

AGENDA

Wednesday, 17 November 2021

Ordinary Council Meeting

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

Date: Wednesday, 17 November 2021

Time: 9:00am

Location: Council Chambers

Peter Franks
Chief Executive Officer

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

Ordinary Council Meeting - 20 October 2021

- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING
- 7 DEPUTATIONS AND DELEGATIONS

8 CORPORATE AND COMMUNITY SERVICES

8.1 SUTARIYA BROTHERS PTY LTD - MATERIAL CHANGE OF USE - SERVICE STATION AND CARETAKER'S ACCOMMODATION - LOT 15 ON RP846956 - MALONE ROAD, MAREEBA - MCU/21/0014

Date Prepared: 4 November 2021
Author: Planning Officer

Attachments: 1. Proposal Plans J.

2. SARA Referral Agency Response (DTMR) J.

3. Public Notification Submission <a>J

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Sutariya Brothers Pty	ADDRESS	Malone Road, Mareeba
	Ltd		
DATE LODGED	1 July 2021	RPD	Lot 15 on RP846956
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use	e - Service St	ation & Caretaker's
	Accommodation		
FILE NO	MCU/21/0014	AREA	7,448m²
LODGED BY	U&i Town Plan	OWNER	Sutariya Shantilal
			Dhirajlal & Sutariya
			Bhavin Dhirubhai
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		heme 2016
ZONE	Rural residential zone		
LEVEL OF	Impact Assessment		
ASSESSMENT			
SUBMISSIONS	1 Submission		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. One (1) submission was received during the mandatory public notification period, which did not object to the proposed development.

The site is situated on the corner of Malone Road and the Kennedy Highway and the application proposes the establishment of a service station and associated caretaker's accommodation on the currently vacant allotment. The service station will be accessed exclusively from Malone Road and is proposed to operate from 5 am to 8:30 pm, 7 days per week. The caretaker's accommodation will be in the form of a small dwelling situated towards the northern end of the site.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is not considered to be in conflict with any relevant aspect of the Planning Scheme. The proposed service station will only operate until 8.30 pm each night, being closed over most of the more sensitive "night-time hours" (defined as 10 pm - 7 am). Furthermore,

boundary treatments are proposed along the southeast boundary to further minimise any impacts on the adjoining rural residential allotment. Draft conditions were provided to the applicant's care of their consultant and have been agreed to.

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION			PREMISES
APPLICANT	Sutariya Brothers	ADDRESS	Malone Road, Mareeba
	Pty Ltd		
DATE LODGED	1 July 2021 RPD Lot 15 on RP846956		Lot 15 on RP846956
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Service Station & Caretaker's		
	Accommodation		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Service Station and Caretaker's Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1532-PD-A-00 Issue - P3	Cover Sheet	Clarke and Prince Architects	May 2021
1532-PD-A-01 Issue - P6	Site Plan	Clarke and Prince Architects	May 2021
1532-PD-A-02 Issue - P3	Service Station Floor Plan	Clarke and Prince Architects	May 2021
1532-PD-A-03 Issue - P2	Fuelling Area - Floor Plan	Clarke and Prince Architects	May 2021
1532-PD-A-06 Issue - P1	Floor Plan - Caretakers Residence	Clarke and Prince Architects	May 2021
1532-PD-A-04 Issue - P2	Perspective Images	Clarke and Prince Architects	May 2021
1532-PD-A-05 Issue - P1	Street Elevations	Clarke and Prince Architects	May 2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

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

2. Timing of Effect

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

3. General

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

3.4 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 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.

3.5 Noise Nuisance

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

- 3.5.2 The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.
- 3.6 The authorised operating hours for the service station and associated shop are limited to between 5am and 8.30pm, seven (7) days per week. No operations associated with the service station or shop are permitted on-site outside these hours, including commercial refuse disposal or the replenishing of underground fuel storage tanks.
- 3.7 Any fuel ventilation outlets must be located as far away as practically possible from the common boundary with Lot 16 on SP195707.

4. Infrastructure Services and Standards

4.1 Access

A commercial access crossover must be upgraded/constructed (from the edge of Malone Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

- 4.2 Stormwater Drainage/Water Quality
 - 4.2.1 The applicant/developer must take all necessary steps to ensure a nonworsening effect on surrounding land as a consequence of the development.
 - 4.2.2 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.
 - 4.2.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways and hardstand areas.
 - 4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.
 - 4.2.5 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.
 - 4.2.6 In additional to the Stormwater Management Plan, and prior to building works commencing, the applicant/developer must submit an Oily Water Management Plan, prepared and certified by a suitably qualified design engineer (RPEQ). The Plan must demonstrate how contaminants such as oil

and/or fuel will be removed and stored prior to stormwater being discharged from the site.

