881	904,881	6,817,316
Operating Contributions	-	-	884,912	-	-	-
Interest Revenue	43,048	58,799	422,800	43,048	35,000	280,000
Works for Third Parties	279,137	298,039	1,788,234	266,349	288,833	1,733,000
Other Revenue	681,010	542,665	3,191,981	328,886	283,065	1,634,381
Total Operating Revenue	17,029,646	16,175,420	42,702,602	9,968,289	9,080,935	26,438,298
Expenditure						
Employee Expenses	2,784,567	2,805,282	17,166,780	2,526,308	2,551,254	15,613,679
Materials and Services	2,770,178	3,192,540	12,651,739	1,518,808	1,661,653	4,178,011
Depreciation expense	1,481,917	1,481,917	8,891,499	988,653	988,653	5,931,919
Finance and Borrowing costs	7,193	55,220	331,317	7,193	31,214	187,280
Total Operating Expenses	7,043,855	7,534,959	39,041,335	5,040,962	5,232,774	25,910,889
Operating Surplus/(Deficit)	9,985,791	8,640,461	3,661,267	4,927,327	3,848,161	527,409
Capital Income						
Capital Contributions	37,219	-	-	27,490	-	-
Capital Grants and Subsidies	395,000	-	-	265,000	-	-
Profit/(Loss) on Sale of Asset	432,219	20,833	125,000	-	20,833	125,000
		20,833	125,000	292,490	20,833	125,000
Net Result	10,418,010	8,661,294	3,786,267	5,219,817	3,868,994	652,409
				1,533,032	1,298,345	759,433

MAREEBA SHIRE COUNCIL
**Budgeted Income Statement by Fund
For the period ending 31 August 2017**

	Sewerage Services			Water Services			Benefited Areas		
	Actual YTD	Budget YTD	Budget 2017/18	Actual YTD	Budget YTD	Budget 2017/18	Actual YTD	Budget YTD	Budget 2017/18
Revenue									
Rates and utility charges	2,308,120	2,277,016	4,554,032	2,451,387	2,599,159	5,198,317	158,000	161,187	322,374
Less Discounts and Pensioner Remissions	-	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	2,308,120	2,277,016	4,554,032	2,451,387	2,599,159	5,198,317	158,000	161,187	322,374
Fees and Charges	1,572	5,000	30,000	-	-	-	-	-	-
Operating Grants and Subsidies	-	-	-	-	-	-	-	-	-
Operating Contributions	-	-	-	-	-	-	-	-	864,912
Interest Revenue	-	-	-	-	8,333	50,000	-	7,133	42,800
Works for Third Parties	-	1,667	10,000	12,788	7,539	45,234	-	-	-
Other Revenue	15,429	-	-	17,251	4,667	28,000	761	6,083	36,500
Total Operating Revenue	2,325,121	2,283,683	4,594,032	2,481,426	2,619,698	5,321,551	158,761	174,403	1,286,586
Expenditure									
Employee Expenses	85,511	65,728	401,562	106,971	124,993	765,171	6,678	14,393	87,960
Materials and Services	314,184	293,132	1,585,631	421,468	505,625	2,708,669	27,717	78,605	270,713
Depreciation expense	201,241	201,241	1,207,446	237,565	237,585	1,425,511	38,521	38,521	231,124
Finance and Borrowing costs	-	24,006	144,037	-	-	0	-	-	-
Total Operating Expenses	600,936	584,107	3,338,576	766,024	868,203	4,899,351	72,916	131,519	589,817
Operating Surplus/(Deficit)	1,724,185	1,699,576	1,255,456	1,715,402	1,751,495	422,200	85,845	42,884	696,769
Capital Income									
Capital Contributions	5,229	-	-	4,500	-	-	-	-	-
Capital Grants and Subsidies	-	-	-	130,000	-	-	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-	-	-	-	-	-	-
Net Result	5,229	1,699,576	1,255,456	134,500	1,751,495	422,200	85,845	42,884	696,769

ITEM-10 **VALUELESS LAND TO ACQUIRE**

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S
TITLE: Manager Finance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that there are 63 properties currently on Council's rating system that are now considered valueless land due to the total amount of the overdue rates or charges being more than the value of the land.

OFFICER'S RECOMMENDATION

"That Council:

1. acquire the lands in the Schedule below in accordance with Section 149(1) of the *Local Government Regulation 2012* as it considers that the value of the lands if they were sold would in each case be less than the total amount of the overdue rates [and charges];
2. delegate authority to the Chief Executive Officer to sign a notice of intention to acquire the lands to be given to all interested parties and to take all further steps necessary to complete the acquisition process in accordance with Sections 150 and 151 of the *Local Government Regulation 2012*."

BACKGROUND

There are currently 63 properties where the rates in arrears are higher than the valuation, hence the land is considered to be valueless or of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates and charges.

All of these properties have been recognised under General Category N - Unused Land and have continued to be rated every six (6) months.

The process involved in this acquisition is directed by legislation and will be subject to professional legal advice as required.

Once these properties have been acquired by Council, further discussions will be held to determine future plans for these parcels of land.

LINK TO CORPORATE PLAN

N/A

CONSULTATION*Internal*

Financial Accountant

External

Nil

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

The properties mentioned in the schedule need to be considered under Section 149(1) of the *Local Government Regulation 2012* as the value of the lands if they were sold would in each case be less than the total amount of the overdue rates [and charges].

In accordance with Sections 150 and 151 of the *Local Government Regulation 2012*, the Council can hereby direct the Chief Executive Officer to sign a notice of intention to acquire the lands to be given to all interested parties and to take all further steps necessary to complete the acquisition process.

POLICY IMPLICATIONS

Mareeba Shire Council Debt Recovery Policy 2017/2018

Mareeba Shire Council Revenue Policy 2017/2018

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Update Council Asset register should Council proceed to acquire the land and consider expenditure in future capital budgets for legal costs and fees incurred with the acquisitions.

Operating

Council will need to consider expenditure in future operational budgets for the payment of both the Chillagoe Benefited Area Special charges, Waste Management levies and Emergency Management levies on all these properties should Council proceed with the acquisitions.

Is the expenditure noted above included in the 2017//2018 budget?

No

If not you must recommend how the budget can be amended to accommodate the expenditure

The overall budget impact of Council acquiring this land is minimal with the majority of the expenditure being absorbed internally within Council than outsourcing the process. The current predicted costs will be the submissions of forms to the Queensland Land Registry of approx. \$570.15 (\$181 per 20 titles - total of 63 titles) and also any advertising costs with newspapers. It is assumed that the budget impact will be over two financial years 2017/18 and 2018/19 with any material financial impact assessments forwarded to the Manager Finance.

IMPLEMENTATION/COMMUNICATION

A Notice of Intention to Acquire will be sent to each property owner and interested parties. If overdue rates and charges are not paid in full within six months, Council can then proceed with acquiring the land.

ATTACHMENTS

1. Schedule of properties to acquire

Date Prepared: *7 September 2017*

Property ID	Service Address	Location	Owners	Legal Description	Area	Period for which Rates Unpaid	Interest Owing due to overdue rates	Rate at which interest is accruing	Way in which interest is calculated	Total Overdue Rates and Interest	Valuation 01/07/2017
10496	Alice Street IRVINEBANK QLD 4887	Irvinebank	Edward Dawson	Lot 22 RP 745677	Lot 22: 506 sq m	31/08/2011 - 07/09/2017	\$ 3,688.35	11% per annum	11% per annum calculated daily	\$ 36,927.10	\$ 13,000.00
10517	Gordon Street IRVINEBANK QLD 4887	Irvinebank	Lloyd S Gorringo	Lot 49 I 3142	Lot 49: 1012 sq m	31/08/2011 - 07/09/2017	\$ 4,079.85	11% per annum	11% per annum calculated daily	\$ 43,314.15	\$ 16,200.00
10520	Gordon Street IRVINEBANK QLD 4887	Irvinebank	Mary A Sugden	Lot 21 RP 745677	Lot 21: 506 sq m	31/08/2011 - 07/09/2017	\$ 3,688.35	11% per annum	11% per annum calculated daily	\$ 36,357.65	\$ 13,000.00
10578	Agnes Street WATSONVILLE QLD 4887	Watsonville	Cornelius Doherty	Lot 221 W 2631	Lot 221 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,323.80	11% per annum	11% per annum calculated daily	\$ 35,098.10	\$ 26,500.00
10579	Agnes Street WATSONVILLE QLD 4887	Watsonville	William H Stansfield	Lot 301 W 2631 Lot 321 W 2631	Lot 301: 1012 sq m Lot 321: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,914.00	\$ 22,500.00
10580	Agnes Street WATSONVILLE QLD 4887	Watsonville	Charlotte S L Roberts	Lot 320 W 2631	Lot 320: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,631.25	11% per annum	11% per annum calculated daily	\$ 22,790.55	\$ 15,000.00
10581	Agnes Street WATSONVILLE QLD 4887	Watsonville	Peter G Grant	Lot 420 W 2631	Lot 420: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,179.35	11% per annum	11% per annum calculated daily	\$ 14,763.65	\$ 7,500.00
10586	Alice Street WATSONVILLE QLD 4887	Watsonville	Estate Of Charles H Barrett	Lot 905 W 2632	Lot 905: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,872.15	11% per annum	11% per annum calculated daily	\$ 27,071.45	\$ 19,000.00
10589	Ann Street WATSONVILLE QLD 4887	Watsonville	Edward P Carr	Lot 113 W 2631	Lot 113: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,534.70	11% per annum	11% per annum calculated daily	\$ 38,844.00	\$ 30,000.00
10592	Ann Street WATSONVILLE QLD 4887	Watsonville	Terence Byrne	Lot 201 W 2631 Lot 202 W 2631	Lot 201: 1012 sq m Lot 202: 1012 sq m	31/08/2011 - 07/09/2017	\$ 4,919.80	11% per annum	11% per annum calculated daily	\$ 63,556.00	\$ 53,000.00
10593	Ann Street WATSONVILLE QLD 4887	Watsonville	Alfred A Pantan	Lot 203 W 2631	Lot 203: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,534.70	11% per annum	11% per annum calculated daily	\$ 38,844.00	\$ 30,000.00
10595	Ann Street WATSONVILLE QLD 4887	Watsonville	William Stewart	Lot 206 W 2631	Lot 206: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,179.35	11% per annum	11% per annum calculated daily	\$ 14,763.65	\$ 7,500.00
10596	Ann Street WATSONVILLE QLD 4887	Watsonville	Charlotte S L Roberts	Lot 207 W 2631	Lot 207: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,107.15	11% per annum	11% per annum calculated daily	\$ 13,479.45	\$ 6,300.00
10598	Ann Street WATSONVILLE QLD 4887	Watsonville	Charles O Garbutt	Lot 607 W 2631	Lot 607: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,817.10	\$ 22,500.00
10606	Ann Street WATSONVILLE QLD 4887	Watsonville	John B Carthew	Lot 913 W 2632 Lot 914 W 2632	Lot 914: 1366 sq m Lot 913: 1545 sq m	31/08/2011 - 07/09/2017	\$ 4,919.80	11% per annum	11% per annum calculated daily	\$ 63,556.00	\$ 53,000.00
10608	Ann Street WATSONVILLE QLD 4887	Watsonville	Clara Pyle	Lot 915 W 2632	Lot 915: 1182 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,817.10	\$ 22,500.00
10609	Ann Street WATSONVILLE QLD 4887	Watsonville	Henry Day & John Birch	Lot 916 W 2632	Lot 916: 1035 sq m	31/08/2011 - 07/09/2017	\$ 3,534.70	11% per annum	11% per annum calculated daily	\$ 38,844.00	\$ 30,000.00
10623	Clara Street WATSONVILLE QLD 4887	Watsonville	Peirre Piego	Lot 103 W 2631	Lot 103: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,631.25	11% per annum	11% per annum calculated daily	\$ 22,790.55	\$ 15,000.00
10631	Ellen Street WATSONVILLE QLD 4887	Watsonville	Clara Pyle	Lot 531 W 2632	Lot 531: 1163 sq m	31/08/2011 - 07/09/2017	\$ 2,486.70	11% per annum	11% per annum calculated daily	\$ 20,222.00	\$ 12,600.00

10635	Emily Street WATSONVILLE QLD 4887	Watsonville	Samuel Hodgson	Lot 411 W 2631 Lot 412 W 2631 Lot 413 W 2631	Lot 411: 1012 sq m Lot 412: 1012 sq m Lot 413: 1012 sq m	31/08/2011 - 07/09/2017	\$ 4,678.85	11% per annum	11% per annum calculated daily	\$ 59,371.95	\$ 49,000.00
10636	Emily Street WATSONVILLE QLD 4887	Watsonville	Charles Kroger	Lot 416 W 2631	Lot 416: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,330.15	11% per annum	11% per annum calculated daily	\$ 17,439.45	\$ 10,000.00
10637	Emily Street WATSONVILLE QLD 4887	Watsonville	Arthur T Noyes	Lot 417 W 2631	Lot 417: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,179.35	11% per annum	11% per annum calculated daily	\$ 14,763.65	\$ 7,500.00
10638	Emily Street WATSONVILLE QLD 4887	Watsonville	William Lennon	Lot 418 W 2631	Lot 418: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,179.35	11% per annum	11% per annum calculated daily	\$ 14,763.65	\$ 7,500.00
10639	Emily Street WATSONVILLE QLD 4887	Watsonville	James Powers	Lot 512 W 2631	Lot 512: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,631.25	11% per annum	11% per annum calculated daily	\$ 22,790.55	\$ 15,000.00
10641	Emily Street WATSONVILLE QLD 4887	Watsonville	Alfred E Wilson	Lot 516 W 2631	Lot 516: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,817.10	\$ 22,500.00
10644	Ethel Street WATSONVILLE QLD 4887	Watsonville	William Stevenson	Lot 307 W 2631	Lot 307: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,631.25	11% per annum	11% per annum calculated daily	\$ 22,790.55	\$ 15,000.00
10645	Ethel Street WATSONVILLE QLD 4887	Watsonville	Estate Of Thomas Halpin	Lot 308 W 2631	Lot 308: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,534.70	11% per annum	11% per annum calculated daily	\$ 38,844.00	\$ 30,000.00
10646	Ethel Street WATSONVILLE QLD 4887	Watsonville	Robert H Norman	Lot 604 W 2631	Lot 604: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,323.80	11% per annum	11% per annum calculated daily	\$ 35,098.10	\$ 26,500.00
10647	Ethel Street WATSONVILLE QLD 4887	Watsonville	William H Stansfield	Lot 711 W 2631	Lot 711: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,817.10	\$ 22,500.00
10651	Ida Street WATSONVILLE QLD 4887	Watsonville	John C Allen	Lot 416 W 2633	Lot 416: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,872.15	11% per annum	11% per annum calculated daily	\$ 27,071.45	\$ 19,000.00
10657	James Street WATSONVILLE QLD 4887	Watsonville	Soloman Kirsh	Lot 22 RP 745916	Lot 22: 506 sq m	31/08/2011 - 07/09/2017	\$ 2,414.30	11% per annum	11% per annum calculated daily	\$ 18,937.60	\$ 11,400.00
10659	James Street WATSONVILLE QLD 4887	Watsonville	Thomas E H Goble	Lot 309 W 2631	Lot 309: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,534.70	11% per annum	11% per annum calculated daily	\$ 38,844.00	\$ 30,000.00
10661	James Street WATSONVILLE QLD 4887	Watsonville	John Foy	Lot 409 W 2631	Lot 409: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,872.15	11% per annum	11% per annum calculated daily	\$ 27,071.45	\$ 19,000.00
10663	James Street WATSONVILLE QLD 4887	Watsonville	William Stevenson	Lot 518 W 2631	Lot 518: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,414.30	11% per annum	11% per annum calculated daily	\$ 18,937.60	\$ 11,400.00
10669	Kate Street WATSONVILLE QLD 4887	Watsonville	Alexander H Pritchard	Lot 314 W 2631 Lot 315 W 2631	Lot 315: 1012 sq m Lot 314: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,914.00	\$ 22,500.00
10670	Kate Street WATSONVILLE QLD 4887	Watsonville	Peter Burger	Lot 316 W 2631	Lot 316: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,179.35	11% per annum	11% per annum calculated daily	\$ 14,763.65	\$ 7,500.00
10671	Kate Street WATSONVILLE QLD 4887	Watsonville	Peter Kirkegard	Lot 317 W 2631	Lot 317: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,179.35	11% per annum	11% per annum calculated daily	\$ 14,763.65	\$ 7,500.00
10672	Kate Street WATSONVILLE QLD 4887	Watsonville	Alfred E Wilson	Lot 318 W 2631 Lot 319 W 2631	Lot 318: 1012 sq m Lot 319: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,872.15	11% per annum	11% per annum calculated daily	\$ 27,168.35	\$ 19,000.00
10676	Kate Street WATSONVILLE QLD 4887	Watsonville	William Stevenson	Lot 407 W 2631	Lot 407: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,817.10	\$ 22,500.00

10677	Kate Street WATSONVILLE QLD 4887	Watsonville	John J Carthein	Lot 408 W 2631	Lot 408: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,534.70	11% per annum	11% per annum calculated daily	\$ 38,844.00	\$ 30,000.00
10678	Kate Street WATSONVILLE QLD 4887	Watsonville	Theodore Ranft	Lot 505 W 2631	Lot 505: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,631.25	11% per annum	11% per annum calculated daily	\$ 22,790.55	\$ 15,000.00
10681	Kate Street WATSONVILLE QLD 4887	Watsonville	Phoebe Ludwig	Lot 605 W 2631 Lot 606 W 2631 Lot 611 W 2631 Lot 612 W 2631 Lot 613 W 2631	Lot 605: 2023 sq m Lot 606: 1012 sq m Lot 611: 1012 sq m Lot 612: 1012 sq m Lot 613: 2023 sq m	31/08/2011 - 07/09/2017	\$ 4,618.60	11% per annum	11% per annum calculated daily	\$ 58,495.50	\$ 48,000.00
10682	Kate Street WATSONVILLE QLD 4887	Watsonville	Simon Walsh	Lot 610 W 2631	Lot 610: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,486.70	11% per annum	11% per annum calculated daily	\$ 20,222.00	\$ 12,600.00
10684	Mary Street WATSONVILLE QLD 4887	Watsonville	David D Thomas	Lot 506 W 2631 Lot 508 W 2631	Lot 506: 1012 sq m Lot 508: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,534.70	11% per annum	11% per annum calculated daily	\$ 38,940.90	\$ 30,000.00
10685	Mary Street WATSONVILLE QLD 4887	Watsonville	William H Stanfield	Lot 509 W 2631	Lot 509: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,817.10	\$ 22,500.00
10686	Mary Street WATSONVILLE QLD 4887	Watsonville	James Farrell	Lot 608 W 2631	Lot 608: 1012 sq m	31/08/2011 - 07/09/2017	\$ 3,082.80	11% per annum	11% per annum calculated daily	\$ 30,817.10	\$ 22,500.00
14825	Mulligan Street THORNBOROUGH QLD 4872	Thornborough	Henry E Bowcher	Lot 413 T 2131 Lot 502 T 2131 Lot 504 T 2131	Lot 413: 379 sq m Lot 502: 448 sq m Lot 413: 1113 sq m	31/08/2011 - 07/09/2017	\$ 1,785.90	11% per annum	11% per annum calculated daily	\$ 15,135.00	\$ 14,200.00
14835	Mulligan Street THORNBOROUGH QLD 4872	Thornborough	James T Cummings	Lot 501 T 2131 Lot 505 T 2131	Lot 505: 830 sq m Lot 501: 984 sq m	31/08/2011 - 07/09/2017	\$ 1,785.90	11% per annum	11% per annum calculated daily	\$ 17,664.10	\$ 19,400.00
14851	Bullaburrah Creek Road DIMBULAH QLD 4872	Dimbulah	Estate Of James D Murray & Estate Of Francis A Deemster	Lot 2 HG 12	Lot 2: 2023 sq m	31/08/2011 - 07/09/2017	\$ 1,785.90	11% per annum	11% per annum calculated daily	\$ 7,770.20	\$ 6,000.00
15933	MacDonald Street IRVINEBANK QLD 4887	Irvinebank	John Nance	Lot 31 I 3142	Lot 3: 1012 sq m	31/08/2011 - 07/09/2017	\$ 4,467.85	11% per annum	11% per annum calculated daily	\$ 50,437.15	\$ 19,200.00
15935	MacDonald Street IRVINEBANK QLD 4887	Irvinebank	Amelia McLean	Lot 9 I 3148	Lot 9: 905 sq m	31/08/2011 - 07/09/2017	\$ 4,467.85	11% per annum	11% per annum calculated daily	\$ 50,437.15	\$ 19,200.00
15937	MacDonald Street IRVINEBANK QLD 4887	Irvinebank	Norah Bradby	Lot 407 I 3142	Lot 407: 966 sq m	31/08/2011 - 07/09/2017	\$ 4,467.85	11% per annum	11% per annum calculated daily	\$ 50,437.15	\$ 19,200.00
15941	Alice Street IRVINEBANK QLD 4887	Irvinebank	Estate Of William H Eales	Lot 52 I 3142 Lot 53 I 3142	Lot 52: 1012 sq m Lot 53: 1012 sq m	31/08/2011 - 07/09/2017	\$ 5,736.15	11% per annum	11% per annum calculated daily	\$ 72,842.35	\$ 30,000.00
15974	Aspinna Street MONT ALBION QLD 4887	Mount Albion	Charlotte Thompson	Lot 203 M 3521 Lot 307 M 3521 Lot 308 M 3521 Lot 310 M 3521 Lot 815 M 3521	Lot 203: 1012 sq m, Lot 307: 1012sq m, Lot 308: 1012 sq m, Lot 310: 1012 sq m, Lot 815: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,137.40	11% per annum	11% per annum calculated daily	\$ 27,027.30	\$ 25,000.00
16057	Atherton Street MUNGANA QLD 4871	Mungana	OK Copper Mines	Lot 205 M 4872 Lot 504 M 4872	Lot 504: 1697 sq m Lot 205: 1012 sq m	31/08/2011 - 07/09/2017	\$ 1,785.90	11% per annum	11% per annum calculated daily	\$ 12,664.60	\$ 9,500.00
16065	Linedale Street MUNGANA QLD 4871	Mungana	James Hedges	Lot 419 M 4872 Lot 420 M 4872	Lot 420: 1022 sq m Lot 419: 1072 sq m	31/08/2011 - 07/09/2017	\$ 1,785.90	11% per annum	11% per annum calculated daily	\$ 12,664.60	\$ 9,500.00
16068	Linedale Street MUNGANA QLD 4871	Mungana	Patrick Ahern	Lot 423 M 4872 Lot 424 M 4872	Lot 424: 832 sq m Lot 423: 880 sq m	31/08/2011 - 07/09/2017	\$ 1,785.90	11% per annum	11% per annum calculated daily	\$ 12,513.10	\$ 9,200.00

16070	Linedale Street MUNGANA QLD 4871	Mungana	Albert Bramhall	Lot 602 M 4872 Lot 603 M 4872 Lot 604 M 4872	Lot 602: 2034 sq m Lot 603: 2163 sq m Lot 604: 2294 sq m	31/08/2011 - 07/09/2017	\$ 1,785.90	11% per annum	11% per annum calculated daily	\$ 15,135.00	\$ 14,200.00
19913	Kate Street WATSONVILLE QLD 4887	Watsonville	Alexander H Pritchard	Lot 403 W 2631	Lot 403: 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,631.25	11% per annum	11% per annum calculated daily	\$ 23,800.00	\$ 15,000.00
19914	Kate Street WATSONVILLE QLD 4887	Watsonville	Alexander H Pritchard	Lot 419 W 2631	Lot 419 1012 sq m	31/08/2011 - 07/09/2017	\$ 2,631.25	11% per annum	11% per annum calculated daily	\$ 22,790.55	\$ 15,000.00
39531	Unnamed Road CALCIFER QLD 4872	Calcifer	Estate Of Frank B Corrie	Lot 120 C 4821	Lot 120: 1012 sq m	17/02/2014 - 07/09/2017	\$ 734.75	11% per annum	11% per annum calculated daily	\$ 5,278.15	\$ 4,000.00
60210	Aspinna Street MONT ALBION QLD 4887	Mount Albion	Lavinia Bennett	Lot 301 M 3521	Lot 301: 1012 sq m	26/11/2014 - 07/09/2017	\$ 1,147.34	11% per annum	11% per annum calculated daily	\$ 9,393.14	\$ 7,000.00
60211	Aspinna Street MONT ALBION QLD 4887	Mount Albion	Bridget T Thom	Lot 220 M 3521	Lot 220: 1012 sq m	26/11/2014 - 07/09/2017	\$ 1,147.26	11% per annum	11% per annum calculated daily	\$ 9,393.06	\$ 7,000.00
							\$ 183,759.80			\$ 1,816,865.20	\$ 1,213,600.00

COMMUNITY WELLBEING

ITEM-11 **TOURISM KURANDA ADVISORY COMMITTEE**

MEETING: Ordinary Meeting

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Senior Engagement Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The Tourism Kuranda Advisory Committee recommended that Council consider installing a public CCTV system in Kuranda in Centenary and Rotary Parks, including Rotary Park highway side, in Kuranda.

