



Ordinary Meeting

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

MINUTES

MEMBERS IN ATTENDANCE

Members Present: Cr T Gilmore (Mayor), Crs, E Brown, K Davies, M Graham, A Pedersen, A Toppin and L Wyatt.

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month.

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

There were no Material Personal Interests or Conflicts of Interest declared by any Councillor or Senior Council Officer in relation to the items of business listed on the Agenda.

CONFIRMATION OF MINUTES

Moved by Cr Brown

Seconded by Cr Toppin

"That the Minutes of the Ordinary Council Meeting held on 16 August 2017 be confirmed as true and correct."

CARRIED

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

Nil

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**

Moved by Cr Pedersen

Seconded by Cr Davies

"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 fire fighting purposes;
- (iii) Staff evacuation procedures; and
- (iv) Accessibility by emergency services personnel and fire fighting equipment.

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

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

3.9 Signage

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

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and

- (iv) Be kept clean, in good order and safe repair for the life of the development.

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

3.10 Damage to Council Infrastructure

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

4. Infrastructure Services and Standards

4.1 Access

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

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

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 fire fighting personnel.

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

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

4.7 Lighting

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

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

4.8 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS1547) 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 (Appendix 1).

(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."

CARRIED

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

Moved by Cr Toppin

Seconded by Cr Wyatt

"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 (Appendix 2).

(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"

CARRIED

ITEM-3

**L & A GOSTELOW - RECONFIGURING A LOT -
SUBDIVISION (1 INTO 2 LOTS) - LOT 556 NR652 - 135
SABIN ROAD WEST, MAREEBA - DA/17/0025**

Moved by Cr Pedersen

Seconded by Cr Brown

"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 <i>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:</i></p> <p>(a) <i>an overriding need exists for the development in terms of public benefit;</i> (b) <i>no suitable alternative site exists; and</i> (c) <i>loss or fragmentation is minimised to the extent possible.</i></p> <p>PO2 <i>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:</i></p> <p>(a) <i>avoid land use conflict;</i> (b) <i>manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;</i> (c) <i>avoid reducing primary production potential; and</i> (d) <i>not adversely affect public health, safety and amenity.</i></p> <p>PO3 <i>Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):</i></p> <p>(a) <i>ensures that agricultural land is not permanently alienated;</i> (b) <i>ensures that agricultural land is preserved for agricultural purposes; and</i> (c) <i>does not constrain the viability or use of agricultural land.</i></p> <p>PO6 <i>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:</i></p> <p>(a) <i>improves agricultural efficiency;</i> (b) <i>facilitates agricultural activity; or</i> (c) <i>facilitates conservation outcomes; or</i> (d) <i>resolves boundary issues where a structure is built over the boundary line of two lots.</i></p> <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 <i>Lots include an area and frontage that:</i></p> <p>(a) <i>is consistent with the design of lots in the surrounding area;</i> (b) <i>allows the desired amenity of the zone to be achieved;</i> (c) <i>is able to accommodate all buildings, structures and works associated with the intended land use;</i> (d) <i>allow the site to be provided with sufficient access;</i> (e) <i>considers the proximity of the land to:</i> (i) <i>centres;</i> (ii) <i>public transport services; and</i> (iii) <i>open space; and</i> (f) <i>allows for the protection of environmental features; and</i> (g) <i>accommodates site constraints.</i></p> <p>AO1.1 <i>Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</i></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)

CARRIED

ITEM-4

**PROPOSED CANCELLATION AND ISSUE OF PERMIT TO
OCCUPY - LOT 10 AP6995, LOCALITY OF KOAH**

Moved by Cr Toppin

Seconded by Cr Graham

"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."

CARRIED

GOVERNANCE AND COMPLIANCE

ITEM-5 QPC COMPETITIVE NEUTRALITY INVESTIGATION REPORT

Moved by Cr Davies

Seconded by Cr Graham

"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."

CARRIED

DELEGATIONS UPDATE SEPTEMBER 2017

Seconded by Cr Toppin

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."