4.3 Car Parking/Internal Driveways

- 4.3.1 The applicant/developer must ensure the service station and shop is provided with a minimum of 16 on-site car parking spaces as depicted on the approved plans (including 1 disabled parking space) as well as 1 RV parking space and 1 service vehicle parking space which are available solely for the parking of vehicles associated with the use of the premises. These parking spaces must be provided in addition to any fuel bowser parking spaces. The caretaker's accommodation must be provided with one (1) undercover parking space.
- 4.3.2 All car parking spaces and trafficable areas, including the truck turn around area and caretaker's accommodation driveway must be concrete sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- 4.3.3 All car parking spaces and trafficable areas must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:
 - Australian Standard AS2890:1 Off Street Parking Car Parking Facilities;
 - Australian Standard AS1428:2001 Design for Access and Mobility.
- 4.3.4 The applicant/developer must ensure the development is provided with three (3) bicycle parking spaces in proximity to the shop building entrance/s.

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

4.4 Traffic Impact Assessment - Roadworks External (Malone Road)

A traffic impact assessment must be prepared by a Registered Professional Engineer of Queensland (RPEQ) in order to estimate the proposed traffic likely to be generated by the development and identify any augmentations or improvements required to the existing road network (Malone Road) to provide safe and convenient access to the site.

The traffic impact assessment should specifically address external works required on Malone Road between the intersection of the Kennedy Highway to a point 10 metres past the access to the site. Malone Road is currently not constructed to standard, so augmentation works should include widening on both sides of the road, turn lanes, traffic islands (if necessary), line-marking, signage and asphalt overlays to minimise damage made by turning vehicles.

The traffic impact assessment must include detailed plans.

Plans for the abovementioned works must be submitted to Council as part of a subsequent application for operational works.

4.5 Landscaping

4.5.1 Prior to <u>building works commencing</u>, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration

and approval. The extent of landscaping on site should be generally consistent with that shown on the submitted plan/s (Site Plan).

- 4.5.2 The landscape plan should include a three (3) metre wide landscape buffer along the southeast boundary for a length consistent with that shown on the submitted site plan. This southeast boundary landscape buffer must include shrubs, plants and trees that will grow to form an effective visual buffer of no less than four (4) metres in height at maturity and should include at least 25% larger more advanced plant stock.
- 4.5.3 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).
- 4.5.4 The landscaping of the site must be carried out prior to the commencement of the use and in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.6 Acoustic Fencing

Prior to the commencement of the use, the applicant/developer must erect a solid 1.8m high, acoustic fence of neutral colour (timber fencing not permitted) along the southeast boundary (common with Lot 16 on SP195707) for a length of no less than 110 metres from the southern corner of the site.

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

4.7 Lighting

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

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

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

4.8 Signage

Advertising signage locations are limited to the fuelling canopy fascia, shop building fascia, walls and windows and the pylon sign. The pylon sign must be used to advertise fuel prices <u>only</u>. Advertising signage must not move, revolve, strobe or flash (can be illuminated).

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

4.9 Non-Reticulated Water Supply

The service station and caretaker's accommodation must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.10 Sewerage Connection

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

(D) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises

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

(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) REFFERAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 3 September 2021.

(F) RELEVANT PERIOD

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

- Material Change of Use six (6) years (starting the day the approval takes effect);
- (G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
 - Development Permit for Building Work
 - Development Permit for Operational Works
- (H) OTHER APPROVALS REQUIRED FROM COUNCIL
 - Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject site is situated on the corner of Malone Road and the Kennedy Highway, Mareeba and is more particularly described as Lot 15 on RP846956. The site is irregular in shape with a total area of 7,448m² and is zoned Rural residential under the Mareeba Shire Council Planning Scheme 2016. Malone Road is accessed via an unsealed crossover situated in the southern corner of the allotment.

The site is currently vacant and predominantly cleared and grassed with some mature vegetation along the eastern boundary and northeast tip of the allotment. The site is not connected to Council's reticulated water and sewer networks.