OFFICER'S RECOMMENDATION

"That Council:

1. Receives the recommendation from the Tourism Kuranda Advisory Committee for the consideration of a public CCTV system to be installed in Kuranda in Centenary and Rotary Parks, including Rotary Park highway side; and
2. Considers potential sources of funds in future budgets."

BACKGROUND

The Tourism Kuranda Advisory Committee is appointed by Council to provide advice and guidance regarding the implementation of funds from the Tourism Kuranda Benefitted Area.

Council has previously decided to implement a CCTV system in Coondoo Street, Kuranda, subject to grant funding. The project design and costings for the application has been based on Coondoo Street. Further design and costings to include Rotary and centenary Park would be required.

Due to the impact of antisocial behaviour and crime on tourism in Kuranda it recommends Council consider implementing a public CCTV system in Centenary and Rotary Parks, including Rotary Park highway side. These areas are considered to have a higher priority need than Coondoo Street, an area in which Council has previously considered installing a CCTV system if a suitable grant could be found.

LINK TO CORPORATE PLAN

COM 3 - Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community.

CONSULTATION*Internal*

Manager Community Wellbeing
Councillors
Chief Executive Officer

External

Tourism Kuranda Advisory Committee

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

Nil

POLICY IMPLICATIONS

Implementation of a CCTV System will require collaboration with Queensland Police to monitor the system and agreement about use of information.

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Yes

Operating

Yes

Is the expenditure noted above included in the 2017/2018 budget?

No

If not you must recommend how the budget can be amended to accommodate the expenditure

Grant funding will be sought for the implementation of the CCTV system.

IMPLEMENTATION/COMMUNICATION

The Tourism Kuranda Advisory Committee will be advised of this outcome.

ATTACHMENTS

1. Minutes of the Tourism Kuranda Advisory Committee held 22nd August 2017.

Date Prepared: 11 September 2017

ATTACHMENT 1**TOURISM KURANDA COMMITTEE****Minutes**

Tuesday 22nd August 2017. 4.30pm Tourism Kuranda Office

1. Welcome and Introduction – Welcome to Kahlia Pepper

Attendees – Kahlia Pepper (EO TK), Angela Freeman (Koala Gardens/Birdworld), Lenore Wyatt – Chair (MSC), Chris Grantham (Rainforestation), Adrian Pancirov (Heritage Markets), Trish Green (Honey House), Adam Letson (Skyrial), Cathy Harvey (KVIC), Susan Parsons (MSC).

Apologies – Member for Barron River Craig Crawford, Terry Pates (Frogs), Peter Danford (Cedar Park), Cr Tom Gilmore (MSC).

Visitors – Nil.

2. Confirmation of Previous Minutes – 18th July 2017 Moved Trish Green, seconded Adam Letson.

Ratified motion from flying Minutes to formally approve that application is made to participate in the Greater China Premium Travel Showcase 2017. **Carried** (via email).

3. Business Arising from Previous Minutes

- Motions to Council:
 - Endorse the recommendation by TK advisory committee that the TK EO attend the Greater China Premium Travel Showcase 2017. **Lost.**
 - Consider the recommendation by TK Advisory Committee that signage in Kuranda is cleaned and refreshed. **Carried.**
 - Consider the recommendation by TK Advisory Committee that Council make available office accommodation at the Kuranda Community Precinct for the TK EO. **Carried.**
- **Tripping Magazine** – Kahlia to supply copy.
- **Inbound Up North.** TK to register.
- **Signage.** Trish reported that signage in Therwine Street also needs cleaning. Images with locations to be sent to Susan Parson, Cc Lenore & Angela.
- **Poles at entrance to Kuranda.** Find out history and who owns land. Proposal received from local sculptor to develop new totem structure.

ACTION ITEMS - JULY

Responsible Person	Action	Date for Completion	Follow-up/Completion
Lenore Wyatt	Contact Kur World re Tourism Levy – email sent	Next meeting	Completed
EO	5 suggestions for photo shoot	Next meeting	Ongoing
Susan Parsons	Look at grants available to CCTV – cover whole village. TK members to supply documentary evidence	Next meeting	Completed
EO	Bike Racks. With KIAC for funding		Completed
Lenore Wyatt	Letter to Craig Crawford from Mayor re QR contribution. Lenore to speak to Mayor.		Ongoing
Angela Freeman/Susan Parsons	Amend signage distances on Jum Rum Tracks. Referred to Council for follow up.	Next meeting	Ongoing
EO	Tripping magazine copy	End August	
Susan Parsons	Recommendations to council regarding signage and TK office		Completed

4. **Correspondence In/Out:**
Located at the end of EO Report.
5. **Confirmation of Budget Reports**
Report to July 2017 included below.
6. **Confirmation of Executive Officer Report – Moved** Kahlia Pepper, seconded Adam Letson.
7. **General Business**
 - **Budget**. To be discussed at next meeting.
 - **Volunteer Induction** To be conducted at start of next meeting.
 - **CCTV**. Higher priorities recognised in both Centenary Park and Rotary Park in Therwine Street. Motion for Council to reconsider Feedback and background required to support cause for grant.

MOTION RECOMMENDATION TO COUNCIL: Consider the recommendation of Tourism Kuranda Advisory Committee that a public CCTV system is installed in Centenary and Rotary Parks, including Rotary Park highway side as these areas are a higher priority than the need in Coondoo Street, Kuranda. Moved Angela Freeman, seconded Cathie Flambo.
 - **Photography Shoot** EO to look at options for photographer.
8. **Next Meeting: 19th September 2017**
9. **Supporting Documents**

Previous Minutes - supplied separately
Income and Expenditure statement - included below
Executive Officer's Report - attached.

TOURISM KURANDA INCOME AND EXPENDITURE STATEMENT
to July 2017

	BUDGET 2017/18 \$	ACTUALS	YTD Variance
<u>INCOME</u>			
Tourism Kuranda Advertising Contributions	36,500.00	761.30	35,739
Benefited Rate Contribution	210,566.18	-	210,566
Sundry Revenue	-	-	0
Surplus Carry Over 2016/17	4,934.25	4,934.25	0
	252,000.43	5,695.55	246,305
<u>ADMINISTRATION COSTS</u>			
Total Administration Costs	98,800.00	3,497.36	95,302.64
<u>PROMOTIONAL COSTS</u>			
A4 Brochure	8,300.00	-	8,300
Map & Visitors Guide	29,500.00	20,754.26	8,746
Brochure Distribution	16,828.00	444.09	16,384
Kuranda Festival Event	20,000.00	-	20,000
Kuranda Easter Event	19,638.00	-	19,638
Social Media Management	13,000.00	-	13,000
Industry Famils & Presentations	4,000.00	-	4,000
Tourism Kuranda Memberships	1,000.00	-	1,000
Adv Pre & Post Tourism Publications	7,500.00	-	7,500
Tradeshows & Sales Missions	19,000.00	-	19,000
Public Relations Management	5,800.00	-	5,800
General Advertising	4,000.00	-	4,000
Total Promotion costs	148,566.00	21,198.35	127,367.65
TOTAL ADMIN AND PROMOTION COSTS	247,366.00	24,695.71	222,670.29
			\$
SURPLUS/(DEFICIT)	\$ 4,634.43	-\$ 19,000.16	23,634.59

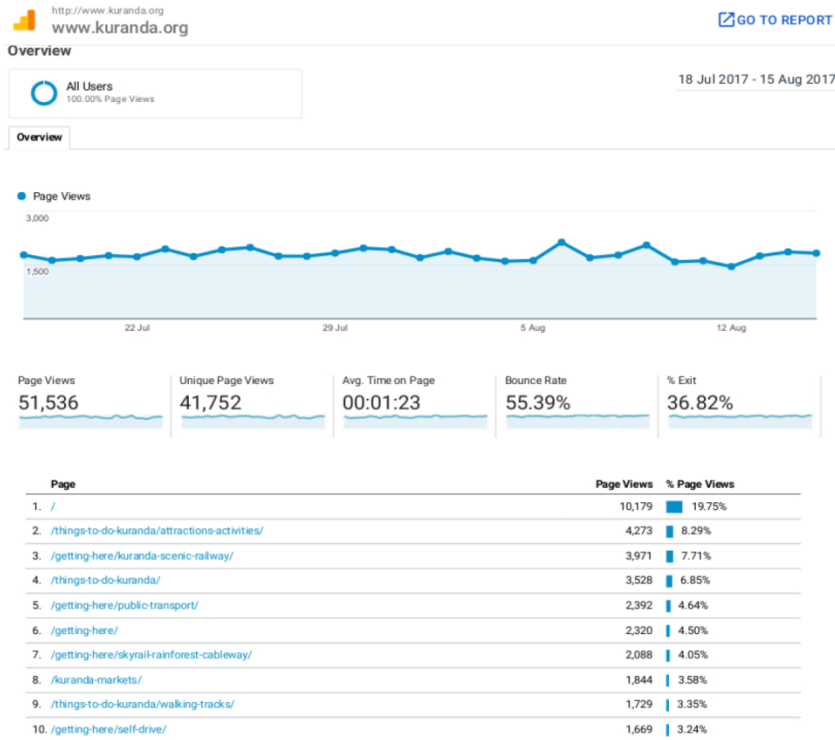
ACTION ITEMS - AUGUST

Responsible Person	Action	Date for Completion	Follow-up/Completion
EO/Cathy	Tripping Magazine copy.	End August	
EO	To identify 5 hero shots for photo shoot.	Next meeting	Ongoing
EO	Register for Inbound Up North.	End August	
Susan Parsons	Motion to reconsider location of CCTV priorities.	Next meeting	Ongoing
Angela Freeman/Susan Parsons	Amend signage distances on Jum Rum Tracks. Referred to Council for follow up.	Next meeting	Ongoing
EO	Send letter to Craig Crawford's office to follow up on past Action Items requested over the past 12 months.	Ongoing	
EO	Chinese website/social media.	Next meeting	



INTERIM EO REPORT

August 22nd 2017



Notes:

The English, Japanese and Chinese brochures have been finalised and are now with the printer. They will be delivered to the storage cage at the Community Precinct. Thanks to Cathie Flambo's staff member for proofing the Japanese brochure so carefully, also to Trish Green for proofing the final proofs.

The A4 brochures are being displayed in Cairns while the DL brochures are being printed. The 6pp Maps have been distributed among the Cruise ship Tour guides and the local free shuttle bus. Some have been distributed to Cairns tour desks who do not have spare A4 racks. These were initially printed for the VIC and guides, however the stocks have depleted while the 22p DL was being prepared. The delay was due to timing with the school holidays and availability of the Chinese proofer Vivian.

The Kuranda VIC volunteers have supplied photographs and comments from signage around the village that need cleaning or replacing. This document will be tabled at the next TK meeting.

Correspondence in

- 9/7 Len Astle – final proof English version
- 9/7 Len Astle – Japanese translation changes
- 20/7 TTNQ Industry Opportunitys
- 20/7 Southern Cross Austereo newsletter
- 24/7 Wayne Fitzpatrick – followup on printing quote
- 24/7 TTT – who is TTT
- 25/7 Living in Cairns - Japanese translation
- 26/7 NQ distribution invoice
- 2/8 confirmation from committee to apply for GCTrade showcase: Adam, Angela
- 3/8 TTT = website feature product
- 3/8 TTNQ – newsletter
- 3/8 Morgan Freeman invoices
- 3/8 Tripping Magazine. Re advertising in next issues.
- 3/8 Fergies – proofing brochure update
- 4/8 Liz Inglis invoice
- 4/8 Mel – ABS – change to ABS facebook post
- 5/8 TTT – conversations with TTNQ
- 8/8 ATEC – inbound Up North Registrations now OPEN
- 9/8 Fastrack – invoice
- 9/8 Fergies – brochure proofing.
- 11/8 TTNQ – becoming China Ready
- 13/8 Len Astle – Chinese corrected proof
- 13/8 Trade Events – updated username and password (for Kahlia).

Correspondence Out

- 14/7 Tropic Wings – Website page on www.kuranda.org
- 18/7 Fergies – new brochure printing
- 24/7 Living in Cairns- Japanese translation
- 9/8 Fergies – proof for Kuranda Brochure
- 9/8 Trish Green- proofing Kuranda Brochure
- 10/8 Susan Parsons – GCTM application details
- 16/8 Cathy Greening – Tourdex information update.

Social Media:

Facebook Posts

- 19th July This month [Kuranda Arts Cooperative Kuranda](#) is celebrating its 20th birthday! The not-for-profit organisation showcases a wide variety of quality artwork in many mediums from its members
- 21st July A perfect afternoon stroll along the beautiful Barron River. Great shot @_rox_08!
- 24th July Freshhh Cafe is all about fresh produce and fresh food. Enjoy coffee, breakfast, cake and light lunches made with fresh and local produce!
- 25th July This beautiful shot, aptly named "Blue Dawn", was taken by Peter Jarver in Darwin at sunrise in 1983
- 26th July Falafellicious is an Israeli style falafel bar located at the Kuranda Original Markets!
- 27th July The [Kuranda Arts Cooperative Kuranda](#) 20th birthday celebrations were a great success last Saturday
- 28th July Barron Falls - truly a sight to behold! Awesome shot @cilhaley!
- 30th July The award-winning [Rainforestation](#) Nature Park is situated only 5 minutes from Kuranda Village
- 2nd August Delicious superfood smoothies, raw snacks, fresh juices, vegan and dairy-free options are on offer at [Jungle Juice Kuranda](#)
- 4th August A beautiful moment captured by @laurenanddouglass at the [Australian Butterfly Sanctuary](#)
- 7th August Are you game to try out a birds eye view of the rainforest in a Diamond View [Skyrail Rainforest Cableway](#) carriage?
- 9th August Did you know there's a mini-golf course in the middle of the Kuranda rainforest?
- 11th August @emmanuelles following the wooden boardwalk through the beautiful North Queensland Rainforest.
- 14th August Kuranda always has perfect icecream weather... even in winter! Enjoy a delicious scoop from Kuranda Homemade Tropical Fruit Ice Cream
- 16th August KVIC shared Rainforest Journeys Video
- 16th August Surrounded by world heritage rainforest, the [Australis Art Gallery](#) stocks one of a kind art pieces.

ITEM-12 COMMUNITY HOUSING POLICIES

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S TITLE: Senior Community Wellbeing Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents the amended Community Housing for Seniors Policy and the new Community Housing Notifications to Queensland Government Regulatory Services Policy for Councillor approval.

OFFICER'S RECOMMENDATION

"That Council approve the:

1. New Community Housing Notifications to Queensland Government Regulatory Services Policy; and
2. Updated Community Housing for Seniors Policy."

BACKGROUND**Mareeba Shire Council's Housing Provider Accreditation**

As a government funded Long Term Community Housing Provider, Council was required to apply for accreditation under the Queensland State Regulatory System for Community Housing (QSRCH) in October 2014. Registration was recently granted on condition that Council addresses fourteen (14) Department Housing and Public Works (DHPW) recommendations by 8 June 2018.

1. QSRSCH Priority Action: adopt Notifications Policy

The adoption of the *Community Housing Notifications to Queensland Government Regulatory Services Policy* is a priority action and addresses Recommendation 5.1 specified in the QSRSCH.

The new policy outlines the circumstances when Council is required to notify DHPW of:

1. Changes in business operations that may impact on local government compliance under the QSRSCH; and
2. Events that could affect the reputation of the community housing sector.

The development of this policy included consideration of the relevant legislation, policy templates and regulations in developing this policy.

2. Update to Community Housing for Seniors Policy

The *Community Housing for Seniors Policy* was due for review and the updated policy will:

- Improve clarity and readability - this document is available to all tenants and the general public.
- Amend Section 3.3: Community Housing Rent Policy Update.
The Rent Review methodology has been updated to reflect ongoing arrangements for reviewing rent.
- Amend Section 3.7: Key Management so it aligns with changes to DHPW guidelines.
- Add Section 4.0: Reporting Serious Incidents to outline roles and responsibilities in the event of an emergency e.g. calling the ambulance.
- Address some of the recommendations of the QRSCH Certification by updating references to legislation, as well as updating information provided to tenants.

This policy will be reviewed in 2020, or on an as needs basis.

LINK TO CORPORATE PLAN

COM 3: Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community.

CONSULTATION

Internal

Councillors

CEO

Director - Corporate and Community Services

Manager - Community Wellbeing

Manager - Development & Governance

Community Wellbeing Officer

External

QShelter

Department of Housing & Public Works

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

Council's status as a funded Long Term Community Housing Provider may be at risk if the recommendations under the QRSCH or requirements of funding agreements are not addressed.

POLICY IMPLICATIONS

New policy and updated policy to be implemented following endorsement by Councillors.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

New Community Housing Notifications to Queensland Government Regulatory Services Policy to be made available to Council Officers.

Revised Community Housing for Seniors Policy to be uploaded to Council's website as well as updated in Tenant Information Kits.

Existing tenants to be provided with a copy of the revised policy.

ATTACHMENTS

1. Community Housing for Seniors Policy
2. Community Housing Notifications to Queensland Government Regulatory Services Policy.

Date Prepared: 6 September 2017

ATTACHMENT 1

Community Housing for Seniors Policy

Council Policy <input checked="" type="checkbox"/>		Internal Policy <input type="checkbox"/>		Guideline/Procedure <input type="checkbox"/>	
Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version:		3.0	
File ref:	POL-ADM-COM	Policy Section:		Community Wellbeing	
Date Adopted:	16 August 2017	Review Date:		September 2022	
Author:	Senior Community Wellbeing Officer	Review Officer:		Manager Community Wellbeing	

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1. POLICY INTENT

Mareeba Shire Council is committed to providing housing for Seniors in the towns of Mareeba, Mount Molloy, Kuranda and Dimbulah. Council's Community Housing service aims to contribute to an improved quality of life for seniors by ensuring equitable access to affordable accommodation in the Mareeba Shire.

This policy establishes a formal process to ensure there is a consistent approach to managing the community housing facilities of the Mareeba Shire Council.

2. SCOPE

This policy shall apply when considering all requests relating to the community housing facilities of the Mareeba Shire Council.

Mareeba Shire Council delivers a Long Term Community Housing Program and has funding agreements with the Department of Housing and Public Works. As a result, Council is obliged to adhere to the relevant Departmental regulation and policy for funded properties. For the properties that do not have a funding agreement, Council aims to apply social housing principles.

As a long-term community housing provider, Mareeba Shire Council is required to abide by the *Residential Tenancies and Rooming Accommodation Act 2008*, administered by the Residential Tenancies Authority (RTA) for all tenancy related matters such as bond, lease agreements and rent.

3. BACKGROUND

3.1 ELIGIBILITY

The Mareeba Shire Council *Community Housing for Seniors Policy* adopts the eligibility process currently used by the Department of Housing and Public Works which involves a need-based assessment for community housing assistance. Implementation of these criteria is a requirement of the *Housing Regulation 2015* and stipulated in the *Social Housing Eligibility Criteria*.

All applicants for community housing are assessed against the common intake eligibility criteria as identified in the *Social Housing Eligibility Criteria*:

- Australian citizenship or residency;
- Queensland residency - In addition to the requirements of the *Social Housing Eligibility Criteria*, preference will be given to applicants who have been resident in the Mareeba Shire Council area for five (5) years and over or have relatives living in the Mareeba Shire for ten (10) years and over;
- Property ownership;
- Liquid assets;
- Independent income;

- Household income;
- Appropriateness of current housing;
- Reviewing intake eligibility.

Applicants must meet all of the common intake eligibility criteria to apply for housing assistance through the Department's Housing Services offices.

In addition, as the Mareeba Shire Council is a service specifically for Seniors, to be eligible to apply for Council housing the applicants must receive the Age Pension or other approved Pensions including Department of Veterans' Affairs, unless otherwise approved by Council.

3.2 ALLOCATION

Mareeba Shire Council is required to adhere to the *Allocations Policy for Funded Social Housing Providers* when allocating new tenants to vacant properties. Implementation of this policy is a requirement of the *Housing Regulation 2003* for providers funded under the *Housing Act 2003* to deliver community housing services. Mareeba Shire Council aims to match the needs of the tenants to the most suitable available property.

The *Allocations Policy for Funded Social Housing Providers* details the requirements for community housing providers assisting clients into and through the housing system, as appropriate to their needs. The policy, and related procedures, establish processes for referrals, matching to a vacancy and offers of accommodation.

The movement of a tenant or household from one community housing property to another is managed as per the *Allocations Policy for Funded Social Housing Providers*. The household's needs will be assessed and matched to the property. The intake eligibility criteria will be reviewed to confirm continued suitability to the Long Term Community Housing Program.

3.3 COMMUNITY HOUSING RENT POLICY

Mareeba Shire Council, being a recognised Community Housing Provider, adheres to the principles as outlined in the *Community Housing Rent Policy*, Department of Housing and Public Works Housing Services. The *Community Housing Rent Policy 2013* assists in providing tenants with low to moderate incomes with affordable housing.