CARRIED

BUILDING AND PLUMBING SERVICES

LAPSING BUILDING APPLICATIONS

Seconded by Cr Brown

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."

CARRIED

LOCAL LAWS

IGA PARKING REPORT

Seconded by Cr Pedersen

1. Agree to begin the process to include the IGA car park in the CBD parking area,
2. Authorise the CEO to commence negotiations regarding 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."

CARRIED

FINANCE

ITEM-9 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2017

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council note the financial report for the period ending 31 August 2017."

CARRIED

ITEM-10 VALUELESS LAND TO ACQUIRE

Moved by Cr Wyatt

Seconded by Cr Graham

"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*."

CARRIED

COMMUNITY WELLBEING

ITEM-11 TOURISM KURANDA ADVISORY COMMITTEE

Moved by Cr Wyatt

Seconded by Cr Pedersen

"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."

CARRIED

ITEM-12 COMMUNITY HOUSING POLICIES

Moved by Cr Toppin

Seconded by Cr Davies

"That Council approve the:

1. New Community Housing Notifications to Queensland Government Regulatory Services Policy, attached to these Minutes as Appendix 3; and
2. Updated Community Housing for Seniors Policy, attached to these Minutes as Appendix 4."

CARRIED**ITEM-13 APPOINTMENT OF COUNCILLORS TO COMMUNITY INTERAGENCY GROUPS**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council endorse the appointment of:

1. Cr Kevin Davies to the Northern Tablelands Youth Network Team interagency group;
2. Cr Mary Graham to the Collaborating for Inclusive Outcomes in Mareeba interagency group."

CARRIED**INFRASTRUCTURE SERVICES****TECHNICAL SERVICES****ITEM-14 THERWINE STREET REDEVELOPMENT PROJECT - EXPRESSIONS OF INTEREST PROCESS**

Moved by Cr Pedersen

Seconded by Cr Davies

"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."

CARRIED

**ITEM-15 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - AUGUST 2017**

Moved by Cr Wyatt

Seconded by Cr Pedersen

"That Council receive and note the Technical Services Monthly Report for the month of August 2017."

CARRIED**ITEM-16 SUPPLY & DELIVERY OF TRACTORS**

Moved by Cr Brown

Seconded by Cr Wyatt

"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."

CARRIED**ITEM-17 MAREEBA AERODROME - EXTENSION OF WARBIRDS
LEASE**

Moved by Cr Wyatt

Seconded by Cr Davies

"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."

CARRIED

WORKS

ITEM-18 MOUNT SPURGEON ROAD, MOUNT CARBINE

Moved by Cr Davies

Seconded by Cr Graham

"That Council:

1. re-opens Mount Spurgeon Road to the general public; and
2. the gate remains in place so that the road can be closed for maintenance purposes or when required to be closed due to weather conditions."

CARRIED

ITEM-19 MAREEBA AIRPORT UPGRADING - AUGUST 2017 PROGRESS REPORT

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council note the August 2017 progress report on the Mareeba Airport Upgrade Project."

CARRIED

ITEM-20 INFRASTRUCTURE SERVICES - WORKS SECTION ACTIVITY REPORT - AUGUST 2017

Moved by Cr Graham

Seconded by Cr Davies

"That Council receive and note the Transport Infrastructure, Parks and Gardens, Bridge Sections and Pest Management Activities Report for the month of August 2017."

CARRIED

WATER & WASTE

ITEM-21 LOCAL GOVERNMENT GRANTS AND SUBSIDIES PROGRAM (LGGSP) PROJECT PROPOSAL - BYRNES STREET WATER MAIN UPGRADE

Moved by Cr Davies

Seconded by Cr Graham

"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."

CARRIED

ITEM-22 INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS - AUGUST 2017

Moved by Cr Pedersen

Seconded by Cr Toppin

"That Council receive and note the September 2017 Monthly Water and Wastewater Report."