The only immediate adjoining property is situated to the east and is zoned Rural residential and is vacant. Land in the broader area is zoned a mix of Rural residential, Rural and Emerging Communities and contains a mix of uses which include lifestyle lots, actively cropped rural lots and large vacant unused allotments.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Service Station & Caretaker's Accommodation in accordance with the plans shown in **Attachment 1**.



Design & Layout:

The site configuration dictates the building works in the widest proportion of the site towards the corner of the Kennedy Highway and Malone Road. The building structures are located furthest away from the adjacent rural residential land use and closest to the Kennedy Highway for greatest retail exposure.

The scale of the buildings are consistent with other service station type developments with a single level retail building connected to a higher fuelling canopy via covered link. The retail building will be rendered blockwork with a painted compressed fibre cement sheeting fascia. This building will have a glazed frontage to the fuelling area, outdoor dining/play area and the Highway. The fuelling canopy and link will be open steel framed structures with matching fascia's. At this stage there is no corporate branding or colour pallet to overlay. An outdoor dining and children's play area is located on the street corner to activate the retail building frontage. The proposed hours of operation are from 5am to 8:30pm, 7 days a week.

Service Station Building:

The service station store is well appointed to cater for travellers and locals alike, with a commercial kitchen and cafe facilities to provide meals and coffees for patrons to consume on-site if they like

with indoor and outdoor dining areas provided. Adjacent to the dining areas is a kid's playground area to cater to travelling families, strategically positioned on the street corner to activate the retail building frontage.

Caretaker's Accommodation:

The proposed caretaker's accommodation is proposed to be located away from the Service Station towards the corner portion of the allotment in the northern corner. The dwelling will accommodate is provided to accommodate the manager of service station, to ensure someone is always on the property acting as security.

Signage:

The proposed facility will include one pylon sign (8m in height) and a number of small entry / exit signs. The proposed new signs are appropriately located within the property boundaries and will not comprise the character of the local area nor will they impede with any pedestrian or motoring safety. Proposed signage will not be used for third party purposes. In terms of signage on the building, at this stage there is no corporate branding or colour pallet to overlay.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The site does not contain any areas of ecological significance as mapped by the Regional Plan.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories • Rural Residential Area Transport Elements • State Controlled Road (Kennedy Highway) • Local Collector Road (Malone Road) • Principal Cycle Route
Zone:	Rural Residential Zone
Preferred Area/Precinct:	N/A - No Precinct
Overlays:	Agricultural Land Overlay Airport Environs Overlay Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Service station	Premises used for the sale of fuel including petrol, liquid petroleum gas, automotive distillate and alternative fuels. The use may include, where ancillary, a shop, food and drink outlet, maintenance, repair servicing and washing of vehicles, the hire of trailers, and supply of compressed air.	n/a	Car wash
Caretaker's	A dwelling provided for	n/a	Dwelling house
accommodation	a caretaker of a non- residential use on the same premises.		

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

- 3.3 Settlement pattern and built environment
- 3.3.10 Element Rural residential areas
- *3.3.10.1 Specific outcomes*
- (6) Small scale non-residential and tourism uses which do not impact on character and amenity are facilitated in rural residential areas.

Comment

Refer to Planning Discussion section of report for further commentary on amenity. The proposed development is not likely to result in an unacceptable loss of amenity for the adjoining rural residential property. This adjoining lot is vacant and is large enough that any future dwelling can be sited a substantial distance away. Furthermore, landscape buffering and solid screen fencing is proposed along the common boundary to further reduce amenity impacts.

The development complies.

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

Comment

The proposed siting of the service station approximately 5 kilometres outside of Mareeba is not likely to impact on the continued operation of Mareeba's centre areas. The development site is conveniently located adjacent the State controlled Kennedy Highway and will service customers both on the approach into Mareeba and on route to Cairns, not to mention all those living between Mareeba and Koah. The Proposed service station will be a convenient alternative for road users travelling to and from Atherton who do not wish to travel into Mareeba's CBD for fuel.

The development complies with Specific outcome (3).

- 3.4 Natural resources and environment
- 3.4.8 Element Air and noise quality
- 3.4.8.1 Specific outcomes
- (1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.

Comment

Refer to Planning Discussion section of report for further commentary on amenity. The proposed development is not likely to result in an unacceptable loss of amenity for the adjoining rural residential property. This adjoining lot is vacant and is large enough that any future dwelling can be sited a substantial distance away. Furthermore, landscape buffering and solid screen fencing is proposed along the common boundary to further reduce amenity impacts.