3.3.1 Rent Calculation

The rent assessment principles used by the Mareeba Shire Council ensures equity and affordability for tenants in long term community housing. The calculation is based on a comparison of:

- 25% of the household's assessable income plus Commonwealth Rent Assistance; to
- The market rent for the property.

Council uses the Department's Rent Calculator to determine if the rent for each property is set at the market rent or is no more than 25% of the tenant's assessable income plus rent assistance, with the tenant to pay whichever is the lower amount.

a) *Determining 25% of assessable income plus rent assistance*

This calculation is determined by the tenant's financial situation.

b) Determining market rent

No more than once every 12 months, an independent property valuer or real estate agent is appointed by Council to conduct a rent appraisal of each property, based on the following criteria:

- Local market rent conditions;
- Individual property characteristics including location, size and age of the property;
- The financial contributions made by tenants to properties;
- The low risk of property damage;
- The long term tenancy of most properties.

This approach ensures that rent is no more than 25% of the household's assessable income plus rent assistance.

3.3.2 Rent Reviews

Mareeba Shire Council will conduct a rent review on an annual basis. This may include:

Increasing existing market rents by the Local Government Index (LGI); or
A market rent appraisal conducted by an independent agent.

Rents will be adjusted in line with the result of the rent review.

Council will provide tenants with two months' notice prior to any increase in rent.

Impact of Property Improvements on Rent Appraisal

As outlined in Section 3.6, it is the responsibility of the tenant to seek approval from Council of any significant improvements added during their tenancy to update Council records.

The improvements will be excluded from consideration during rent appraisals for the length of the tenancy.

3.3.3 Rent Payment Methods

There are different methods for payment of rent to suit the tenant's requirements.

- Cash, cheque, debit or credit card at a Mareeba Shire Council Service Centre;
- A bill paying service - Centrepay is a free direct bill paying service for tenants receiving Centrelink payments such as the Age Pension. Rent can be deducted directly from Centrelink payments and paid directly to the Mareeba Shire Council each fortnight;
- Direct Debit - rental payments are debited from the tenant's bank account and deposited to Mareeba Shire Council's account;
- Electronic Funds Transfer - the tenant can electronically deposit rental payments to Mareeba Shire Council's account.

All enquiries related to rent, or changes to tenants circumstances, should be addressed to the Community Wellbeing Officer at the Mareeba Shire Council. The Officer is able to provide a copy of a current rent ledger, listing all payments to-date.

3.3.4 Rent Arrears

The tenant is responsible for ensuring that rent is paid two (2) weeks in advance, as noted in the Tenancy Agreement. If the tenant is not able to pay their rent, they are required to contact the Mareeba Shire Council's Community Wellbeing Officer immediately to discuss payment options.

If the rent is 7 days overdue, the Council may issue a *Notice to Remedy Breach* (RTA Form 11). The tenant will have seven (7) days to pay the outstanding rent and must continue to pay rent which is due in that period. If payment is not received, a Notice to Leave (RTA Form 12) can be sent and the tenancy may be ended if the outstanding rent is not paid in accordance with the *Notice to Remedy Breach*.

3.4 CAPITAL WORKS

The purpose of Capital Works is to ensure the assets of the Mareeba Shire Council are maintained in good and working condition and in doing so improves the living conditions of the tenants.

Major capital works are carried out to improve and maintain the properties, where required, on an annual basis in accordance with Council's budget planning. Examples of capital works include:

- External painting;
- Internal painting;
- Installation of security screens;
- Installation of roofing insulation;
- Replace roof guttering and install gutter guard;
- Replacement of fencing;
- Installation of driveways and path ways;
- General regular upgrades of all units.

3.5 MAINTENANCE

A reliable maintenance service is provided to all Mareeba Shire Council. All maintenance issues or enquiries must be reported to one of Council's Service Centres or directly to the Community Wellbeing Officer (in person or by telephone) before any maintenance or repairs are commenced.

As the lessor, Mareeba Shire Council will make arrangements for any necessary repairs that may be required. This maintenance service operates during office hours, and an emergency after hours service is also available.

Council will determine whether a request for maintenance is urgent or non-urgent and will endeavour to respond in accordance with Department of Housing and Public Works guidelines.

In the case of non-urgent requests for minor repairs, such as leaking taps, Council will contact the tenant within 2 working days to agree on an action.

It is the responsibility of tenants to keep their homes clean and in good condition, as per the Tenancy Agreement.

3.5.1 Garden Maintenance

Tenants are responsible for maintaining their lawns and gardens to a satisfactory standard. If large trees or shrubs require pruning, the tenant is required to notify the Community Wellbeing Officer and Council will organise for these works to be completed at Council's cost.

Tenants must avoid planting trees near sewerage and drainage pipes or within three meters of the house as this may cause structural problems to foundations, roof and guttering. Trees and shrubs must not exceed 3 metres in height due to the difficulties of maintenance in the longer term. Vines that cling to property should be avoided.

3.5.2 Property Maintenance at the end of Tenancy

Tenants are expected to maintain the home in the same condition as on commencement of the tenancy.

Tenants will be responsible for the cost to return the property to its original condition. This may include general cleaning, mould removal and repairs to property damage.

3.6 TENANT REQUESTS FOR FIXTURES OR MODIFICATIONS

All requests for modifications must be approved by Council, prior to a tenant organising the work. To obtain approval, the tenant must submit a formal request by completing the Mareeba Shire Council *Property Modification Request Form*.

Tenants may have to remove fixtures/modifications if they were not approved, or are not to Council standard. The property must be returned to its original condition at the tenant's cost.

The following are examples of modifications which will require approval by Mareeba Shire Council:

- Garden sheds, inbuilt cupboards, carports and air-conditioning.

On approval of a Mareeba Shire Council *Property Modification Request Form* the tenant may proceed with the alteration or fixture to be installed, noting

- All costs, with the exception of the building application, will be paid by the tenant. The Mareeba Shire Council will cover the costs related to the building application.
- The tenant is responsible for the maintenance of all approved modifications or additions to the property, for the duration of the tenancy. At the end of the tenancy, the improvements will become the property of Mareeba Shire Council.
- All improvements added by the tenant at their cost will be excluded from consideration during rent appraisals for the length of the tenancy.

- Mareeba Shire Council will not reimburse tenants for costs expended on improvements and alterations to their units when they vacate units.

3.7 KEYS

Council provides tenants with two (2) keys when they rent a unit. Any extra keys required for family members or friends are to be organised through Council and must be paid for by the tenant. Council will organise these keys with a local locksmith, as they are part of a registered key system.

When a tenant has locked themselves out of their unit, it is the tenant's responsibility to organise access and all costs will be covered by the tenant.

Tenants are encouraged to make suitable private arrangements if they are concerned that they may lock themselves out and another option for consideration is a key safe fixed to the property. Tenants may be eligible for government support with the costs associated with this.

The options include:

- During Office Hours - tenants should go to Council's Rankin Street Office to collect a key. The spare key is signed out to the tenant and returned by the tenant at their earliest convenience. The tenant may choose to call a Locksmith and will be required to pay for this service. Otherwise, Council Officers can provide access to the property in extenuating circumstances.
- After Hours - Council's After Hours Call Centre may be able to put the tenant in touch with a local locksmith or arrange for a Council Officer to attend in extenuating circumstances.

3.8 CRITERIA FOR PETS

Mareeba Shire Council recognises that pets can provide companionship, security, and contribute to the health and well-being of our tenants. Tenants will be allowed to keep one (1) dog or (1) one cat where the pet and property comply with Section 3.8.2, Local Laws, *Animal Management Act 2008* and other applicable regulations, statutes and laws.

3.8.1 Principles

- Pets can provide companionship, security, and contribute to the health and well being of people;
- Pets will be assessed on pet type and will not be limited to dogs and cats;
- Pets will only be approved if the pet/property complies with existing laws;
- Not all pets will be approved by Council;
- The pet is right for the lifestyle and environment of both the pet and applicant;
- Tenants in the community have the right to live without interference from other tenant's pets.

3.8.2 Animals Permitted

- All animals require approval from Council;
- One (1) dog or one (1) cat per unit unless otherwise agreed by Council;
- Dogs and cats are to be desexed, micro chipped and a Veterinarian Certificate attached to the Application;
- Dogs must be registered as required by *Animal Management (Cats and Dogs) Act 2008*;
- Dogs are not to weigh more than 8 (eight) kilograms, although slight variations may be considered;
- Registered service dogs (including all assistance e.g. Guide dog, hearing dog and assistance dog) greater than 8 (eight) kilograms will be permitted. Copy of certification as per Council's Local Law requirements of a guide dog or hearing dog or assistance dog to be supplied with application;
- Appropriate fence/enclosure to be erected with Council approval. The tenant is responsible for the cost associated with the installation and maintenance of the yard and fencing to safely enclose the animal;
- Removal of all unwanted rubbish and pet faeces regularly;
- Inspections outside of annual and safety inspections will be carried out as required;
- Tenants will be required to apply a flea treatment at the end of the tenancy, if relevant.

3.9 COMPLAINTS AND APPEALS

Mareeba Shire Council is committed to quality customer service by resolving complaints and appeals as quickly and effectively as possible. If a tenant or applicant is dissatisfied with the service or actions of the Council or Council staff, the tenant or applicant can lodge a complaint or an appeal against that decision.

All complaints will be investigated in light of current legislation, by-laws and policies of the Mareeba Shire Council, which are relevant to the type of complaint or appeal.

Management will monitor complaints or appeals and ensure that practices causing concern are addressed in line with Council's *Complaints Management Policy*.

Complaints or appeals will be dealt with as quickly as possible within the due process outlined and the complainant shall be kept informed of the relevant process and timeframes.

3.9.1 Tenancy Complaints and Neighbourhood Disputes

The *Residential Tenancies and Rooming Accommodation Act 2008* establishes the tenant's responsibilities and obligations to ensure the peace and quiet, enjoyment of their home, and neighbourhood.

Any complaints regarding tenants will be investigated and Council will intervene and provide solutions where it is required to do so under the *Residential Tenancies and Rooming Accommodation Act 2008*.

If an approved pet causes a nuisance or if complaints are received that a tenant's pet is interfering with the reasonable peace, comfort and privacy of neighbours, Council will investigate, and appropriate action will be taken. If a tenant is in breach of the Tenancy Agreement or of Local

Government laws, Council may withdraw approval to keep a pet and the tenant may be required to remove the pet permanently from the property within a timeframe designated by Council.

In the case of neighbourhood disputes, it is not Mareeba Shire Council's policy to actively intervene in these matters, but Council will refer tenants to services which can assist in resolving neighbourhood disputes.

3.9.2 Dispute Resolution Centre

The Dispute Resolution Centre provides mediation services and can help to settle the dispute without legal action. The Dispute Resolution Centre is run by the Department of Justice and Attorney-General and involves guiding discussions between the two parties involved to work out an agreement that suits them both.

Mediators will not take sides and will not make judgements. The service maintains the tenant's privacy, is usually free, helps a tenant make their own decisions about the dispute and most importantly, will help to have the problem resolved.

4.0 SERIOUS INCIDENTS AND NOTIFICATIONS

Tenants must contact emergency services in the instance of a serious or life-threatening including fire, the threat of violence, break and enter, or other incident. If residents suspect that illegal activity is taking place at one of Council's properties they should, in the first instance, contact the police.

As soon as possible after such an incident, residents must contact Council to provide details. This will allow Council to undertake repairs or investigate further, if appropriate.

4. REVIEW

It is the responsibility of the Manager Community Wellbeing to monitor the adequacy of this policy and recommend appropriate changes.

Current legislation, regulations, guidelines or procedures will prevail over the Community Housing for Seniors Policy in the event that these are reviewed and updated.

Mareeba Shire Council may consider requests which are outside of this Policy, in certain circumstances. The request must be submitted in writing before any consideration can be given.

This policy will be formally reviewed by 30 September 2022.

This policy is to remain in force until otherwise determined by Council.

ATTACHMENT 2

**Community Housing Notifications to Queensland
Government Regulatory Services Operation Policy
(Internal)**

Council Policy <input type="checkbox"/>	Internal Policy <input checked="" type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version: 1.0
File ref:	POL-ADM-COM	Policy Section: Community Wellbeing
Date Adopted:	20 September 2017	Review Date: September 2022
Author:	Senior Community Wellbeing Officer	Review Officer: Manager Community Wellbeing

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1. POLICY INTENT

Mareeba Shire Council is a registered Community Housing Provider under the Queensland State Regulatory System for Community Housing (QSRSC).

The Queensland State Regulatory Code sets out the performance outcomes and performance requirements that registered local government community housing providers must comply with under the *Housing Act 2003*.

This Policy has been developed to ensure Council's compliance with the Queensland State Regulatory Code provisions relating to notifications required to be made to the Queensland Registrar, Regulatory Services, Department of Housing and Public Works.

2. SCOPE

This Policy is applicable to Mareeba Shire Council as a registered community housing provider and delivers on the requirement for a local government to maintain a high standard of probity relating to the community housing portfolio.

The Department of Housing and Public Works *Guidelines for Local Government Notifications to the Queensland Registrar* categorise notification requirements as:

1. Changes in business operations that may impact on local government compliance under the QSRSC; and
2. Maintaining the reputation of the community housing sector.

Council's Notifications Policy identifies:

1. The type of events or incidents that trigger a Notification to the Queensland Registrar and the timeframes involved;
2. The method with which Mareeba Shire Council will notify the Queensland Registrar of an event or incident occurring that damages, or has the potential to damage the reputation of the community housing sector.

The information in Mareeba Shire Council's Notifications Policy is not exhaustive and Council will maintain a proactive approach in working with the Queensland Registrar in the case that an event takes place which is not defined, but likely to require a notification.

3. BACKGROUND

Mareeba Shire Council was accredited as a registered community housing provider under the Queensland State Regulatory System for Community Housing in June 2017. There are seven (7) Performance Requirements specified under the Queensland State Regulatory Code, being:

1. Tenant and Housing Services
2. Housing Assets
3. Community Engagement
4. Governance

5. Probity
6. Management
7. Financial Viability

Performance Requirement 5: Probity specifies that the local government maintains high standards of probity relating to the business of the provider, specifically in relation to the following:

- a) Establishing and administering its code of conduct;
- b) Establishing and administering a system of employment and appointment checks;
- c) Establishing and administering a system for preventing, detecting, reporting on and responding to instances of fraud, corruption and criminal conduct;
- d) Maintaining the reputation of the community housing sector.

Council's existing policies and procedures address items a) and b) as outlined above and this Policy addresses items c) and d).

4. POLICY STATEMENT

The Department of Housing and Public Works *Guidelines for Local Government Notifications to the Queensland Registrar* provide the below examples of notifiable events and the timeframes for notification.

Per the Department of Housing and Public Works the Queensland State Regulatory Code, Mareeba Shire Council is required to proactively review and notify the Queensland Registrar of any events or areas of non-compliance, as they arise. Failure to notify the Queensland Registrar of events or incidents may trigger compliance action by the Registrar

The Queensland Registrar's Office may request information from Mareeba Shire Council, including details of the incident; the action taken or planned to be taken by the local government; contact details of the Council Officer managing the response; and whether the incident has been notified to any other external agencies.

4.1 Notifiable Events: Changes in business operations that may impact on compliance

The below table details the types of events and the notification timeframes, as detailed in the Queensland State Regulatory Code.

Type of event	The Queensland Registrar must be notified of the event within the following timeframes
A decision to appoint a voluntary administrator to the local government	As soon as practicable after the decision.
A decision to wind-up the local government	As soon as practicable after the decision.
The appointment of a receiver to the local government	As soon as practicable after the provider learns of the receiver's appointment.
A decision to apply for cancellation of the local government's registration on the QRSCH register	As soon as practicable after the decision and at least 28 days before the day the application is made.
A decision to conduct a vote at a meeting on a matter that may affect the local government's eligibility to remain registered under the QRSCH	As soon as practicable after the decision and at least 28 days before the day the meeting is held.

A change in the local government's affairs that may have an impact on its compliance with the <i>Housing Act 2003</i>	Before the change or within 3 days after the change .
Any other event for which the Queensland Registrar gives the local government written notice	Within the time stated in the notice

Examples of notifiable events that may impact on local government compliance under the QRSCH include:

- Significant unplanned turnover and/or resignation or removal of the Chief Executive Officer, Financial Officer or equivalent senior officers;
- Any instances of serious or repeated breaches of the local government's code of conduct or instances of fraud, corruption or criminal conduct;
- The investigation of the local government by external agencies such as funding bodies, law enforcement bodies, or integrity agencies;
- Any matter that has adversely affected or may adversely affect the financial viability of the local government;
- Any breach or potential breach notices received from external agencies;
- Any housing related proceedings in a court or tribunal against the local government;
- Any housing related adverse media coverage or potential adverse media coverage about the local government;
- Significant operational restructure or corporate mergers, de-mergers or restructure;
- New affiliations with other entities or significant change to existing affiliations;
- Significant system failures, for example unrecoverable data loss.

4.2 Notifiable Events: Maintaining the reputation of the community housing sector

Mareeba Shire Council will notify the Queensland Registrar within 72 hours of any incident involving them that damages or may damage the reputation of the community housing sector.

Examples of notifiable events which are related to maintaining the reputation of the community housing sector include:

- Proven serious or repeated breaches of the local government's code of conduct;
- Substantiated fraudulent or other criminal behaviour by staff, management or volunteers;
- Any incident within the community housing program, which results in the involvement of the Queensland Police Service or media exposure/involvement;
- Any other matter that may bring disrepute to the community housing sector.

The Queensland Registrar considers all events and incidents including determining that:

- There are no significant and ongoing or repeated incidents or events occurring that damages, or may damage the reputation of the community housing sector.
- Any incident or event that damages or may damage the reputation of the community housing sector is dealt with in a prompt and effective manner.
- Notifications to the Queensland Registrar are made consistent with Queensland State Regulatory Code and the Guidelines for Local Government notifications to the Queensland Registrar.

5. REVIEW

This policy is to remain in force until otherwise determined.

6. REFERENCES

Housing Act 2003

Housing And Other Legislation Amendment Act 2013

ITEM-13 APPOINTMENT OF COUNCILLORS TO COMMUNITY INTERAGENCY GROUPS

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S TITLE: Senior Community Wellbeing Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Councillors are nominated representatives on a range of community committees and advisory groups.

The purpose of this report is to nominate Councillors to two interagency groups, based in Mareeba:

- *Northern Tablelands Youth Network Team (NTYNT); and*
- *Collaborating for Inclusive Outcomes in Mareeba (CIOM) group.*

OFFICER'S RECOMMENDATION

"That Council endorse the appointment of:

1. Councillor Kevin Davies to the Northern Tablelands Youth Network Team interagency group;
2. Councillor Mary Graham to the Collaborating for Inclusive Outcomes in Mareeba interagency group."

BACKGROUND**1. Northern Tablelands Youth Network Team (NTYNT)**

This newly formed interagency group has a defined scope, which is for organisations to link with the aim of improving outcomes for youth on the Northern Tablelands.

The Mareeba Community Centre is the lead agency and member organisations include:

- *Mulungu*
 - *CST*
 - *Mareeba State School*
 - *Queensland Police Service*
 - *Queensland Health*
 - *VPG*
 - *Youth Justice*
-

- *PCYC.*

This interagency group has requested the attendance of a Councillor at meetings.

Collaborating for Inclusive Outcomes in Mareeba Shire (CIOM)

CIOM has been operating for many years and is undergoing a reinvigoration by changing the group's focus from improving Indigenous outcomes in Mareeba, to a whole of community approach.

The members of CIOM have agreed to a vision of being a collaborative network of community, non-government and government agencies providing services to Mareeba Shire communities, facilitating improved coordination, integration and alignment of services to individuals and families in Mareeba Shire.

Mulungu Aboriginal Health Service is the lead-agency and provides the secretariat to the group.

A number of sub-committees will be formed to focus on particular issues including:

- *Health*
- *Housing and Homelessness*
- *Justice*
- *Family and Youth Services*
- *Employment services*
- *Community Wellbeing*
- *Local Level Alliance matters.*

These sub-committees will focus on trends, issues, gaps in services, funding initiatives and action items.

The interagency group has requested the attendance of a Councillor at meetings and to assist with chairing the Community Wellbeing subcommittee.

LINK TO CORPORATE PLAN

COM 1: Develop a community engagement strategy to encourage inclusiveness and partnerships within communities and a sense of common identity.

COM 3: Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community.

GOV 4: Develop a clear communication plan to engage with communities, including by increased councillor availability, to achieve greater understanding of Council decision making processes and policies.

CONSULTATION

Internal
CEO
Director - Corporate and Community Services

Manager - Community Wellbeing
Councillors

External
CIOM Interagency Group
NTYNT Interagency Group

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Lead agencies, Mulungu and Mareeba Community Centre, to be advised of the Councillors' commitment to attend and participate in interagency group meetings.

Update the 'Councillor Appointments to Committees and Organisations'.

Date Prepared: 6 September 2017

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES

ITEM-14 THERWINE STREET REDEVELOPMENT PROJECT - EXPRESSIONS OF INTEREST PROCESS

MEETING: Ordinary

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Project Manager

DEPARTMENT: Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Council has called for Expressions of Interest (EOI) from suitably qualified contractors to provide preliminary submissions for the design and construction of the Therwine Street Redevelopment Project.

Due to the restricted timeframes for EOI assessment, it is requested Council delegate authority to the Mayor and Chief Executive Officer to approve the shortlisted contractors from the EOI process who are to receive tender documentation in order to ensure project progression and the maintenance of delivery timelines.

OFFICER'S RECOMMENDATION

"That Council delegate authority to the Mayor and Chief Executive Officer, in consultation with the Councillors, in accordance with *Local Government Act 2009*, to approve the shortlist of suitably qualified contractors selected from the Expressions of Interest process to be invited to tender for the redevelopment of Therwine Street Kuranda."

BACKGROUND

The Therwine Street Redevelopment Project has been approved for construction and funded under the provisions of the Kuranda Infrastructure Program.

Council resolved at the ordinary meeting held on the 16 August 2017 to call for Expressions of Interest (EOI) to allow Council to develop a shortlist of suitably qualified contractors who are capable of undertaking the detailed design and construction of the Therwine Street redevelopment within the budget available and be able to provide the best value for money outcome for Council and the Community.

Once suitable respondents are selected, Council will then request the shortlisted contractors to Tender for the Therwine Street Redevelopment Project on a design and construct basis.

The Tender Link document transmittal report to date indicates EOI documents have been downloaded by a cross section of interested parties, including suitably qualified civil construction contractors, designers and potential sub-contractors and material suppliers. Intended timeframes for procurement/ engagement are listed below;

EOI Advertisement in Newspaper- Opened	Wednesday 23 August 2017
EOI Closing Time	Thursday 14 September 2017
Evaluation & Shortlisting of EOI Submissions	18 - 22 September 2017
Report to Council Meeting - Notification EOI Process	Wednesday 20 September 2017
Invite Submission of Tenders	Monday 25 September 2017
Tenders Close	Tuesday 17 October 2017
Evaluation of Tenders	October 18 - November 3 2017
Council Workshop - EOI & Tender Outcomes	Wednesday 1 November 2017
Tender Report to Council Meeting	Wednesday 15 November 2017

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Acting Director IMS, CEO, Mayor, Manager Technical Services

External

Kuranda Infrastructure Advisory Committee (KIAC)

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

\$1 million has been approved through the KIAC for the projects delivery.