CARRIED

ITEM-23 INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - AUGUST 2017

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council receive and note the Waste Operations Progress Report, August 2017."

CARRIED

ITEM-24 MAREEBA LANDFILL SURFACE WATERS MANAGEMENT WORKS

Moved by Cr Davies

Seconded by Cr Graham

"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."

CARRIED

**ITEM-25 CONTRACT TMSC2015-13 MAREEBA WASTEWATER
TREATMENT PLANT - DESIGN & CONSTRUCTION -
AUGUST 2017 PROGRESS REPORT**

Moved by Cr Toppin

Seconded by Cr Graham

"That Council note the August 2017 progress report on the Mareeba Wastewater Treatment Plant Upgrade Project."

CARRIED

CHIEF EXECUTIVE OFFICER

ITEM-26 KURANDA INFRASTRUCTURE ADVISORY COMMITTEE

Moved by Cr Pedersen

Seconded by Cr Brown

"That Council approve the Kuranda Infrastructure Advisory Committee's recommendation to refurbish the street art in Kuranda."

CARRIED

BUSINESS WITHOUT NOTICE

ADHOC-1 NOMINATION TTNQ BOARD

Moved by Cr Brown

Seconded by Cr Graham

"That Council support Cr Toppin's nomination for General Director on the Tropical Tourism North Queensland Board."

CARRIED

ADHOC-2 ROAD CLOSED SIGN MOUNT MULLIGAN

Moved by Cr Brown

Seconded by Cr Pedersen

"That Council write to the owner of the property at Mount Mulligan informing him to remove the road closed sign."

CARRIED

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 25 October 2017.

There being no further business, the meeting closed at 10:05 am.

.....
Cr Tom Gilmore
Mayor

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

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> <ul style="list-style-type: none"> i. no worsening of the salinity levels of the soil and surface or ground water as a result of changes in the hydrology of the subject land; and ii. no increase in the incidence of waterlogging. <p>(b) Submit a copy of the Management Plan mentioned at part (a) of this condition to: Vegetation Management Department of Natural Resources and Mines Address: PO Box 5318 Townsville QLD 4810 Email: northvegetation@dnrm.qld.gov.au</p> <p>(c) (Implement and maintain all required salinity management measures identified within the Management Plan mentioned at part (a) of this condition.</p>	<p>(a) and (b) Prior to clearing commencing</p> <p>(c) For the duration of the clearing</p>