The development complies.

Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 9.3.1 Accommodation activities code
- 9.3.2 Commercial activities code
- 9.4.1 Advertising devices code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments	
Rural residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met). Further commentary is warranted with regards to PO8 and PO9 (non-residential development & maintaining amenity) and is included in the Planning Discussion section of this report.	
Agricultural land overlay code	The application does not conflict with any relevant acceptable outcome/performance outcome contained within the code.	
Airport environs overlay	The application does not conflict with any relevant acceptable outcome/performance outcome contained within the code.	
Accommodation activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).	
Commercial activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).	

Advertising devices code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning (SARA - DTMR) as a Referral Agency.

That Department provided their referral agency response - with conditions on 3 September 2021 and require the conditions to be attached to any approval (Attachment 2).

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 8 September 2021 to 29 September 2021. The applicant submitted the notice of compliance on 30 September 2021, advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received.

Issues raised in the submission are summarised and commented on below:

Grounds for objection /support	Comment
"we submit that the proposed 1.8m high	Any requirement for boundary fencing would also include
solid timber fence along the boundary will	the requirement that it be maintained in good working
not provide a sufficient physical barrier to	order for the life of the development, notwithstanding

improve the amenity and security to future residential uses. A timber fence adjacent to and incorporated in a tree buffer zone which is constantly watered will rapidly deteriorate. Further, the susceptibility of a timber fence to the natural elements and pest/termite activity will undoubtedly impact on the integrity and durability of such a fence leading to a severely limited lifespan of no more than a few years. Such a fence would undeniably fail to achieve its desired objectives.

The fence will need to be more permanent, structurally sound and reliable construction immune from natures deteriorating elements. This can only be achieved by the construction of a properly designed solid concrete/block fence. Such a fence would also provide an immediate barrier given that it is expected to take approximately (5) years for any tree buffer to mature sufficiently to provide an adequate vegetation buffer.

In conclusion, our requirement for a solid concrete/block fence is validly made and supportable."

this, Council officers are amenable to excluding the use of timber for the fence construction.

It is however not considered reasonable to require the applicant to construct a solid concrete/block fence. The same outcome can be achieved by constructing a 1.8m high colorbond style iron fence, which will withstand the elements as much as a concrete/block fence.

Condition 4.6 (acoustic fencing) has been worded accordingly.

Submitters

Name of Principal submitter	Address			
1. C & C lacutone	PO Box 677, Mareeba QLD 4880			

PLANNING DISCUSSION

Compliance with the Performance Outcomes contained within the Rural Residential Zone Code are discussed below:

6.2.10 Rural Residential Zone Code

Non-residential development

PO8

Non-residential development:

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

A08

No acceptable outcome is provided.

Comment

The proposed service station development will be of similar scale and design to that of the recently refurbished Mobil service station in Mareeba. The service station will be sited on a corner allotment in a prominent location on the corner of the busy Kennedy Highway and Malone Road.

Despite being inconsistent in design and scale of surrounding buildings, no modern service station would be, particularly when compared to existing build form in Mareeba's rural landscape. The proposed design is considered reasonable and will present well on the approach into and out of Mareeba. The Proposed service station will provide an additional refuelling option for road users in the area, particularly road users that may bypass the Mareeba CBD which is where most other servo's are located in the Town.

Considering the proposed limited operating hours of 5 am to 8:30 pm, which exclude the majority of the more noise sensitive "night-time hours" of 10 pm to 7 am, the service station use is not likely to have a detrimental impact on the amenity of the adjacent rural residential allotment, which is currently vacant and is large enough so that any future dwelling can be sited a substantial distance from the common boundary with the development site. Conditions of approval have been included to help further minimise amenity impacts on adjacent rural residential land

The caretaker's accommodation component of the development which is akin to a regular dwelling will not be inconsistent in scale and is not likely to impact on rural residential amenity.

The development complies with PO8.

Amenity

PO9

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

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

A09

No acceptable outcome is provided

Comment

Noise - The development is positioned adjacent the busy Kennedy Highway. Significant traffic noise is considered a day to day occurrence for lots in the immediate vicinity. Conditions have been included requiring the implementation of solid screen boundary fencing and veg buffering along the

common boundary to the adjoining rural residential allotment to help further minimise amenity impact. In addition, the proposed service station will not operate over the more noise sensitive "night-time hours".