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Yes

If not you must recommend how the budget can be amended to accommodate the expenditure

N/A

IMPLEMENTATION/COMMUNICATION

Council and the KIAC will be kept informed of the outcomes of the design and construct process and subsequent project delivery timeframes.

ATTACHMENTS

Nil

Date Prepared: 8 September 2017

**ITEM-15 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - AUGUST 2017****MEETING:** Ordinary**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

This report summaries Council's Technical Services activities undertaken by Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Sections of Infrastructure Services during the month of August 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the Technical Services Monthly Report for the month of August 2017."

BACKGROUND**Design**

- 2016/17 Capital Works
 - Bolwarra Road, Tate River Crossing Renewal and Upgrade - Detail design finalised and delivered to Project Management for construction
 - 2017/18 Capital Works
 - Chewko Road, Mareeba - Detail design finalised and delivered to Works for construction
 - Oak Forest Road, Myola - Detail design underway
 - Kenneally Road, Mareeba - Detail design finalised and delivered to Works for construction
 - Herberton Street, Mareeba - Detail design finalised and delivered to Works for construction
 - Railway Avenue, Mareeba - Concept designs into RV and car parking and preparation of Bill of Quantities for costings
 - Miscellaneous Works
 - Bunny Seary Lookout, Mareeba - Preparation of concept designs for parking
 - Black Mountain Road, Bridge 7, Kuranda - Detailed survey works
 - Chircan Road, Dimbulah - Design vehicle turn paths for intersection with Kennedy Highway
 - Kuranda - Design plans for signage upgrades within the township, delivered to Local Laws
-

SUBDIVISIONS AND INVESTIGATIONS**Subdivisions**

- Current - Under Construction
 - Springmount Road and Kippin Drive Upgrade
 - Amaroo Stage 9
- On Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset
 - Mt Emerald Wind Farm - Irrigation Pipeline Protection Slab
 - Amaroo Stage 8
 - Wylandra Stage 6B and 6C
 - Hoolahan Drive - Construction of drainage easement
- Operational Works
 - 112 Barnwell Road, Kuranda - Dam construction completed and being monitored, rock protection constructed on downstream of dam wall

PROJECT MANAGEMENT**Building**

- Hastie Road Sewer Rising Main Upgrade - Completed and operational
- Mareeba Leagues Club Air-conditioning Replacement - 60% completed
- Mareeba Library Air-conditioning Replacement - Air-Conditioning components arrived, expected completion date mid-October
- Mareeba Pool Facilities Upgrade - Completed and in use
- PCYC Building Upgrade commenced as recommended by Council's Building Certifier. Quotes received from building contractor, waiting for approval from EPA to commence work
- Mareeba Landfill Leachate Pump Network - Pipe work installed from transfer station to Bower Street, 40% complete
- Kuranda Public Toilets Facilities Upgrade - Preliminary works commenced
- Abattoir Swamp Julatten - Fencing component commenced
- Tenders for the upgrade to the pool filters at Mareeba and Dimbulah close on the 11 September 2017

Civil

- 2017-18 Bitumen Reseals Program - FGF mobilized with Mareeba works scheduled to commence in November
- Tate River Causeway Upgrade - preliminary site preparation and construction commenced
- Therwine Street Redevelopment - EOI invited suitably qualified contractors to design and construct, closing 14 September 2017

FACILITIES

Dimbulah Caravan Park

- Total of bookings for August 2017 - 472

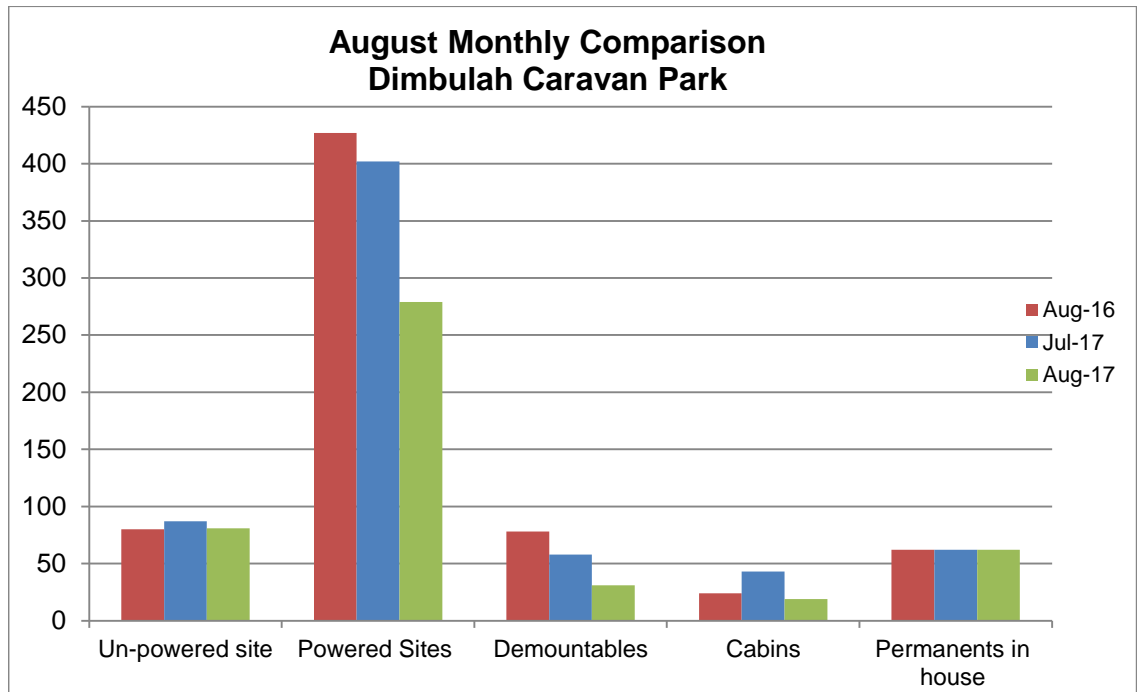


Figure 1. Monthly comparison Dimbulah Caravan Park

Mareeba Riverside Caravan Park

- Total of bookings for August 2017 - 2,520

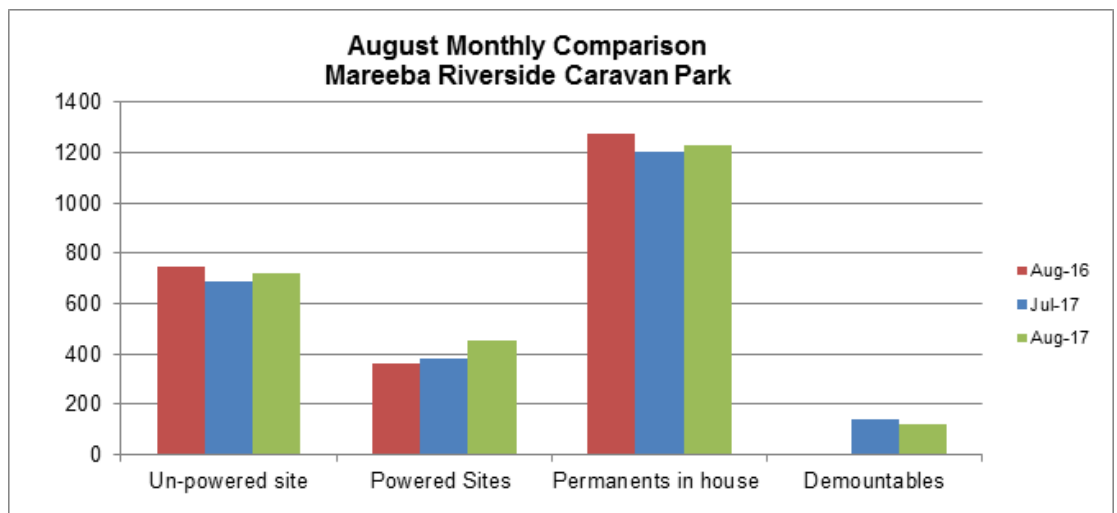


Figure 2. Monthly comparison Mareeba Riverside Caravan Park

Public Halls

- Totals of hall bookings for August 2017, 105

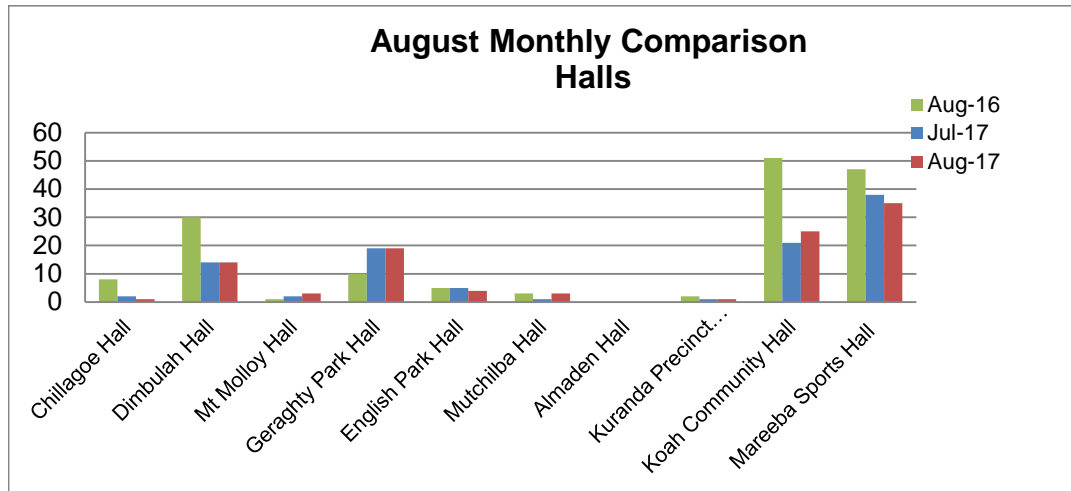


Figure 3. Monthly comparison halls

Swimming Pools

- Total of patron entries for August 2017
 - Mareeba 2,253
 - Kuranda 633
 - Dimbulah Closed

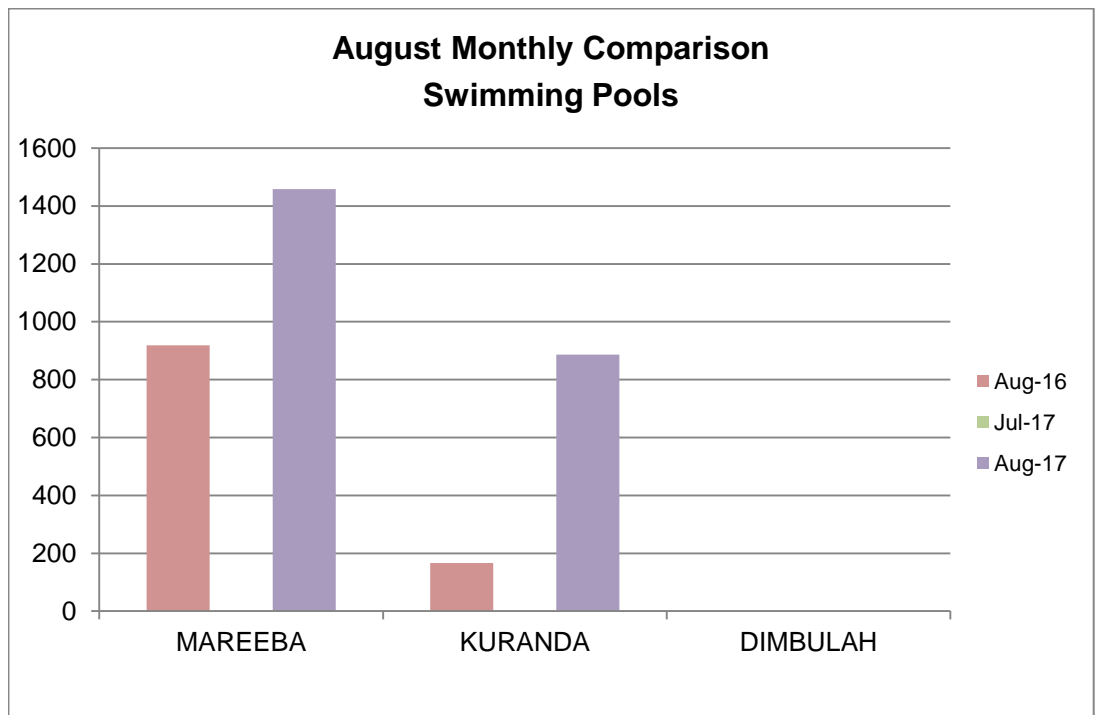


Figure 4. Monthly comparison swimming pools

Park Hire

- Total park bookings for August 2017, 72

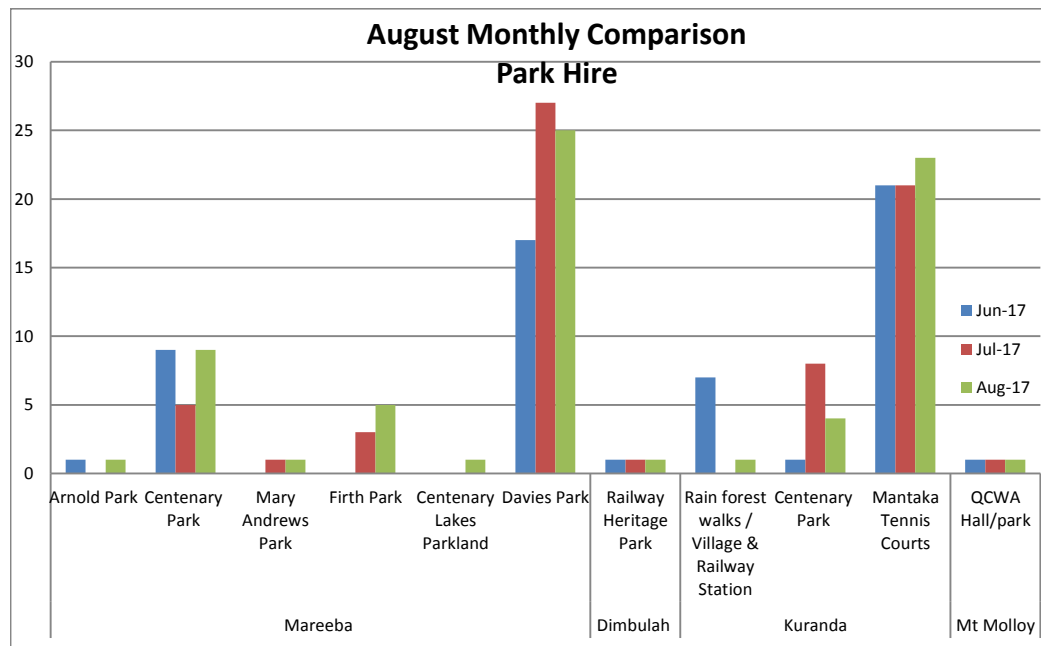


Figure 5. Monthly comparison Park Hire

Vandalism and Graffiti

During August 2017, 10 reports of graffiti and vandalism were recorded.

- Mareeba Arnold Park
- Mareeba Mt Emerald Memorial
- Mareeba Sports Hall
- Mareeba Swimming Pool
- Mareeba Theatre Hall
- Kuranda Centenary Park

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$16,546
2017-18	\$3,600

Currently, there is no allocated budget for graffiti and vandalism; these costs are being booked to operational.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *8 September 2017*

ITEM-16 **SUPPLY & DELIVERY OF TRACTORS****MEETING:** Ordinary Meeting**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Coordinator Fleet and Workshop**DEPARTMENT:** Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Council has invited quotations for the supply and delivery of two (2) only 4x4 tractors fitted with a 4-in-1 bucket, loader frame, lifting jib and now seeks to purchase.

OFFICER'S RECOMMENDATION

"That Council:

1. purchase two (2) Kubota M9540 4x4 tractors, fitted with a 4-in-1 bucket and loader frames and lifting jibs at a total cost of \$176,000 (including GST) from Casali's Stihl Shop Mareeba.
2. sell three (3) Massey Ferguson 5445 tractors via Pickles Auction house monthly regional on-line auctions."

BACKGROUND

Quotations were submitted through the Local Buy Vender panel, Tender No VP81493 and VP 81495. The quotations were submitted on 28 July 2017 and closed on 9 August 2017.

Three (3) quotations were received and the following three (3) vendors were notified of the quotation request:

- Kubota Australia (Casali's Stihl Shop, Mareeba)
- John Deere (Honeycombes, Tolga)
- New Holland/ Case Agriculture (Brescianini Motors, Ingham)

Quotations were assessed and the following elements were noted:

Kubota Australia (Casali's Stihl Shop Mareeba)

The Kubota M9540 was the lowest quoted price and met and exceeded the tender requirements. The tractors are supplied with a 3-year warranty and are supported by an excellent parts and service program which is supplied by Casali's Stihl Shop, Mareeba.

Currently, Council has two (2) Kubota M9540 4x4 tractors which have both accrued in excess of 1,000 Hrs service to date. These tractors have proven to be a very reliable and economical tractor to operate.

The current Kubota M9540 4x4 in service has met the operational requirements thus far and operator feedback has been positive.

John Deere (Honeycombes Tolga)

The John Deere 5063E was the medium price quoted; however the supplier did not supply all the required information to make an accurate assessment of the tractors tendered. The tractors came with a 2-year warranty with parts and service being supplied by Honeycombes in Tolga.

New Holland/Case Ag (Brescianini Motors Ingham)

The New Holland T4.105 was the highest price quoted. The tractors did meet the requirements of the tender and a 2-year warrant is offered under the tender. The closest service and parts for the tractors is Ingham.

A summary of the quoted prices are shown below for the supply of two (2) units.

Supplier	Price (excl GST)	Price (inc GST)
New Holland (Brescianini Motors Ingham)	\$ 192,760.00	\$ 212,036.00
John Deere (Honey combes Tolga)	\$ 182,079.22	\$ 200,287.14
Kubota Australia (Casali's Stihl Shop)	\$ 160,026.36	\$ 176,000.00

It is recommended that the offer supplied by Casali's Stihl Shop for the Kubota M9540 tractors offers Council the best value for money to satisfactorily meet the requirements for provision of the new tractors.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION*Internal*

Operational staff in both Kuranda and Mt Molloy
Mareeba Workshop Supervisor

*External***LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

\$180,000 - CP00309 Replacement of three (3) Massey Ferguson 5445 Tractors.

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *8 August 2016*

ITEM-17 **MAREEBA AERODROME - EXTENSION OF WARBIRDS LEASE****MEETING:** Ordinary**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Technical Services Manager**DEPARTMENT:** Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

This report deals with a request received from Mr Mike Spaulding of NQ Warbirds for an extension of his existing lease over lease areas J, K, L, M and N at Mareeba Airport.

The report recommends that Council grant Mr Spaulding a new 40 year consecutive lease to take effect from the expiry of the current lease on 16 September 2037.

The report also recommends that Mr Spaulding's existing lease be amended to gradually increase the lease fee over the last five (5) years of the remaining term so that the fee is brought up to market value.

OFFICER'S RECOMMENDATION

"That, in relation to the request by Mr M Spaulding of NQ Warbirds P/L for an extension of his current lease over lease areas J, K, L, M and N at the Mareeba Airport:

1. Council agree to the grant to Mr Spaulding of a new 40 year consecutive lease (initial 20 year term plus 2 x 10 year options) over lease areas J, K, L, M and N to take effect on expiry of the current lease on 16 September 2037, with the rental for the first year of the new 40 year term being the current market rental applicable at that time and with the proviso that the rental shall be not less than that paid in the last year of the existing lease.
2. Council amend Mr Spaulding's existing lease so that for the last 5 years of the remaining 20 year term, the lease fee per m² is increased by CPI plus \$1.00/m² for each year of that 5 year term.
3. All costs associated with the preparation of the new lease and the amendment of the existing lease are to be met by Mr Spaulding."

BACKGROUND

NQ Warbirds P/L is the current lessee of lease areas J, K, L, M and N at the Mareeba Airport. The total area leased is 5,964m² and the lease is for a 40 year period commencing 17 September 1997 and expiring 16 September 2037.

At the present time, the Warbirds lease has the lowest rate per square metre of all of the leases at the Airport (\$2.52/m²) and does not have a market review clause within the lease. This means that for the full 40 year term of the lease, annual lease fee increases are based

solely on CPI increases. However, it should also be noted that because the lease also has an area of 5,964m², the annual lease fee paid is quite significant (\$15,029.28), even at the lower lease fee.

As Council is aware, the lease rate per square metre that has been proposed for new leases at the re-developed Airport, and which will eventually lead towards full cost recovery of airport operations, is \$6.00.

Mr Mike Spaulding of NQ Warbirds has recently approached Council in relation to the possibility of extending his current lease, which now has 20 years still to run. The reason for the request is that Mr Spaulding has recently made a significant investment in the Airport by constructing a new hangar/workshop facility with attached accommodation and he requires a greater lease term than the remaining 20 years of the existing lease to give him the ability to negotiate long term sub-lease arrangements with prospective tenants of his new facility.

Given the total investment made by Mr Spaulding in the Warbirds facility at the Mareeba Airport and the potential long term benefits to the Mareeba Shire, it is recommended that Council agree to Mr Spaulding's request and the simplest means of extending the existing lease would appear to be the grant of a new 40 year consecutive lease that takes effect from the expiry of the current lease.

Given also the terms of the current lease that do not allow the current low lease fees to be reviewed to market value, discussions were held with Mr Spaulding in relation to gradually increasing the lease fees over the last five (5) years of the remaining 20 year term so that they would approach market value by the time the new 40 year lease takes effect. In any case, the rental for the first year of the new 40 year term would be the current market value at that time and would not be less than the rental paid in the last year of the existing lease term.

During the last five (5) years of the existing term the lease fee would have to be increased by CPI plus roughly \$1.00/m² per year to bring it up to the CPI indexed \$6.00 benchmark.

The two (2) options discussed with Mr Spaulding were: (1) that his existing lease be amended so that for the last five (5) years of the lease, the lease fee be increased by CPI plus \$1.00/m² or, (2) that the existing lease be amended to insert a Market Review clause to determine the current market rental as at 17 September 2032 (which could not be less than the base lease fee of \$6.00 escalated annually in accordance with the CPI) and use this figure to calculate the amount by which the lease fee has to be increased annually over the last five (5) years of the term.

LINK TO CORPORATE PLAN

ECON 2: In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries. (*The Shire's airports, particularly the Mareeba airport, continue to be developed, encouraging aviation related industry and spillover from Cairns airport.*)

CONSULTATION

Internal
Mayor

External
NQ Warbirds P/L

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

The necessary amendments to the existing lease and the preparation of the new 40 year consecutive lease will be undertaken by Council's Solicitors.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
The gradual increase in lease fees over the last 5 years of the remaining lease term will provide additional operating revenue for the Mareeba Airport and will also assist in bringing all leases at the Airport up to a level that will eventually see full cost recovery of Airport operations.