SDA-1116-035354

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

Attachment 2—Reasons for decision to impose conditions

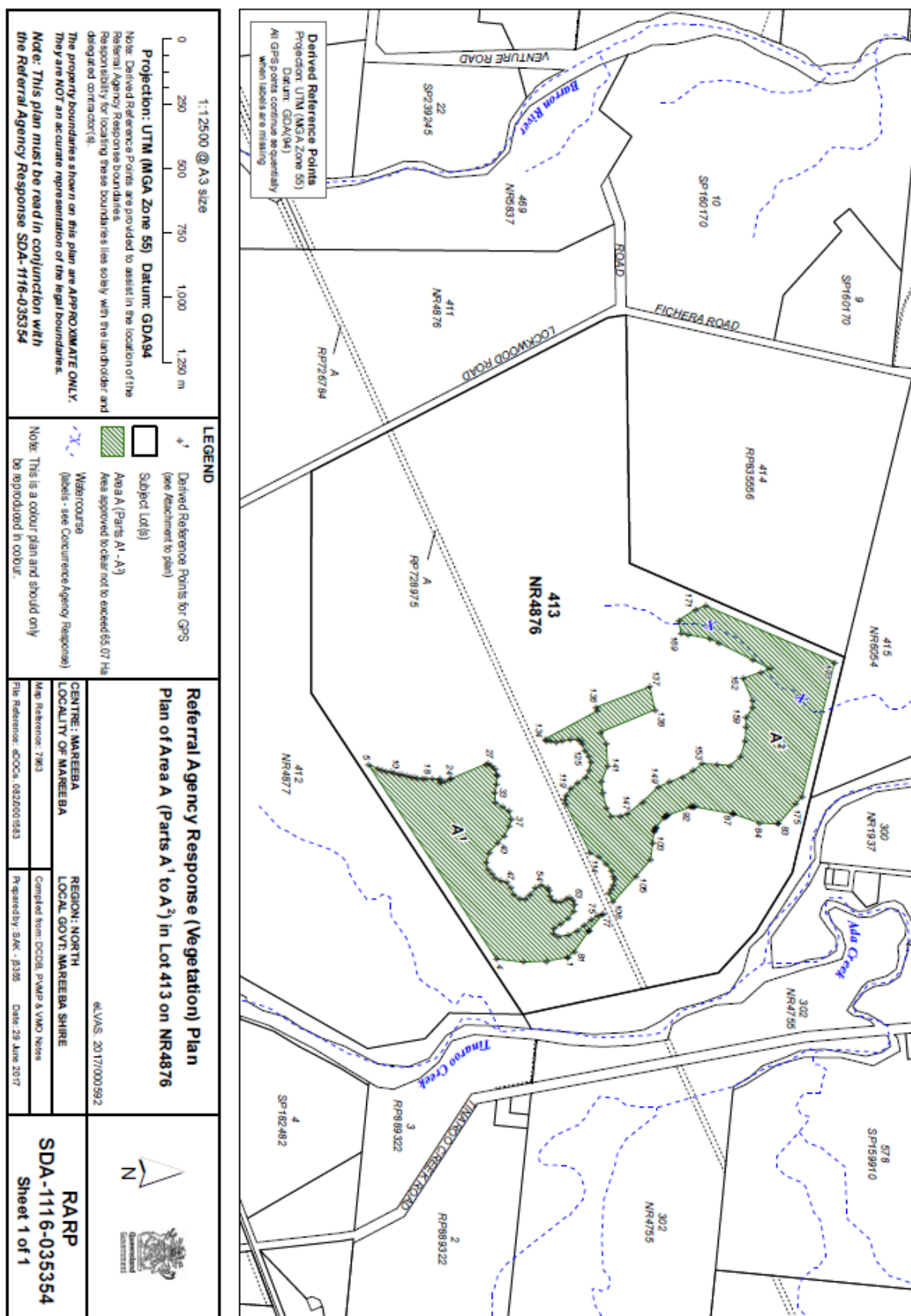
The reasons for this decision are:

- 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 (version1.9).