Hours of operation - the proposed hours of operation between 5am and 8:30pm, seven (7) days per week are considered reasonable and will help minimise amenity impact on the adjoining rural residential allotment.

Traffic - the proposed development will cause more traffic to travel down the very start of Malone Road which is the only proposed means of accessing the site. The Kennedy Highway and Malone Road intersection is constructed to the required standard and the start of Malone Road will be upgraded to accommodate the additional traffic. Being situated at the very start of Malone Road, the development will not increase the amount of traffic driving past established dwellings.

Advertising devices - The amount and scale of advertising devices proposed on-site is consistent with other modern service station developments in and out of the Shire. The signage proposed will not affect amenity.

Visual Amenity - The proposed service station design will be similar to that of nearly all modern service stations, with a similar appearance to the recently refurbished Mobil servo in Mareeba. The design coupled with landscaped gardens will ensure an attractive development on the approach into and out of Mareeba that will not impact on the visual amenity of road users. The closest established dwelling is situated approximately 130 metre to the north-west on the opposite side of the Highway. The service station will be screened from view from this dwelling by established gardens and mango trees. Vegetated buffering and solid screen fencing will be implemented along the common boundary with the immediate adjoining rural residential allotment which will screen the development from view from any future dwelling constructed on the lot.

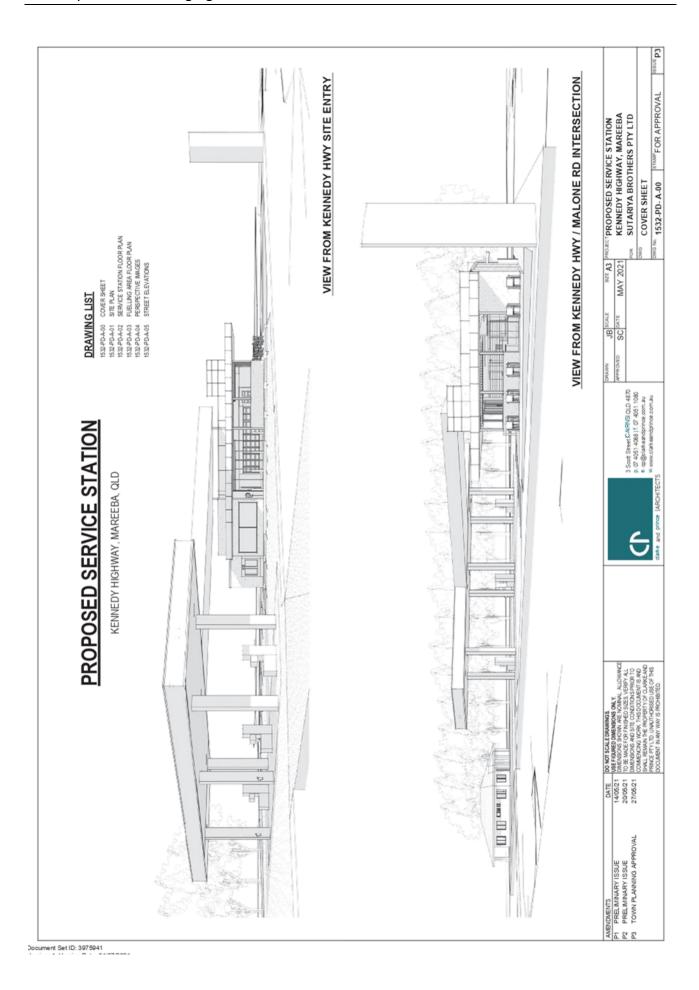
Privacy - The proposed development will not cause any privacy issues for any nearby residences.