Is the expenditure noted above included in the 2017/2018 budget?
N/A

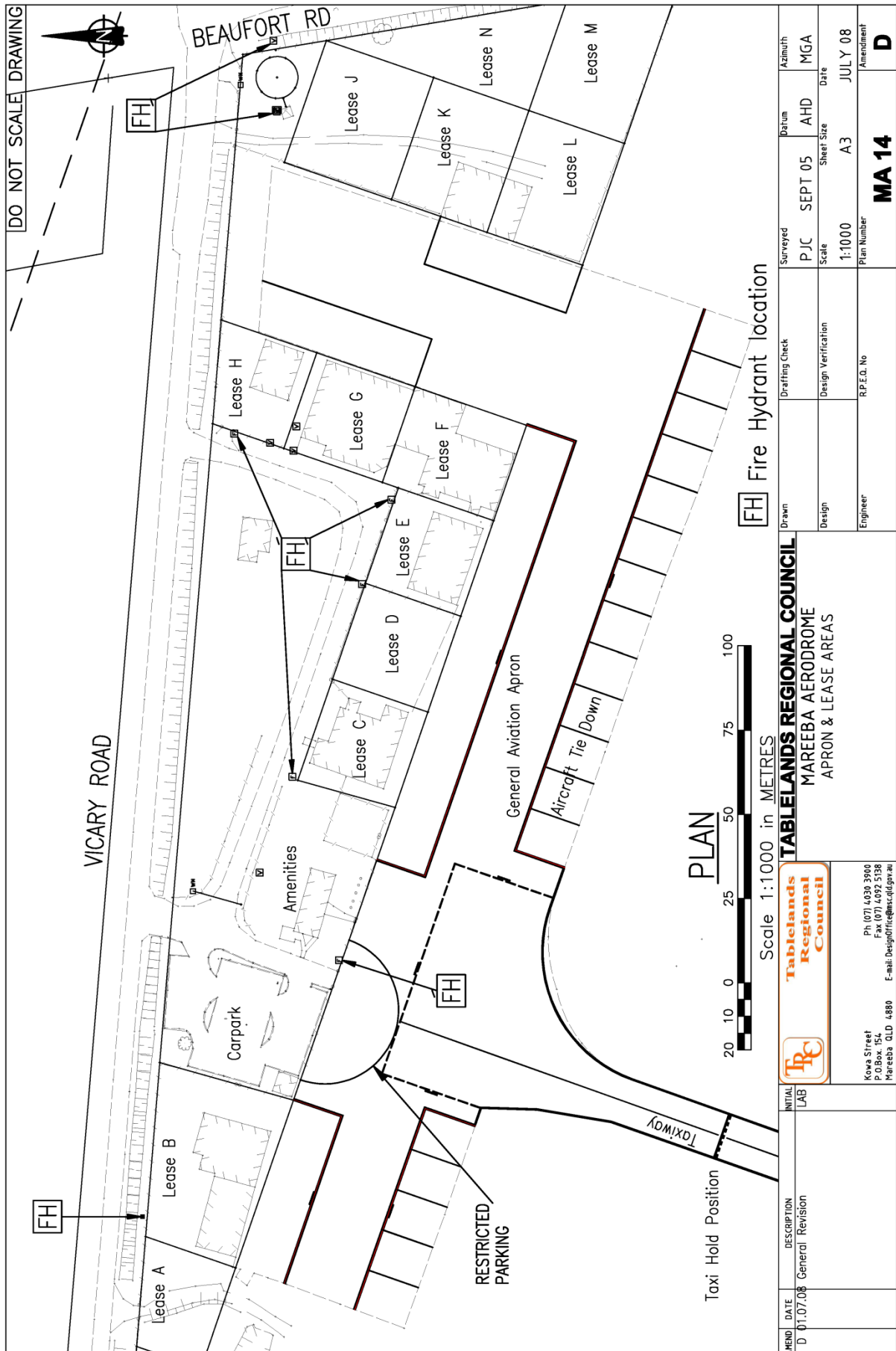
IMPLEMENTATION/COMMUNICATION

Subject to Council adopting the recommendations of this report, Mr Spaulding will be advised accordingly and Preston Law will be engaged to prepare the required lease documentation.

ATTACHMENTS

1. Copy of plan showing lease areas J, K, L, M and N.

Date Prepared: 28 August 2017



WORKS

ITEM-18 MOUNT SPURGEON ROAD, MOUNT CARBINE

MEETING: Ordinary Meeting

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Manager Works

DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

The limiting of access to Mount Spurgeon Road at Mount Carbine via a locked gate to key holders only has drawn numerous complaints from local residents, tourists and business operators.

OFFICER'S RECOMMENDATION

"That Council re-opens, on a trial basis, Mount Spurgeon Road to the general public."

BACKGROUND

Mount Spurgeon Road at Mount Carbine is a steep and unformed road which provides access to the National Park and two (2) privately owned properties.

Council resolved at the Ordinary Meeting of 21 September 2016 to close the road by erecting a gate at a suitable location and access be granted by permit only. A locked gate was installed on Mount Spurgeon Road approximately 2.5km from the Mulligan Highway Mount Spurgeon Road intersection in early March 2017.

To date a key to the gate has been issued to a number of parties.

Council has since received numerous complaints from local residents and tourists that the closure of the road is affecting their chosen rural lifestyle or recreational activity and businesses in the area have voiced concerns that the selective nature of the issuing of keys gives an unfair economic advantage to some.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION*Internal*

Acting Director Infrastructure Services

External

Nil

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

Council has a duty of care to prevent for injury or damage to the public on its roads under the requirements of the Civil Liability Act 2003 (the Civil Liability Act) and common law. This will result in Council having to expend additional maintenance funds on this road.

POLICY IMPLICATIONS

Mt Spurgeon Road is managed in accordance with Council's Asset Management Policy.

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

To be advised

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 07 September 2017

**ITEM-19 MAREEBA AIRPORT UPGRADING - AUGUST 2017
PROGRESS REPORT**

MEETING: Ordinary

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Acting Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has received grant funding from the State and Australian Governments towards the upgrading of the Mareeba Airport.

Design and construction of the Mareeba Airport Upgrade Project is underway, this report sets out progress to date.

OFFICER'S RECOMMENDATION

"That Council note the August 2017 progress report on the Mareeba Airport Upgrade Project."

BACKGROUNDFunding

Council has received two (2) grants - \$13M from the Queensland State Government's Royalties for Regions program and \$5M from the Australian Government's National Stronger Regions Fund - towards the upgrading of the Mareeba Airport. Both these grants are for specific aspects of the proposed upgrading project.

Programme

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements.

A number of early works have been completed to date, including:

- Airport Water Supply Upgrade
- Ray Road and Vicary Road Upgrade
- Vicary Road Leased Area Pavements
- Aviation Commercial Precinct - Early Works

Construction of the Airside Infrastructure was scheduled to commence in July 2017, however, assessment and negotiation of tenders has taken longer than anticipated. This is likely to impact the scheduled completion date of 31 August 2018.

Airside Infrastructure

Jacobs Engineering Group has been engaged to undertake the detailed design and documentation for the runway, taxiways, airfield lighting and aviation commercial precinct (western lease area).

Four (4) firms were invited to tender on this work after being shortlisted through invitations for Expressions of Interest. Tenders closed on 9 May 2017 and conforming and non-conforming tenders were received from all four (4) tenderers. Evaluation of tenders has been completed and Council officers have obtained clarification and further pricing information from tenderers.

This process has taken longer than anticipated due to tender prices being higher than the available budget. Council has approached the Federal and State Governments to seek agreement to provide additional funding required or to amend the funding agreements to meet the key project deliverables without reducing their funding contribution.

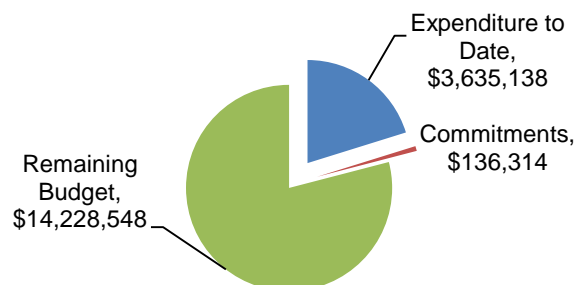
Stakeholder Engagement

A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project.

Aviation Commercial Precinct Leasing Opportunities

To date, four (4) applications have been received for leasing of sites within the new aviation commercial precinct. Council has received many enquiries regarding leasing of land, with further lease applications expected to be received when construction of the airside infrastructure commences. Other enquiries received have included potential users interested in establishing charter flights to and from Mareeba Airport utilising the existing terminal facilities.

Expenditure



LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Manager Works

External
Australian and State governments
Jacobs Engineering Group
Mareeba Airport Users Group

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

As detailed in the funding agreements Council has signed with the State and Australian governments, Council is required to meet various milestone and reporting targets.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
The project is to be funded over the 2016/2017 and 2017/2018 financial years. Funding has been made available from the Australian and State Governments for the project.

Operating
To be included in future budgets.

Is the expenditure noted above included in the 2017/2018 budget?
Yes

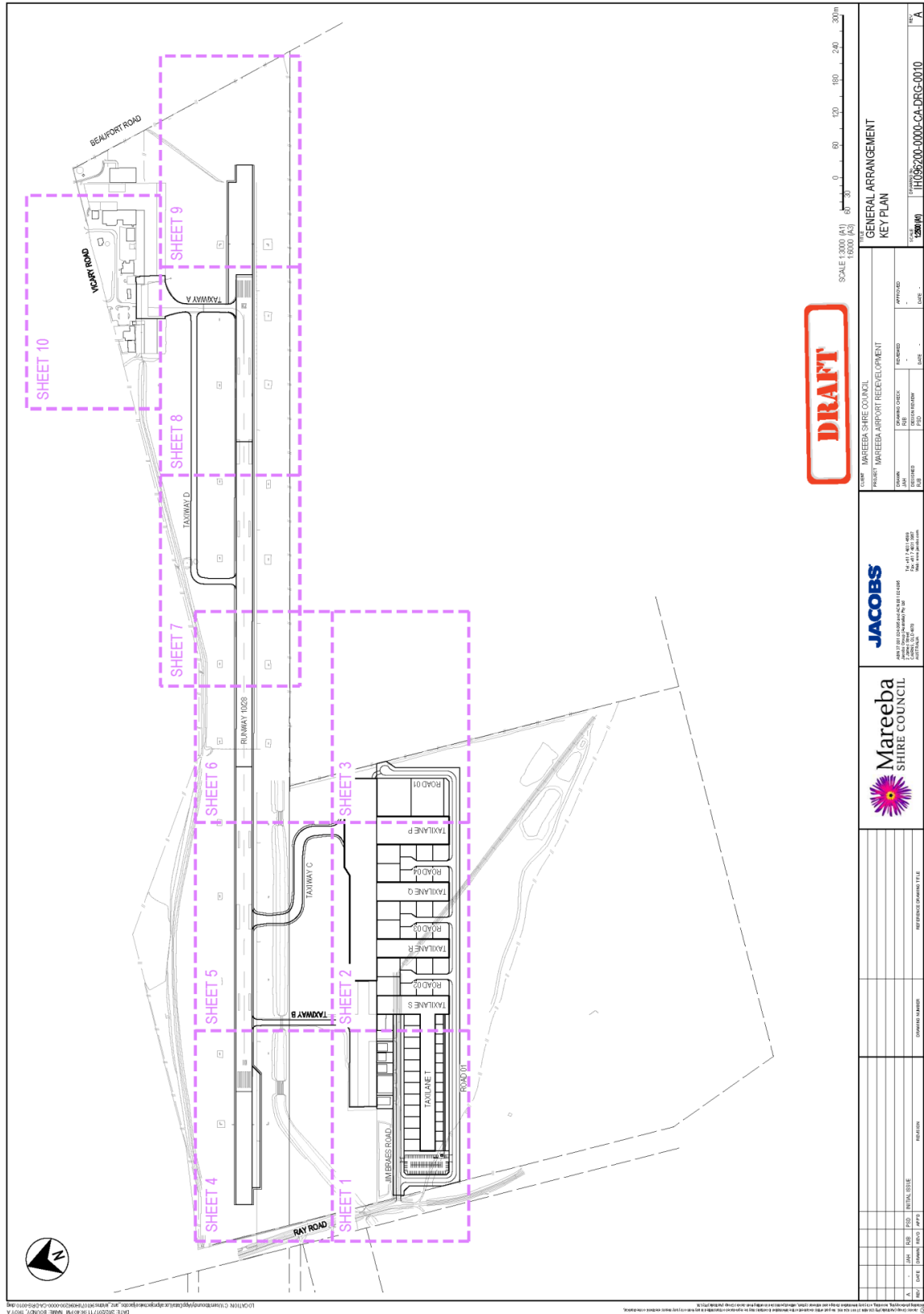
IMPLEMENTATION/COMMUNICATION

All communications are required to follow set out protocols within the funding agreements between the Commonwealth and State Governments.

ATTACHMENTS

Nil

Date Prepared: 11 September 2017



ITEM-20 INFRASTRUCTURE SERVICES - WORKS SECTION
ACTIVITY REPORT - AUGUST 2017

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S
TITLE: Manager Works

DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

This report sets out works undertaken by the Transport Infrastructure, Parks and Gardens, Bridge Sections and Pest Management of Infrastructure Services during the month of August 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the Transport Infrastructure, Parks and Gardens, Bridge Sections and Pest Management Activities Report for the month of August 2017."

BACKGROUND

Maintenance Activities

Maintenance activities accruing more than \$1,000 in expenditure were carried out in August at the following locations:

Description	Activity
Crystalbrook Road, Almaden	Grading unsealed roads
Spring Valley Road, Almaden	Culvert repairs
Springmount Road, Arriga	Prep work for reseals
McBean Road, Arriga	Grading unsealed roads
Tyrconnell Road, Arriga	Grading unsealed roads
Bilwon Road, Bibbohra	Grading unsealed roads
Coyle Road, Bibbohra	Grading unsealed roads
Rosing Road, Bibbohra	Grading unsealed roads
Vallely Road, Bibbohra	Grading unsealed roads
Harrigan Road, Chewko	Grading unsealed roads
High Street, Chillagoe	Tree clearing / vegetation management
Bolwarra Road, Crystalbrook	Grading unsealed roads
Boonmoo Road, Dimbulah	Grading unsealed roads
Braund Road, Dimbulah	Grading unsealed roads
Davenport Road, Dimbulah	Grading unsealed roads
Inveradi Road, Dimbulah	Grading unsealed roads
Metzger Road, Dimbulah	Grading unsealed roads
Wolfram Road, Dimbulah	Grading unsealed roads
Andy Sheppard Drive, Glen Russell	Grading unsealed roads
Drumduff Road, Highbury	Grading unsealed roads

Description	Activity
Clacherty Road, Julatten	Clean inlet / outlets culverts, grading unsealed roads
Euluma Creek Road, Julatten	Bitumen patching, clean inlet / outlets culverts, road furniture, slashing
Nine Mile Road, Julatten	Bitumen patching, clean inlet / outlets culverts, road furniture, slashing
Windsor View Road, Julatten	Bitumen patching, clean inlet / outlets culverts, slashing
Black Mountain Road, Julatten	Grading unsealed roads, slashing
Coondoo Street, Kuranda	Road furniture
Hickory Road, Kuranda	Prep work for reseals, road inspections
Scrub Street, Kuranda	Grading unsealed roads
Thooree Street, Kuranda	Prep work for reseals, slashing
Wrights Lookout Road, Kuranda	Grading unsealed roads, road furniture
Blacks Road, Mareeba	Grading unsealed roads
Bowers Street, Mareeba	Prep work for reseals
Leonardi Road, Mareeba	Grading unsealed roads
McGrath Road, Mareeba	Grading unsealed roads
Robins Street, Mareeba	Bitumen patching
Shanty Creek Road, Mareeba	Grading unsealed roads
Smith Street, Mareeba	Grading unsealed roads,
Spurrier Road, Mareeba	Grading unsealed roads
Studt Road, Mareeba	Grading unsealed roads
Tinaroo Creek Road, Mareeba	Grading unsealed roads, road furniture
Walsh Street, Mareeba	Bitumen patching
Thora Cleland Drive, Mareeba	Bitumen patching
Keal Close, Mareeba	Grading unsealed roads
Fraser Road, Mt Molloy	Clean inlet / outlets culverts, slashing
Mount Mulligan-Kondaparinga Road, Mt Mulligan	Grading unsealed roads
Mount Cardwell Road, Munderra	Grading unsealed roads
Tait Street, Mutchilba	Slashing, tree clearing / vegetation management
Springs Road, Paddys Green	Bitumen patching
Pioneer Road, Petford	Grading unsealed roads
Sunnymount Road, Petford	Grading unsealed roads
Lappa-Mount Garnet Road, Petford	Grading unsealed roads
Thornborough-Kingsborough Road, Thornborough	Grading unsealed roads

The table below shows the current budget position of road maintenance for Mareeba Shire Council at the end of August.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,338,972	\$553,105	\$772,922

Capital Works

Works for Queensland

Margherita Close, Mareeba - Widen and Seal

Works commenced early July on the widening and sealing of Margherita Close, Mareeba and were completed with the exception of line marking, in August.

The project scope includes the widening and construction of new kerb and channel to the Margherita Close / Anzac Avenue intersection including asphalt surfacing to Ch. 109.393. The widening of the existing pavement along the full length of Margherita Close to the existing concrete inverts, construction of layback kerb and channel to

Margherita Close cul-de-sac, two-coat bitumen sealing with additional asphalt surfacing from Ch. 356.445.

Line marking will be installed at the completion of the Rob Veivers Drive upgrade in October.



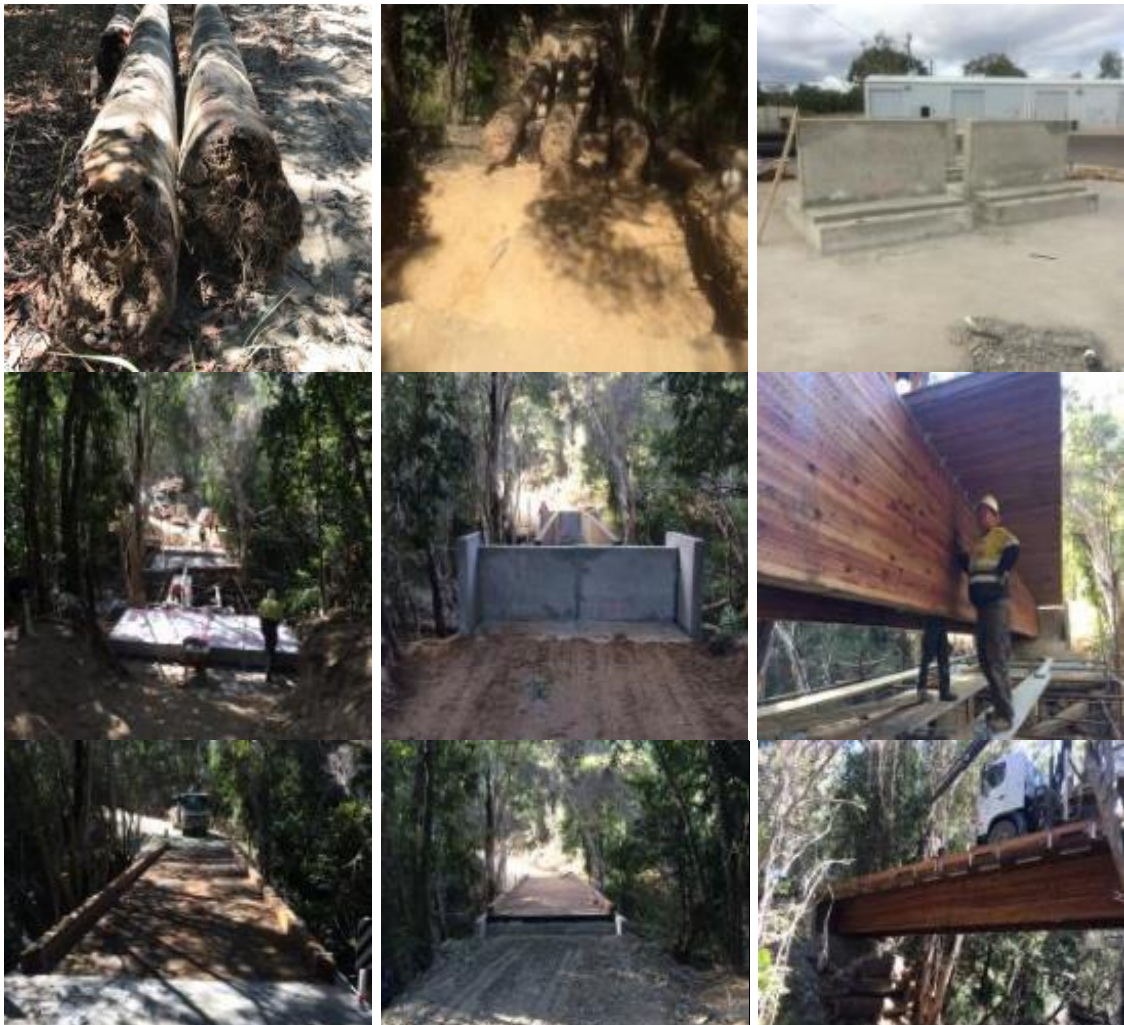
Mona Mona Road - Flaggy Creek Bridge

A Level 3 bridge inspection conducted earlier this year indicated severe problems with the superstructure and timber abutments of the Flaggy Creek Bridge, Mona Mona.

Timber Restoration Systems from Caboolture were engaged to design and assist construction of a retrofit solution to return the bridge to a 25 tonne load limit using precast abutments, glulam girder, kerb and deck system.

Works commenced 15 August and were completed 31 August. The bridge was closed to all traffic and pedestrians during this time and access was available using the alternative route of Black Mountain Road.

An asphalt deck wearing surface is programmed for installation in late September.



2016/17 Capital Works

Rob Veivers Drive Upgrade, Kuranda

On-site works commenced at Rob Veivers Drive, Kuranda in early August. The project scope includes the widening of the existing road formation along Rob Veivers Drive, the installation of kerb and channel and the rehabilitation of existing failed pavement sections.

Apart from re-work due to vandalism of the concrete kerb the project is progressing well and is currently on time and within budget.

Works are programmed to be complete mid-October with line marking completed in November.



2017/18 Capital Works

Chewko Road - Widening, Overlay and Reseal

Construction work started in mid-August at the Chewko Road upgrade project. The scope of works include the overlay and sealing of the existing pavement and seal between Ch 10930 - Ch 12150, the widening of the existing formation and seal between Ch 12150 - Ch 12780 and several curve widenings including seal.

It is intended that construction will be completed in the widening sections by 20 September and the crew will relocate to Byrnes Street to complete a storm water upgrade project prior to returning to Chewko Road to undertake the pavement overlay component of the project.

Several areas of poor subgrade have required excavating and replacing with rock and bidim but the project currently remains on time and within budget.