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	61	337205	8114384	A2	121	336735	8114458
A1	2	337445	8114308	A1	62	337201	8114308	A2	122	336708	8114472
A1	3	337450	8114217	A1	63	337209	8114409	A2	123	336677	8114478
A1	4	337437	8114112	A1	64	337225	8114418	A2	124	336655	8114470
A1	5	336885	8113817	A1	65	337254	8114412	A2	125	336632	8114458
A1	6	336700	8113854	A1	66	337281	8114391	A2	126	336608	8114445
A1	7	336706	8113870	A1	67	337304	8114382	A2	127	336596	8114440
A1	8	336711	8113886	A1	68	337319	8114337	A2	128	336587	8114429
A1	9	336714	8113703	A1	69	337339	8114333	A2	129	336588	8114398
A1	10	336717	8113718	A1	70	337350	8114353	A2	130	336594	8114387
A1	11	336721	8113734	A1	71	337344	8114391	A2	131	336597	8114344
A1	12	336724	8113747	A1	72	337328	8114425	A2	132	336596	8114322
A1	13	336730	8113768	A1	73	337308	8114452	A2	133	336592	8114308
A1	14	336732	8113781	A1	74	337286	8114478	A2	134	336585	8114302
A1	15	336735	8113795	A1	75	337270	8114503	A2	135	336477	8114504
A1	16	336737	8113807	A1	76	337263	8114523	A2	136	336463	8114500
A1	17	336737	8113827	A1	77	337263	8114526	A2	137	336383	8114707
A1	18	336738	8113839	A1	78	337326	8114472	A2	138	336472	8114727
A1	19	336740	8113865	A1	79	337328	8114470	A2	139	336559	8114517
A1	20	336741	8113893	A1	80	337329	8114470	A2	140	336607	8114538
A1	21	336745	8113893	A1	81	337408	8114415	A2	141	336688	8114544
A1	22	336757	8113898	A1	82	337431	8114389	A2	142	336751	8114520
A1	23	336750	8113913	A2	83	336914	8115204	A2	143	336798	8114528
A1	24	336740	8113935	A2	84	336910	8115131	A2	144	336853	8114538
A1	25	336740	8113935	A2	85	336875	8115031	A2	145	336883	8114558
A1	26	336883	8114071	A2	86	336875	8115030	A2	146	336883	8114592
A1	27	336880	8114080	A2	87	336874	8115026	A2	147	336877	8114619
A1	28	336888	8114094	A2	88	336848	8114881	A2	148	336829	8114679
A1	29	336704	8114109	A2	89	336848	8114877	A2	149	336771	8114740
A1	30	336721	8114114	A2	90	336848	8114873	A2	150	336753	8114783
A1	31	336728	8114116	A2	91	336848	8114869	A2	151	336731	8114834
A1	32	336760	8114112	A2	92	336849	8114865	A2	152	336710	8114873
A1	33	336794	8114107	A2	93	336881	8114778	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	336885	8114163	A2	96	336887	8114765	A2	156	336655	8115058
A1	37	336898	8114170	A2	97	336890	8114762	A2	157	336594	8115076
A1	38	336925	8114163	A2	98	336926	8114731	A2	158	336540	8115080
A1	39	336961	8114143	A2	99	336930	8114729	A2	159	336504	8115080
A1	40	336988	8114118	A2	100	336934	8114726	A2	160	336466	8115105
A1	41	337024	8114085	A2	101	336939	8114725	A2	161	336436	8115105
A1	42	337066	8114073	A2	102	336944	8114724	A2	162	336352	8115088
A1	43	337091	8114080	A2	103	336990	8114719	A2	163	336327	8115136
A1	44	337109	8114096	A2	104	337053	8114710	A2	164	336314	8115174
A1	45	337125	8114109	A2	105	337118	8114654	A2	165	336280	8115107
A1	46	337134	8114129	A2	106	337218	8114564	A2	166	336214	8114975
A1	47	337142	8114152	A2	107	337181	8114547	A2	167	336197	8114940
A1	48	337163	8114168	A2	108	337165	8114557	A2	168	336183	8114856
A1	49	337187	8114181	A2	109	337151	8114564	A2	169	336178	8114828
A1	50	337203	8114203	A2	110	337131	8114570	A2	170	336126	8114818
A1	51	337205	8114224	A2	111	337116	8114566	A2	171	336084	8114884
A1	52	337189	8114242	A2	112	337095	8114557	A2	172	336070	8114924
A1	53	337163	8114262	A2	113	337069	8114537	A2	173	336288	8115423
A1	54	337151	8114286	A2	114	337044	8114510	A2	174	336810	8115297
A1	55	337162	8114311	A2	115	337027	8114476	A2	175	336838	8115272
A1	56	337174	8114317	A2	116	336836	8114382	A2	176	336914	8115204
A1	57	337194	8114320	A2	117	336821	8114376				
A1	58	337209	8114329	A2	118	336804	8114384				
A1	59	337218	8114348	A2	119	336778	8114400				
A1	60	337218	8114364	A2	120	336755	8114427				

APPENDIX 2 - 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

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

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>



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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APPENDIX 3 ITEM-12 COMMUNITY HOUSING POLICIES

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.

APPENDIX 4 ITEM-12 COMMUNITY HOUSING POLICIES

**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 (QSRSCCH).

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 QSRSCCH; 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