Leadingham Creek Road - Leadingham Creek Bridge

The fabrication of the replacement concrete girders for Leadingham Creek Bridge in Dimbulah commenced at the Kowa Street Depot mid-August. The girders were designed by GHD and are being constructed by Council's bridge section. It is anticipated that fabrication will be complete by mid-September with on-site construction work programmed to start late October.



Kowrowa Playground and Jensen Park Softfall Replacement

The existing rubberised softfall at both these playgrounds had become brittle, hard and was breaking away. This loss of functionality was considered dangerous for the playground users and it was replaced with certified woodchip softfall in August.



Kowrowa Playground



Jensen Park

TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during August 2017 at the following location;

Primary Location	Activity Name
Burke Developmental Road	Medium formation grading (western)
	Other formation work
	Pothole patching, includes traffic control
Herberton - Petford Road	Culvert, pipe and pit work
	Other bituminous surface work
Kennedy Highway	Rest area servicing
Mareeba - Dimbulah Road	Replace guardrail delineators
	Repair or replace guide markers
Mossman - Mt Molloy Road	Repair or replace guide markers
	Clean and/or paint guide markers
	Emergency call out / traffic accident
	Roadside litter collection, rural
	Pothole patching, includes traffic control
Mulligan Highway	Repair or replace guide markers
	Repair guide signs
	Pothole patching, includes traffic control
	Culvert, pipe and pit work
	Other roadside work
	Rest area servicing
	Roadside litter collection - rural

The total claim to DTMR for the works listed above for the month of August 2017 was \$105,323.51.

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in August at the following locations:

Location
Parks and Gardens, Chillagoe
Basalt Gully and Bi-Centennial Lakes, Mareeba
Byrnes Street Medians, Mareeba
Parks, Library, CBD and Streets, Kuranda
Esplanade, Kuranda
Town Hall Park, Dimbulah
Davies Park, Mareeba
Firth Park, Mareeba
Mowing, Mareeba Streets
Nursery, Mareeba
Furniture and Playground Equipment
Drainage Easements, Mareeba
Mowing and Maintenance Irvinebank

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,794,335	\$315,246	\$274,443

Bridge Section

Maintenance Activities

Bridge maintenance activities accruing more than \$1,000 in expenditure were carried out in August at the following locations:

Location
Flaggy Creek Bridge
Bushy Creek Bridge
Jeffrey Road Bridge
Bakers Road Bridge
Re-active Maintenance

Annual Budget	Year to Date Budget	Year to Date Actual
\$562,213	\$92,549	\$173,042

Land Protection Section

Annual Budget	Year to Date Budget	Year to Date Actual
\$446,906	\$73,813	\$61,359

Parthenium Weed: All the known sites are being well managed and are well on track to be declared extinct from those locations. More properties have been inspected for the presence of the weed. Resident groups have been made aware of the health impacts of Parthenium weed with information sheets distributed along with Mareeba Shire Council's Land Protection Officers contact details so that they can report suspected sightings.

Tramp Ant Incursions: Yellow Crazy Ants and Electric Ants are present in several locations in and around Kuranda. Land Protection staff have provided assistance with the lead agencies involved in the bid to eradicate these pests from these areas.

4 Tropical Weeds: Council's works coincides with search and destroy activities carried out by State Agencies and aimed at the removal of two Miconia species, Mikania Vine, and Limnocharis. All these plants are recognised as serious invaders of rainforests and all have arrived on our shores by plant collectors. It is a major undertaking to search the forest understory to locate and remove these plants and this work has been on-going since 1998 with success. No mature age plants have been located for many years but continual surveillance must be continued as these plants have a viable seed life of up to 20 years.

Multi Species Weed Removal Program on the Upper Walsh Catchment: Gibb Creek, Emu Creek and all the feeder creeks have been surveyed for the presence of Siam Weed, Bellyache Bush, Physic Nut and Rubber Vine. These plants are removed and their locations are marked on GPS and downloaded on to Council's GIS. This work is supported by affected landowners, Northern Gulf Group and The Mitchell River Catchment Group.

Vertebrate Pest Control: Wild dog / dingo coordinated baiting programs continue on the large scale primary production blocks in the western areas of the shire. Smaller more closely settled properties have been amalgamated to join in baiting programs that cover much larger areas. Where baiting is not an option, affected landowners are referred to professional, accredited shooters.

Feral Pigs have been removed from cane paddocks, orchards and cultural or environmentally sensitive areas with the use of toxic baits, shooting or trapping.

Rabbits have been shot, baited, trapped or have had rabbit Calisivirus introduced into populations.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Infrastructure Services staff

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Included in 2017/2018 budget

Operating

Included in 2017/2018 budget

Is the expenditure noted above included in the 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: *8 September 2017*

WATER & WASTE

ITEM-21 LOCAL GOVERNMENT GRANTS AND SUBSIDIES PROGRAM (LGGSP) PROJECT PROPOSAL - BYRNES STREET WATER MAIN UPGRADE

MEETING: Ordinary

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Acting Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

The Local Government Grants and Subsidies Program (LGGSP) aims to support local governments to meet the needs of their community by providing funding for the delivery of priority capital infrastructure projects.

The 2017–19 LGGSP is now open and this report seeks Council approval and commitment for its financial contribution to apply for funding for the Byrnes Street (Mareeba) Water Main Upgrade project.

OFFICER'S RECOMMENDATION

"That Council apply for funding from the Local Government Grants and Subsidies Program (LGGSP) for the Byrnes Street (Mareeba) Water Main Upgrade and commit to funding Council's co-contribution of up to 40% for the project."

BACKGROUND

The Department of Infrastructure, Local Government and Planning (the Department) is responsible for administering the Local Government Grants and Subsidies Program (LGGSP) which aims to support local governments to meet the needs of their community by providing funding for the delivery of priority infrastructure projects.

Mareeba Shire Council has previously been successful in attracting funding for the Mareeba Industrial Waste Reveal Facilities under this program.

The 2017-19 Program has a strong focus on:

- supporting infrastructure projects which generate employment and economic activities for a local community; and
- enhancing, extending the life or improving the functionality, of existing council assets.

Projects approved for funding under the 2017-19 Program will be allocated a subsidy of up to 60 per-cent of eligible project costs. Funding assistance may be prioritised to local

governments that have a limited capacity to self-fund a project. Applications close on 6 October 2017. All projects funded under 2017-19 LGGSP must be completed and funding acquitted by 30 June 2019.

Council officers workshopped a number of projects and have prioritised the Byrnes Street (Mareeba) Water Main Upgrade project as the top priority water project for Mareeba Shire's capital works program for water using criteria that assess risk, criticality and capacity of the existing infrastructure to service the need.

The project will deliverables will include replacement of the existing 225mm diameter asbestos-cement (AC) water main servicing businesses in Mareeba's central business district (CBD) located in Byrnes Street. The project includes approximately 900 metres of new PVC water main and water service connections to all existing customers located between Rankin Street and Lloyd Street.

The project is essential for continuity of water supply to those premises as the existing, failing water main is approaching the end of its useful life. A report prepared by Aurecon in 2016 estimated that the existing water main had approximately five (5) years life remaining.

LINK TO CORPORATE PLAN

Should grant applications be successful, the additional funding source will assist Council in upgrading its assets and meeting the following corporate goal:

ECON 2 In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

CONSULTATION

Internal

Manager Water and Waste

Manager Finance

Manager Community Wellbeing

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Should Council be successful in attracting grant funding, Council will be required to provide a contribution of at least 40% of the eligible project cost. The successful project would be included in the Capital Works Program for 2017/18 as a non-discretionary project.

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *10 September 2017*

**ITEM-22 INFRASTRUCTURE SERVICES - WATER AND
WASTEWATER GROUP - MONTHLY OPERATIONS -
AUGUST 2017****MEETING:** Ordinary**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Water and Waste Department during the month of August 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the September 2017 Monthly Water and Wastewater Report."

LINK TO CORPORATE PLAN

GOV 3 Undertake a whole of Council service level review to establish sustainable operational costs across core local government business and consult with communities.

BACKGROUND**1. Capital and Maintenance Works Projects**

Hilltop Reservoir



Platypus Close Reservoir

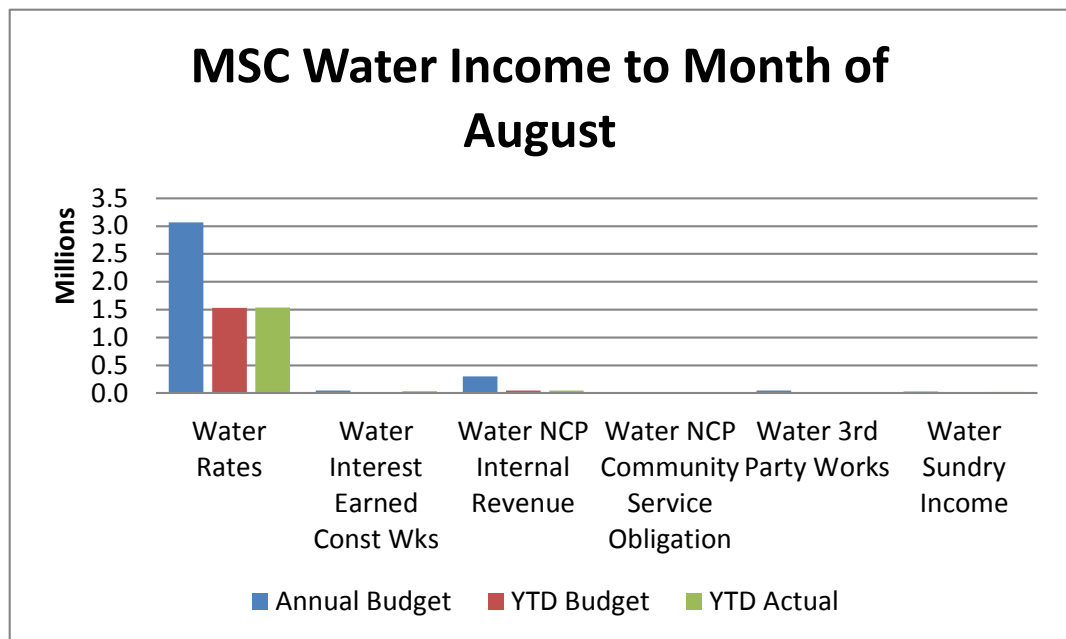
- Kuranda Suburban Water Security Upgrade project expected to be completed by end of September.

2. Environmental Monitoring - Treatment

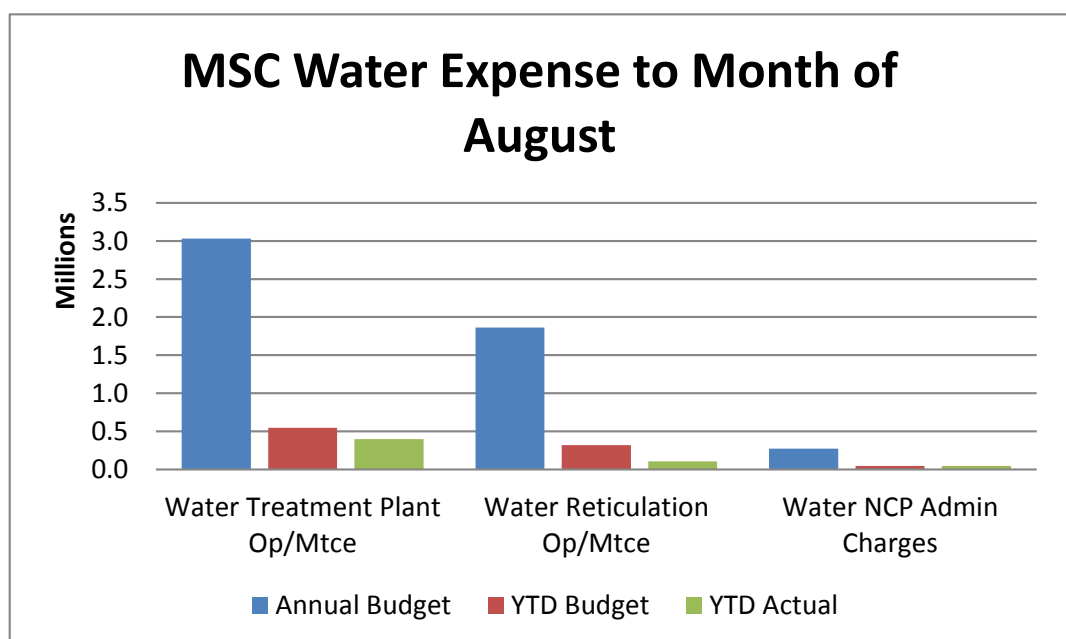
- Mareeba STP - Cut over to new treatment plant 28 August. Effluent water quality results are compliant with TEP limits. Two Mile Creek bimonthly monitoring continues.
- Kuranda STP - Remains compliant with licence conditions.
- Mareeba WTP - ACH trial has resulted in the discharge to Barron R being compliant.

3. Budget - Water

Graphical - Revenue

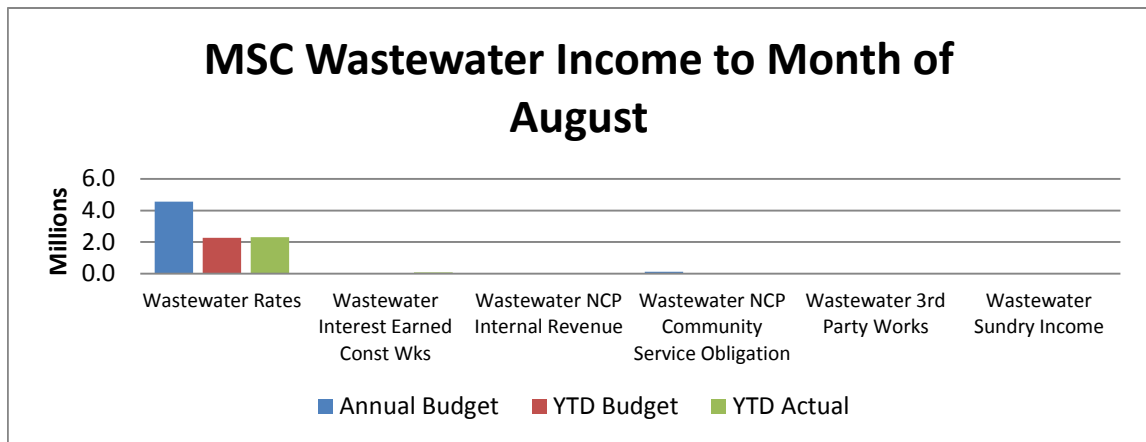


Graphical – Expense

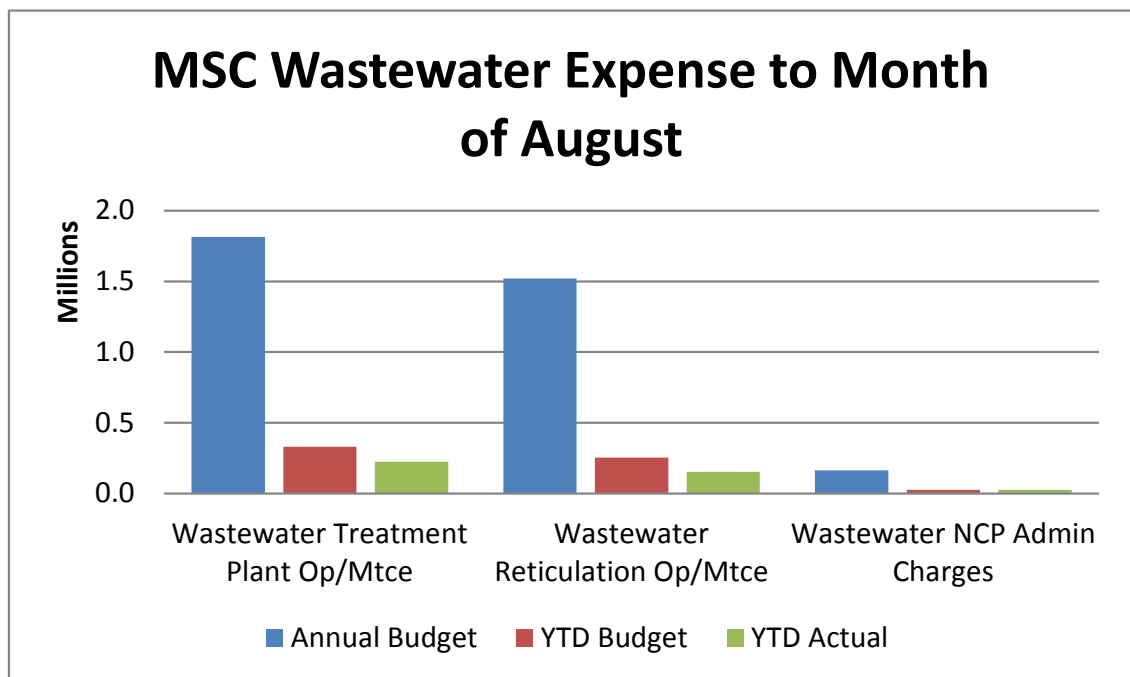


4. Budget - Wastewater

Graphical - Revenue



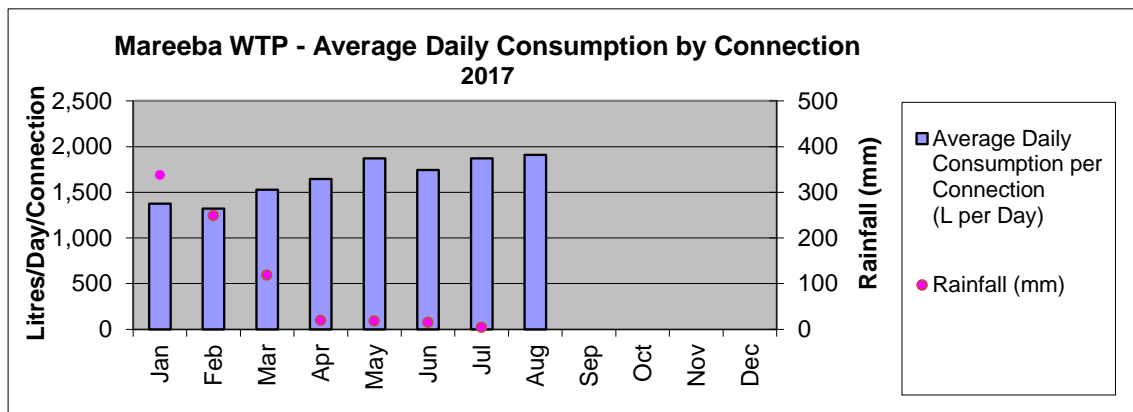
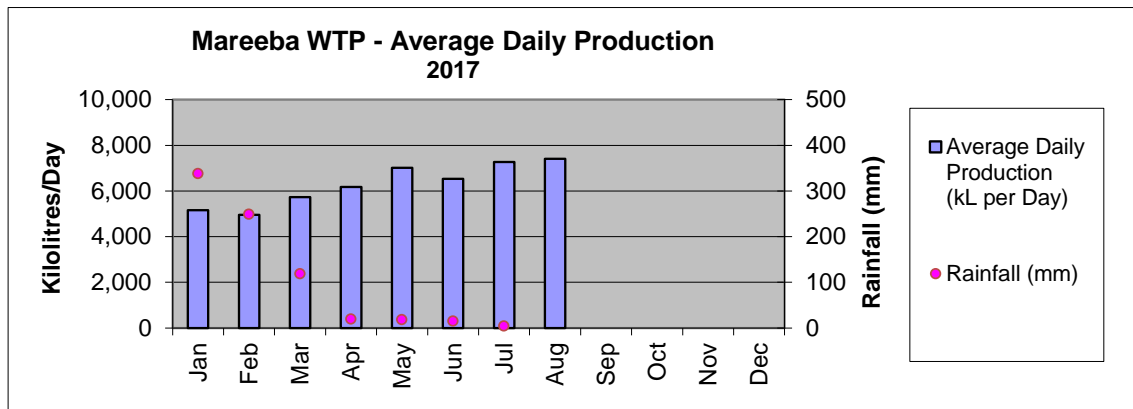
Graphical – Expense



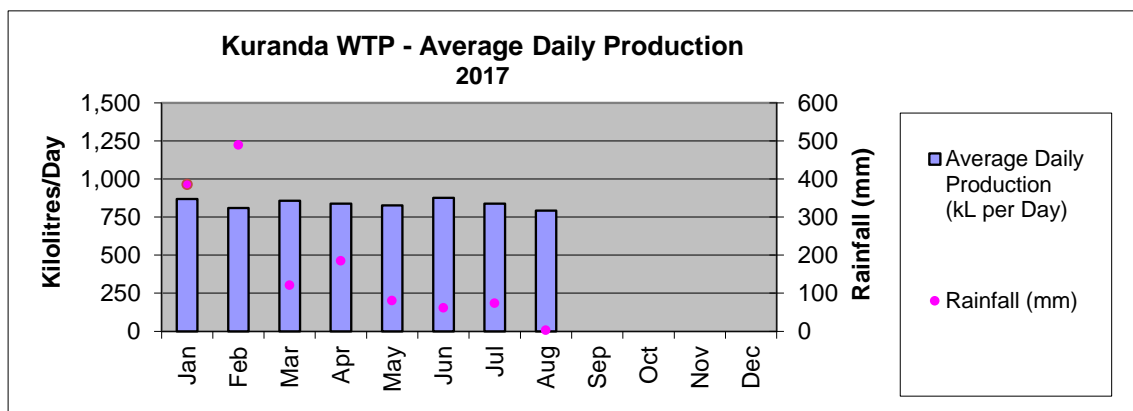
5. Chlorine Residual Readings

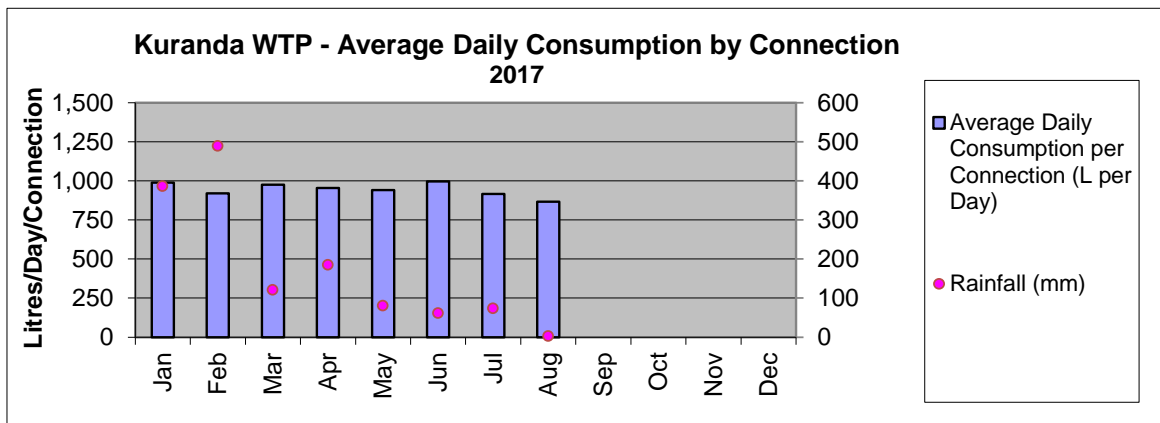
August 2017	Chlorine Residual Readings 2017												
	Australian Drinking Water Guidelines Maximum 5mg/L												
	Wed 2nd	Fri 4th	Mon 7th	Wed 9th	Fri 11th	Mon 14th	Wed 16th	Fri 18th	Mon 21st	Wed 23rd	Fri 25th	Mon 28th	Wed 30th
Mareeba Rankine St	1.16	1.21	0.81	0.98	0.83	0.64	1.02	1.17	1.10	1.16	1.23	0.95	1.00
Wyandra Drive Mareeba	1.02	1.01	0.81	0.64	0.77	0.67	0.65	0.96	0.91	0.87	0.92	0.80	0.76
Gregory Terrace Kuranda	1.10	1.04	1.13	1.10	0.96	1.01	0.93	0.85	0.85	0.90	0.73	0.98	0.94
Mason Rd PS Kuranda	1.25	1.17	1.25	1.19	1.02	1.11	1.14	1.00	0.93	0.93	0.98	1.15	1.09
Chillagoe	0.99	1.33	1.40	1.32	1.24	1.28	1.26	1.40	1.51	1.35	1.39	1.12	1.49
Dimbulah	1.11	1.03	0.88	1.02	0.95	0.92	1.04	1.14	1.21	1.16	1.14	1.14	1.15

6. Mareeba Water Supply Scheme – Operations Data

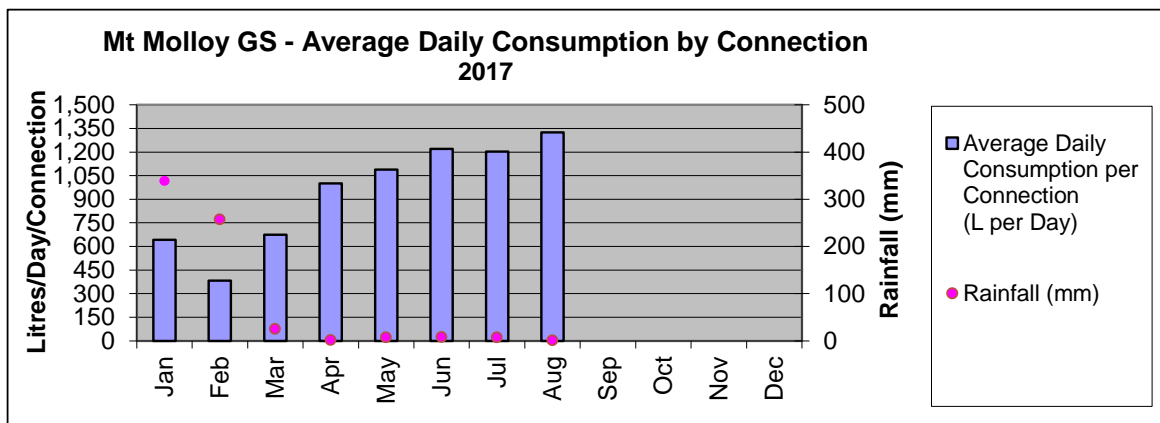
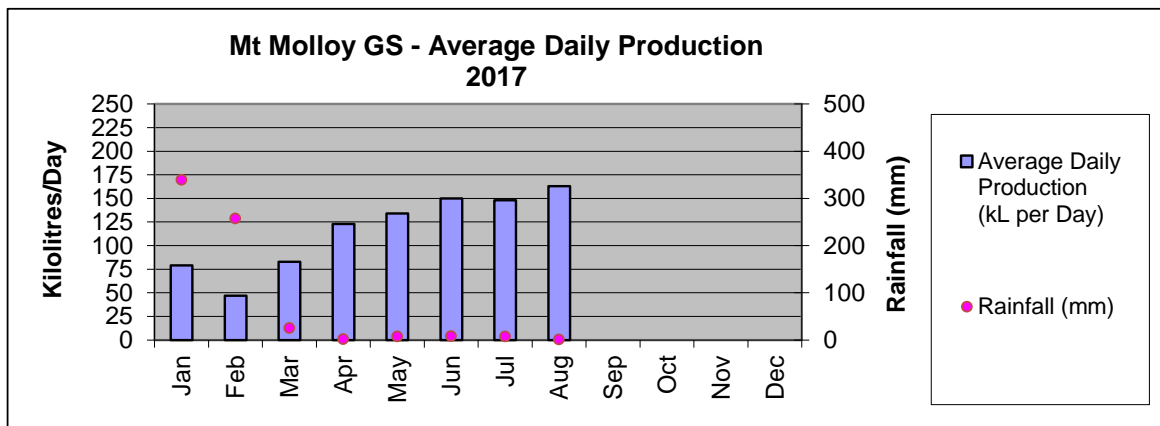


7. Kuranda Water Supply Scheme - Operations Data

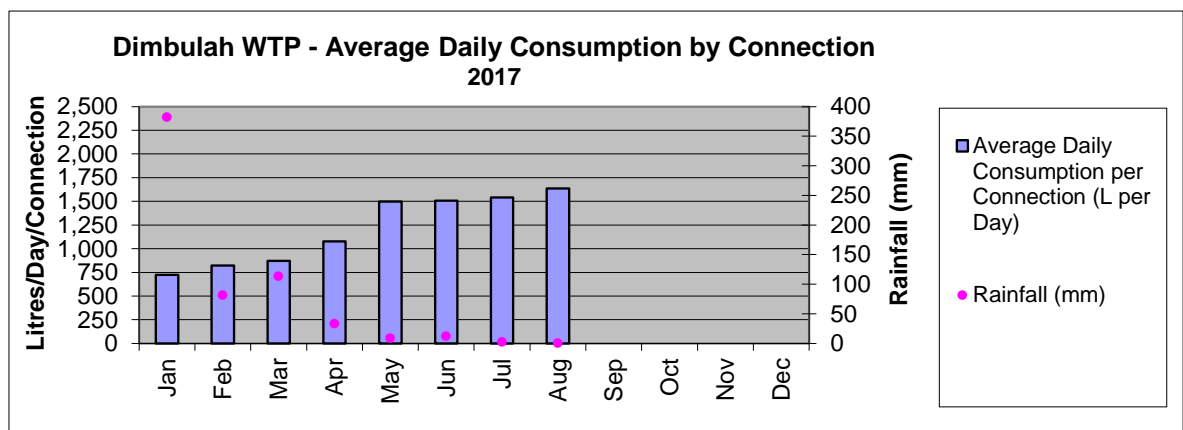
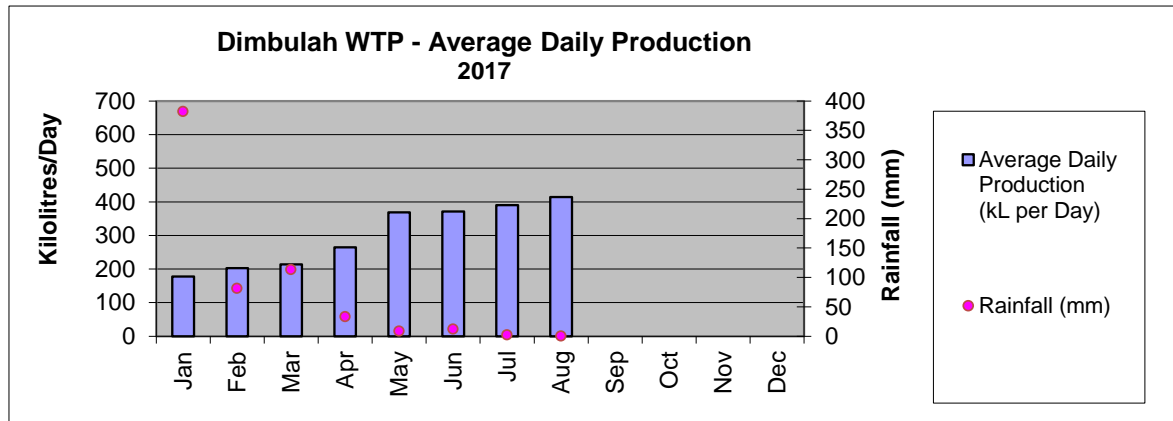




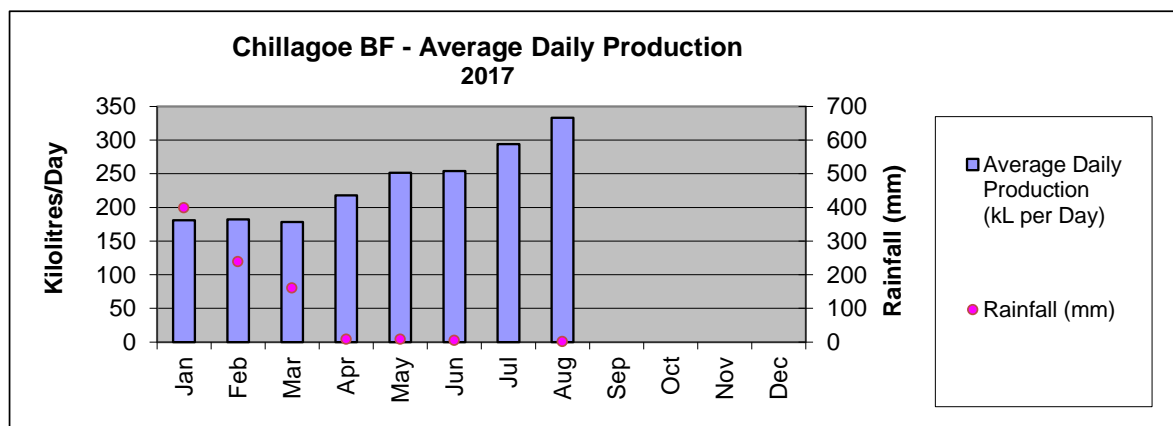
8. Mount Molloy Water Supply Scheme - Operations Data

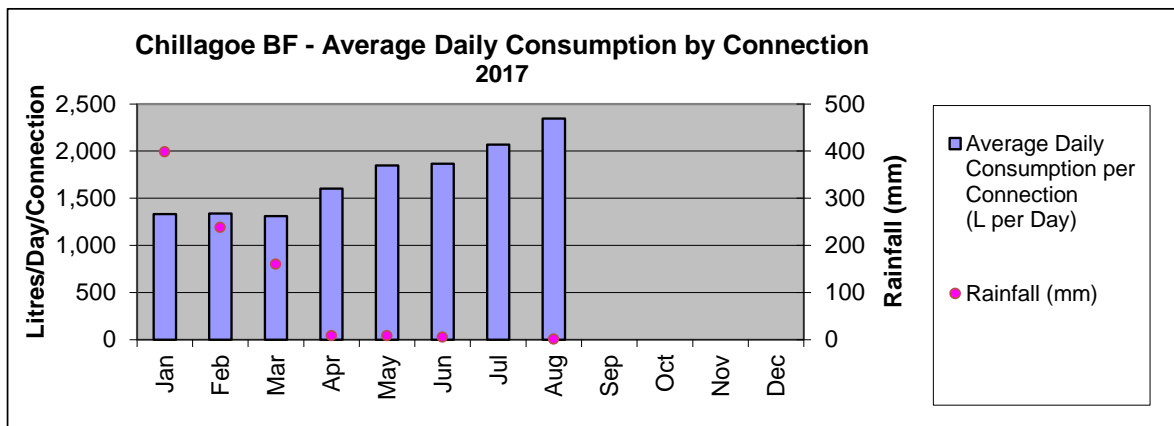


9. Dimbulah Water Supply Scheme - Operations Data

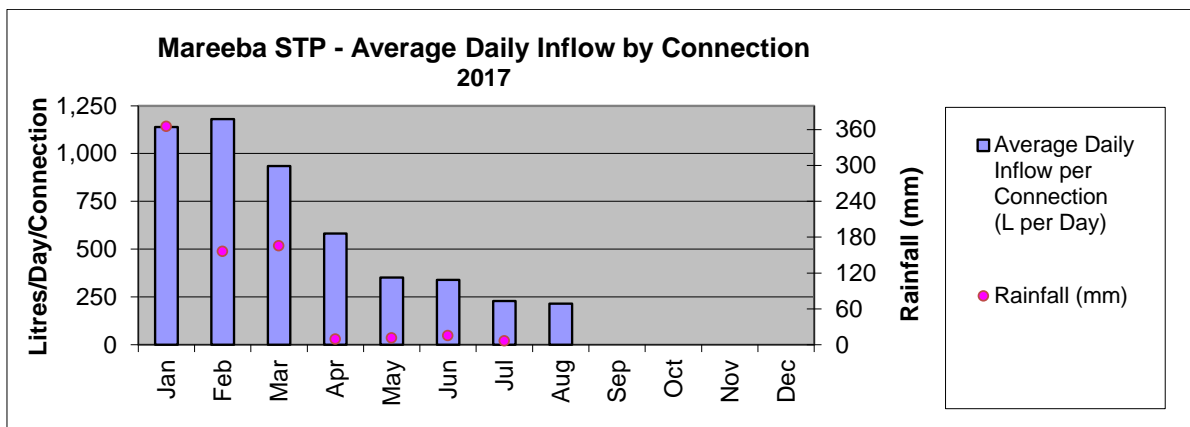
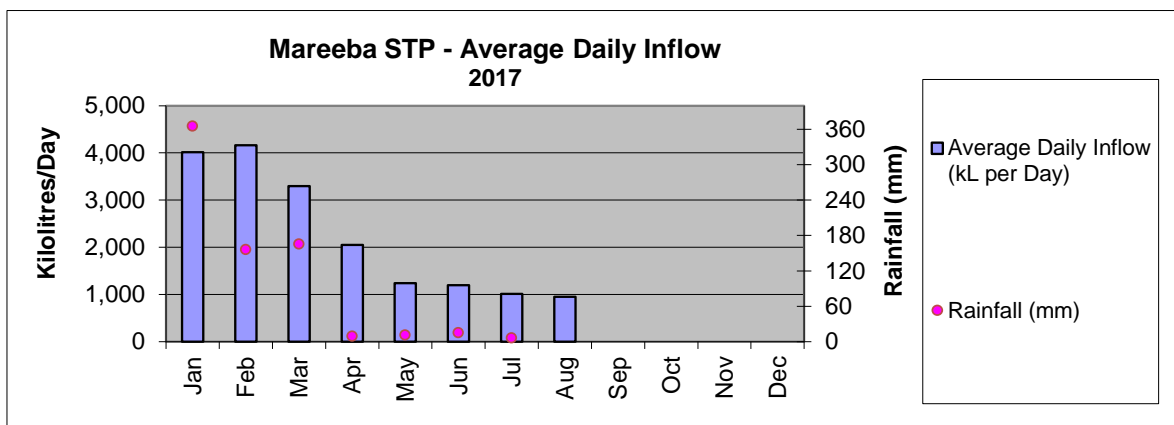


10. Chillagoe Water Supply Scheme - Operations Data

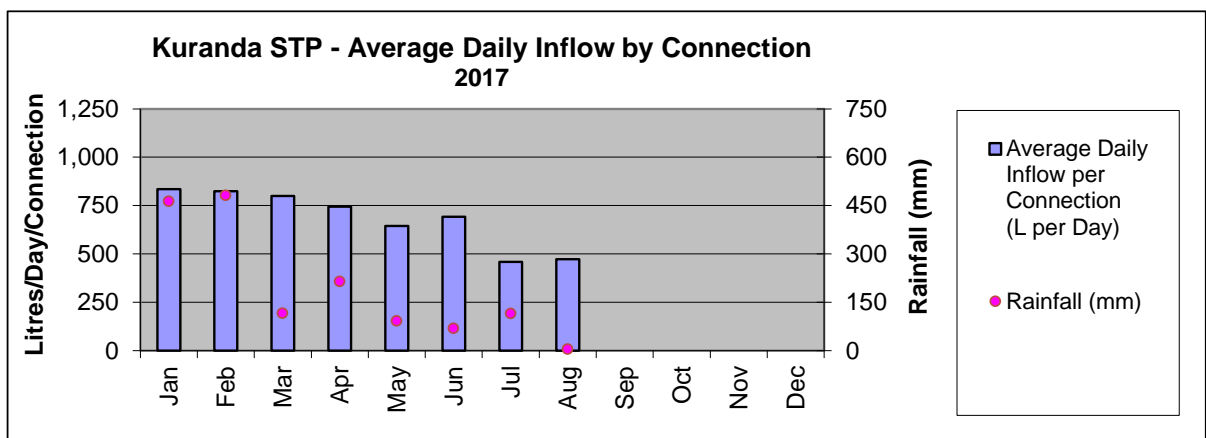
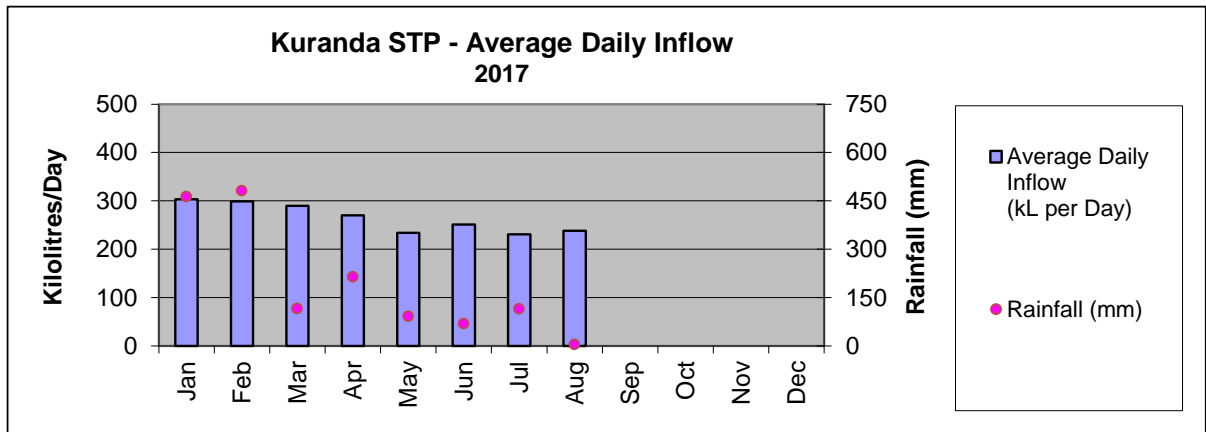




11. Mareeba Wastewater Treatment Plant - Operations Data



12. Kuranda Wastewater Treatment Plant - Operations Data



Date Prepared: 6 September 2017

**ITEM-23 INFRASTRUCTURE SERVICES - WASTE OPERATIONS
REPORT - AUGUST 2017****MEETING:** Ordinary**MEETING DATE:** 20 September 2017**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

This report summarises Council's Waste activities undertaken by the Waste Department during the month of August 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the Waste Operations Progress Report, August 2017."

SUMMARY OF WASTE ACTIVITIES

The following is a 'snapshot' of the waste activities undertaken during the month of August 2017.

1. Waste Operations

- 5,107 vehicles entered Mareeba waste facility (to drop off or pick waste).
- 357 vehicles deposited waste to Mareeba Landfill (total).
- 127 Suez vehicles deposited waste to Mareeba Landfill.
- 47 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns.
- 106 cubic metres of mulch sold (36 in bulk sales & 70 in small lots less than 3 cubic metres).
- 5.6 Tonnes of recyclable material transported to Cairns MRF (including chemical drums).
- All transfer stations and Mareeba landfill are currently operational.

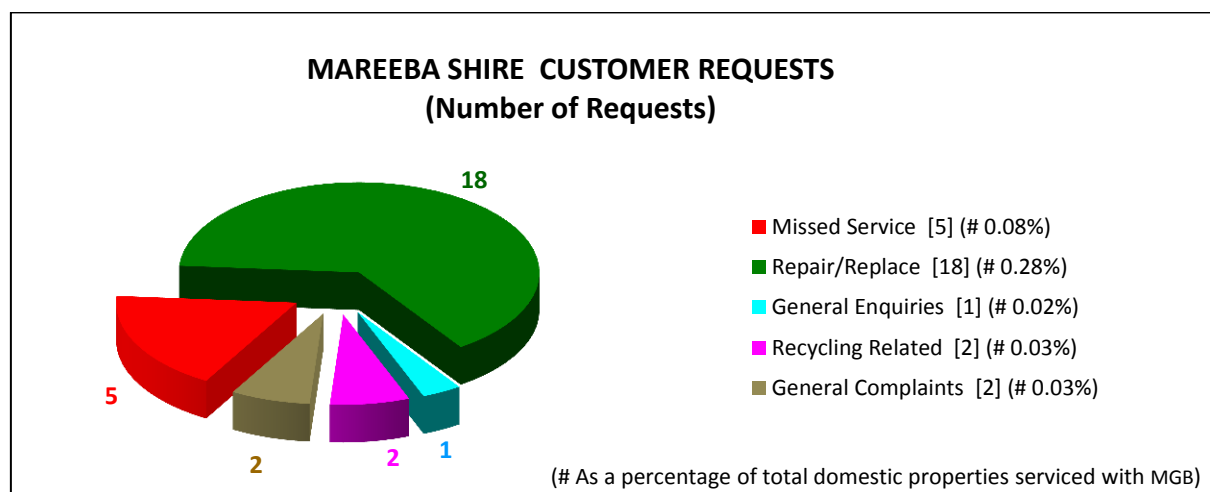
2. Photos of Leachate Main Construction from Mareeba Landfill to STP

The construction of the leachate rising main from the Mareeba Landfill to the Wastewater Treatment Plant is progressing to plan.



3. Customer Service Waste Statistics

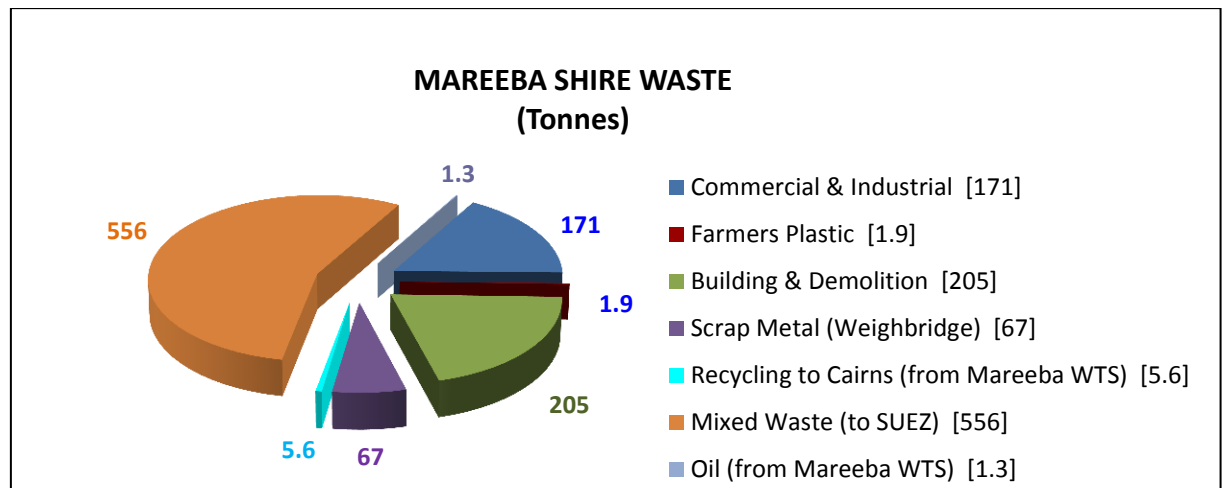
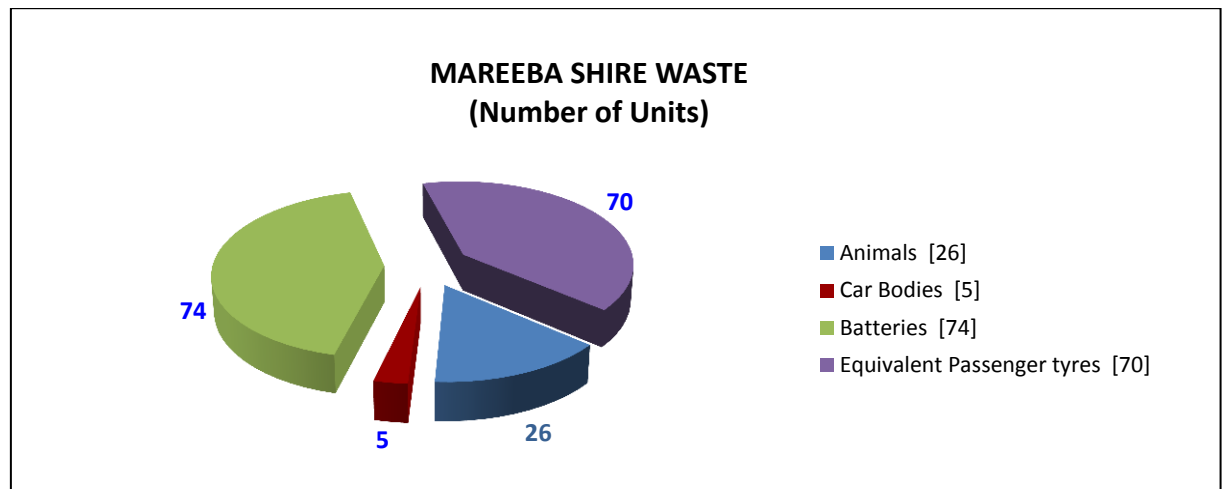
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of August 2017.



4. Waste Collected at Each of the Transfer Stations

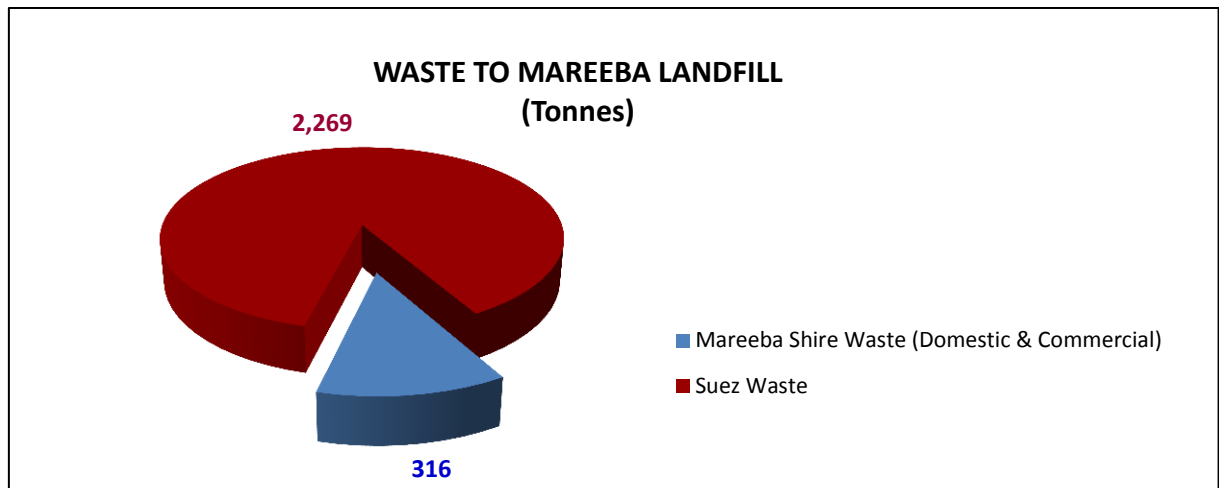
Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.



5. Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included), and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



6. Environmental Monitoring

Routine gas monitoring was undertaken during August - results were compliant.

7. Revenue

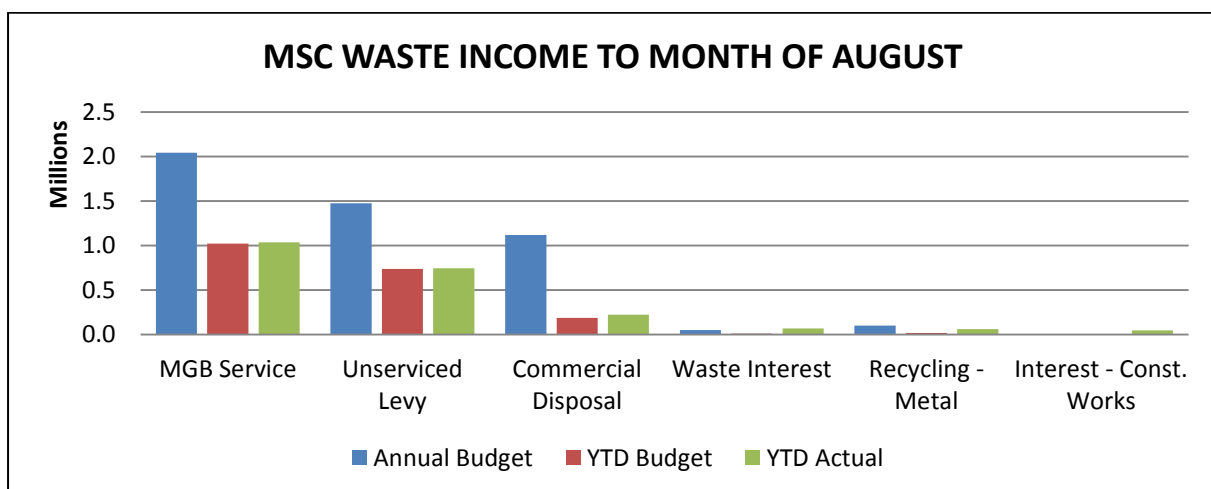
The income is derived from:

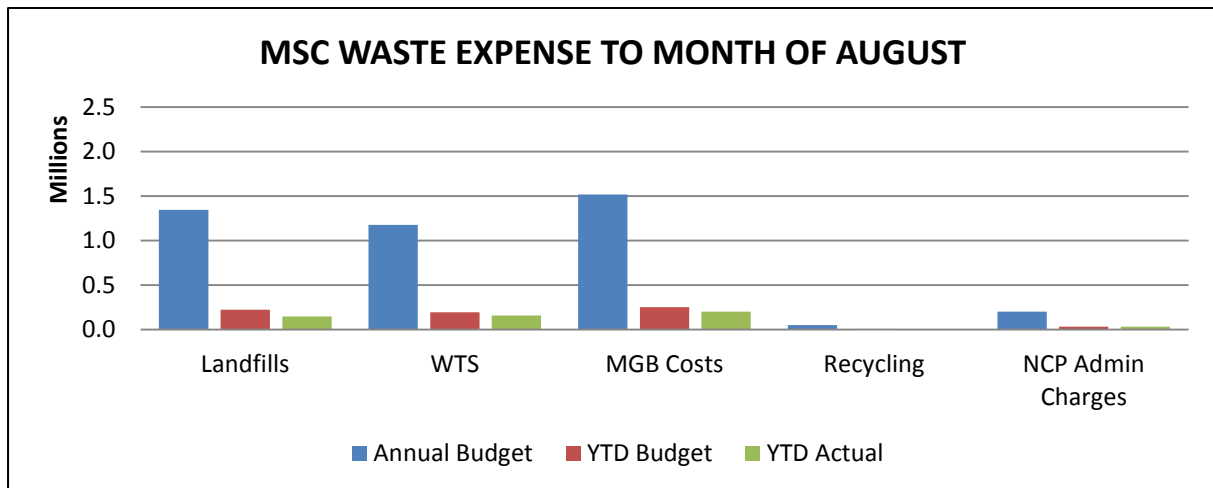
- Commercial disposal (predominantly Suez)
- Interest earned
- Interest on Constrained Works
- Recycling (steel, batteries)
- Rates

The expenditure is derived from:

- Waste administration
- Landfill management
- Transfer station management

8. Financial Operational Budget Information Per Budget Section Overall





LINK TO CORPORATE PLAN

ECON 3 Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

GOV 3 Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

CONSULTATION

Internal
A/Director Infrastructure Services
Waste Staff

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

Is the expenditure noted above included in the 2017/2018 budget?
Yes

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *4 September 2017*

ITEM-24	MAREEBA LANDFILL SURFACE WATERS
	MANAGEMENT WORKS

MEETING: Ordinary Meeting

MEETING DATE: 20 September 2017

**REPORT AUTHOR/
OFFICER'S TITLE:** Manager Water and Waste

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The Mareeba Landfill Surface Waters Project will see the management and discharge of landfill surface waters transition into compliance with strict water quality conditions contained in the Environmental Authority.

This project was initially budgeted at a cost of \$400,000, funded through the 2017-2018 capital works budget. The development of the surface waters management plan will consume \$64,533 of that budget. Mareeba Shire Council has received a quote for the implementation of the control measures required to achieve compliance with that plan of \$342,000 (excluding GST).

This report provides information to Council on the project and costs associated with the project and the endorse the engagement of NRA Environmental Consultancy Services for \$342,000 expenditure allocated in the 2017 - 2018 capital works budget and Capital Reserve to complete the project within the timeframes.

OFFICER'S RECOMMENDATION

"That Council endorse the engagement of NRA Environmental Consultancy Services through Local Buy "BUS 225-1211" for the Mareeba Landfill Transitional Environmental Program for surface waters management with approved funding of \$342,000 (exclusive of GST) allocated in the capital works budget."

BACKGROUND

The Mareeba Landfill is authorised to be operated by Council under Environmental Authority EPPR1792213. That Authority requires surface waters to be discharged in accordance with stringent conditions for the protection of water quality in receiving waters. That Authority also requires the notification of any breach of condition.

EHP was notified of numerous non-compliances with those water quality conditions over the 2016 - 2017 wet season. Consequently, Council entered into a binding Transitional Environmental Program (TEP) to transition to compliance with the conditions of the Environmental Authority. A TEP allows an organisation a period of time to undertake actions to comply with an environmental standard whilst affording Executive Officer privilege.

The TEP was approved on 28 June 2017 and remains in effect until 30 June 2018. The TEP details actions, milestone targets, performance indicators, monitoring and reporting requirements to be met within a very short timeframe. Usually, EHP requires its licence holders to implement erosion and sediment control measures on disturbed sites by 30 November of each year. Council negotiated for a staged implementation to reflect the drier conditions experienced in Mareeba during November and December. 80% practical works completion is to be achieved by 22 December 2017 and the remainder by 19 January 2018.

Council is meeting the timeframes within that TEP with the Surface Waters Management Plan endorsed by a Certified Practitioner in Erosion and Sediment Control, a major milestone, now complete. That Plan details the source and extent of the erosion and sediment control issues and outlines a plan for the implementation of practical control measures to address environmental compliance.

Through Local Buy, Council has obtained a quote for those works from NRA Environmental Consultancy Services and the cost is anticipated to be \$342,000 (excluding GST). The capital works submission for \$400,000 was based on an estimate including plan preparation and extrapolation of operational costs Council has incurred for landfill batter erosion protection measures. The shortfall of \$10,000 has been provided for in the revised budget.

NRA Environmental Consultancy Services has been selected as the preferred supplier of this project due to the submission response they provided, which offered Council the desired outcomes of this project as set out under the conditions of the Transitional Environmental Program "TEP". A quote for the project works was sought from NRA Environmental Consultancy Services through "Local Buy" as their methodology for the project meet the conditions of the Mareeba Landfill Surface Waters TEP.

LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Chief Executive Officer
Acting Director Infrastructure Services
Senior Environmental Officer

External

NRA Environmental Consultants

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

As per TEP

ATTACHMENTS

Nil

Date Prepared: *31 August 2017*

**ITEM-25 CONTRACT TMSC2015-13 MAREEBA WASTEWATER
TREATMENT PLANT - DESIGN & CONSTRUCTION -
AUGUST 2017 PROGRESS REPORT**

MEETING: Ordinary

MEETING DATE: 20 September 2017

**REPORT OFFICER'S
TITLE:** Acting Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has received grant funding from the State and Australian Governments towards the Mareeba Wastewater Treatment Plant Upgrade.

Council has accepted an offer from Downer Utilities Australia Pty Ltd for the design and construction of the Mareeba Wastewater Treatment Plant. Construction and commissioning has been substantially completed and the process is now being optimised prior to handover to Council. This report sets out progress to date.

OFFICER'S RECOMMENDATION

"That Council note the August 2017 progress report on the Mareeba Wastewater Treatment Plant Upgrade Project."

BACKGROUND**Funding**

The Mareeba Wastewater Treatment Plant Upgrade project is funded through a \$1.5 million grant from the State Government's Building Our Regions program and a \$5 million grant from the Australian Government's National Stronger Regions Fund, with the balance of the project funded by Mareeba Shire Council. Further funding of \$411,000 has been received from the State Government's Local Government Grants and Subsidies Scheme for the upgrade of trade and industrial waste receival facilities.

The Australian Government has paid Council \$4.8 million to date from National Stronger Regions Fund. Payments of \$1.2 million have been received from the State Government's Building Our Regions program. The initial payment of \$123,300 has been received from the State Government's Local Government Grants and Subsidies Scheme. Final payments will be received for these grants upon completion of optimisation and process-proving.

Programme

Council awarded Contract TMSC2015-13 Mareeba Wastewater Treatment Plant - Design and Construction to Downer Utilities Australia Pty Ltd. Downer mobilised to site in late May

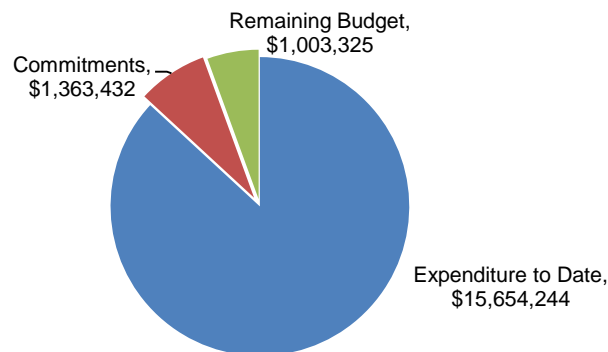
2016, supplied final 100% design stage drawings on 15 July 2016 and construction is now substantially complete, with the treatment plant officially opened on Saturday, 29 July 2017.

The wet commissioning trial, seeding and process cut-over was successfully completed in August 2017, with full handover of the plant to Council in August/September 2017. The process optimisation and 28-day process-proving phase will then be completed by Downer in conjunction with Council's treatment plant operators.

Decommissioning of the redundant infrastructure, including removal of solids from tanks has been completed. Downer has commenced refurbishment of the existing clari-digester tank for re-use as a leachate balance tank. This will be commissioned when the leachate rising main from the landfill has been completed by FGF under a separate contract. Council has invited tenders for the demolition of the redundant infrastructure at the old Mareeba Sewage Treatment Plant, with the contract to be awarded in October 2017.

The quality of treated effluent produced by the upgraded Mareeba Wastewater Treatment Plant has surpassed expectations and improvements have already been noted in visual amenity of Two Mile Creek downstream from the release point.

Expenditure (including Inlet Works)



LINK TO CORPORATE PLAN

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal
Manager Water & Waste

External
Contractors

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

Council has an agreed TEP with the Department of Environment and Heritage Protection which sets out various milestones for the plant development.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

The project is to be funded over the 2016/2017 and 2017/2018 financial years. Funding has been made available from the Australian and State governments for the project.

Operating

To be included in future budgets.

Is the expenditure noted above included in the 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

All communications are required to follow set out protocols within the funding agreements between the Australian and State governments.

ATTACHMENTS

1. Progress Photographs – August 2017

Date Prepared: 11 September 2017



17 August 2017 - Process cut-over commenced



28 August 2017 - The quality of the treated effluent leaving the WWTP has surpassed expectations

CHIEF EXECUTIVE OFFICER

ITEM-26 KURANDA INFRASTRUCTURE ADVISORY COMMITTEE

MEETING: Ordinary

MEETING DATE: 20 September 2017

REPORT OFFICER'S TITLE: Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

At the Kuranda Infrastructure Advisory Committee meeting held 7 September 2017 it was determined that the following recommendation to Council be made regarding Street signage and Artwork:

"Recommend to Council that the quote from Hans Pehl to refurbish his street art/signage in Kuranda be accepted however that the works on the "signage" component be held off until the Advisory Committee meets again to finalise the way finding project."

OFFICER'S RECOMMENDATION

"That Council approve the Kuranda Infrastructure Advisory Committee's recommendation to refurbish the street art in Kuranda."

BACKGROUND

The Kuranda street art was originally installed during the Coondoo street upgrade. Since that time the artwork has become weathered and is in need of a refurbishment. Hans Pehl is the original artist and has submitted a quote to undertake the works which will bring the artwork back up to the original standard.

The quote also included refurbishing the street signage he built around Kuranda, however the Committee has recommended that this not be commenced until such time as the way finding project scope has been finalised by the Committee.

LINK TO CORPORATE PLAN

COM 3 - Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop

CONSULTATION

Internal
Nil

External
Kuranda Infrastructure Advisory Committee

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
To be funded through Kuranda Infrastructure Advisory Committee budget

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Quote from Hans Pehl

Date Prepared: *12 September 2017*

Hans Pehl
Artist Blacksmith
P.O. Box 1438
Atherton Qld. 4883
ABN 11 492 708 160
hpehl@bigpond.com

30 June 2017

Chief Executive Officer
Mareeba Shire Council

Attn. Peter Frank

Kuranda Iron work

Dear Peter,

Attached please find quotation for refurbishment of Kuranda Street Iron work.

Project A

The project will involve removal, renovation, transport and re- installation of:

- ⑩ 4 bench seats
- ⑩ 13 rubbish bins
- ⑩ 44 steel sign blades from sign posts at Kuranda village centre;
1 at Rob Viever/Therwine roundabout
1 sign at Therwine / Coondoo St.
1 at Coondoo / Thongon St.
1 at opposite bottom Hotel
- ⑩ 17 steel blades near railway station and Sky rail.

..... Price \$ 14,040 incl. GST

Project B.

On site work.

Repaint sign stands at above locations (refer Project A.)

If necessary remove signs of businesses no longer there and/or add new ones to existing brackets.

This would be done at additional cost.

Repaint 6 railings at Coondoo Street.

Repaint 60 pipe bollards, 16 small leaf bollards and 8 large leaf bollards.

Repaint approximately 5 sign stands near railway and Sky rail stations.

..... Price \$ 16,680 incl GST

Fixed items such as bollards etc. have to be pressure cleaned prior to painting.

Preferably this work to be carried out by Council as I do not have the equipment to do it.

Project C.

Replace five damaged pipe bollards. Price \$ 2,045 incl. GST
Remove and repair Preying Mantis sculpture
Crn. Coondoo /Thongon Price \$ 840 incl. GST

Repair on various bollards small features:
such as beetles, frogs, lizards etc.Price \$ 700 incl GST.

Travel Expenses:

Travel Tolga to Kuranda for duration of the project. (est. 12 times)..... \$ 1,540 incl GST

Aluminium Street Signs:

Attached also find quotation from Tim Woods for aluminium work \$ 7,202.80 incl. GST
A sample of the aluminium work can be supplied for council approval.

Total Project cost..... \$ 43, 047.80

I trust this quote is acceptable and note that it is current for six months from this date.
Please do not hesitate to contact me if further information is required. (ph. 4095 5511)

Yours sincerely,

Hans Pehl.

BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 25 October 2017.

FOR INFORMATION

SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF AUGUST 2017

Summary of new Planning Development Applications and Delegated Decisions for August 2017

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/17/0005	17/08/2017 Properly made on 4/09/2017	Telstra Corporation Limited MacDonald Street, Irvinebank	Lot 3 on CP I3148	Material Change of Use - Telecommunications Facility	In confirmation stage.
MCU/17/0006	29/08/2017	Ngoonbi Community Services Indigenous Corporation Arara Street, Kuranda	Lot 322 on SP118917	Material Change of Use - Educational Establishment, Low Impact Industry, Office and/or Contractors Depot (mechanics Workshop, Construction Business, Offices, Meeting Rooms)	In confirmation stage.
OPW/17/0002	4/08/2017	JPK Farming Pty Ltd 110 Horse Creek Road, Mutchilba	Lot 3 on RP723067	Operational Works - Earthworks (Water Storage Dam)	Approved on 14 August 2017.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/17/0003	10/08/2017	J & K Parker	4 Collins Court, Mareeba	Lot 15 on SP291992	Material Change of Use - Dual Occupancy (Duplex)
OPW/17/0002	15/08/2017	JPK Farming Pty Ltd	110 Horse Creek Road, Mutchilba	Lot 3 on RP723067	Operational Works - Earthworks (Water Storage Dam)
DA/17/0015	29/08/2017	Visionstream Pty Ltd	1615 Mossman-Mount Molloy Road, Julatten	Lot 1 on RP744270	Material Change of Use - Telecommunications Facility
DA/17/0026	29/08/2017	H Selita	5329 Kennedy Highway, Mareeba	Lot 3 on RP715469 & Lot 90 on RP881092	Reconfiguring a Lot - Boundary Realignment

August 2017 (Regional Land Use Planning)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
DA/15/0036	1/08/2017	FGF Developments Pty Ltd	5 Spring Crescent, Kuranda	Lot 88 on SP274768	Reconfiguring a Lot - Subdivision (1 into 2 lots) - extension of two (2) years to 11 August 2019.
RC2005/35	9/08/2017	PR O'Neil	159 Clohesy River Road, Koah	Lot 500 on SP1711158	Reconfiguring a Lot - Subdivision (1 into 7 lots) - extension of three (3) months to 17 September 2017.
DA/15/0034	17/08/2017	K Moll (J Dyer & K Edwards)	279 Myola Road, Kuranda	Lot 1 on RP734817	Reconfiguring a Lot - Subdivision (1 into 2 lots) - extension of two (2) years to 19 August 2019.

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/17/0021	9/08/2017	Taikaka Pty Ltd	26 Herberton Street, Mareeba	Lot 8 on RP700527	2 lots
REC/07/0052	14/08/2017	Hockey Machinery Sales Pty Ltd	Godwin Drive, Mareeba	Lot 99 on SP298314	2 lots
RC2005/35	29/08/2017	PR O'Neil	Clohesy River Road, Koah	Lot 500 on SP1711158	2 lots

August 2017 (Regional Land Use Planning)

APPENDIX - CONFIDENTIAL ITEMS