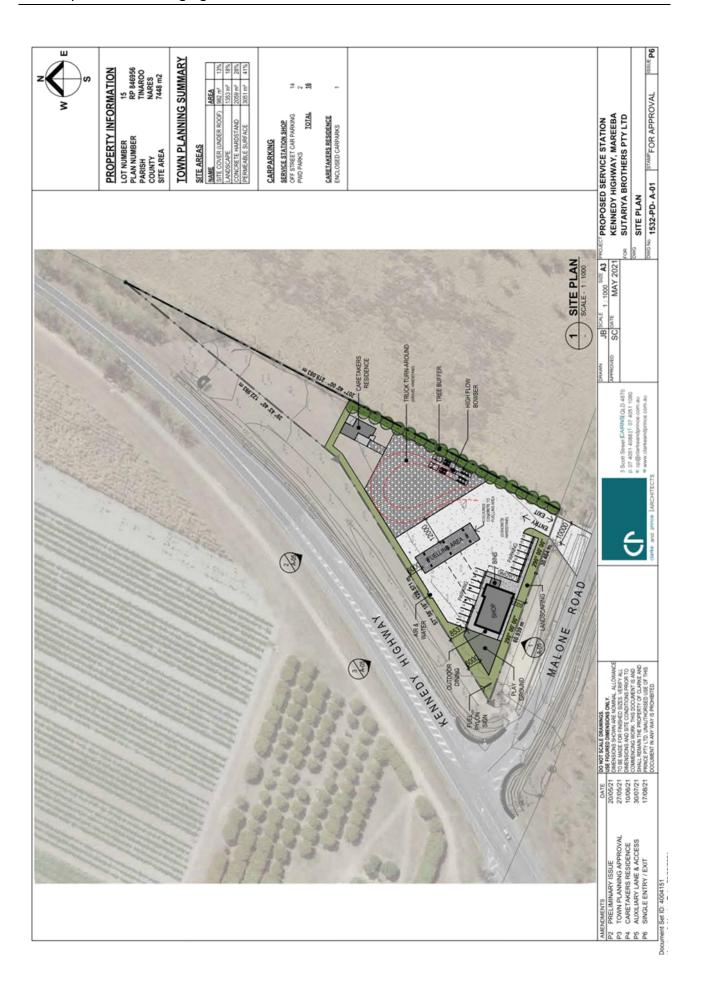
Lighting - A condition will be attached to any approval requiring all lighting on-site be designed and installed so as to not cause any nuisance to nearby residence or adjoining land.

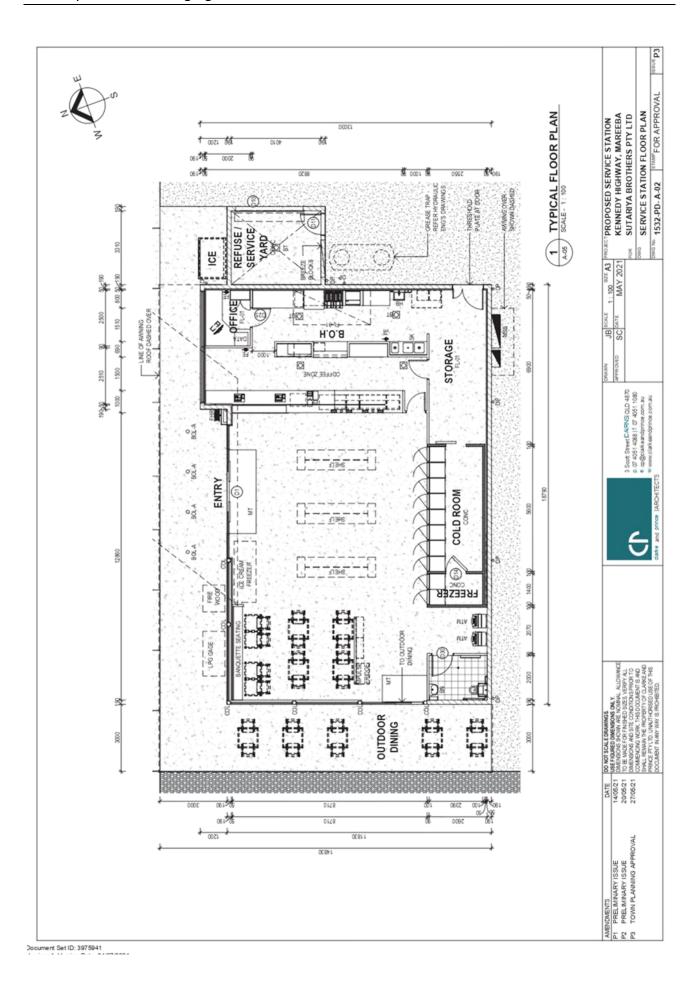
Odour - The proposed development is not likely to cause any odour nuisance to surrounding land. A condition will be attached to any approval ensuring fuel ventilation systems are positioned away from the common boundary with the adjoining rural residential allotment.

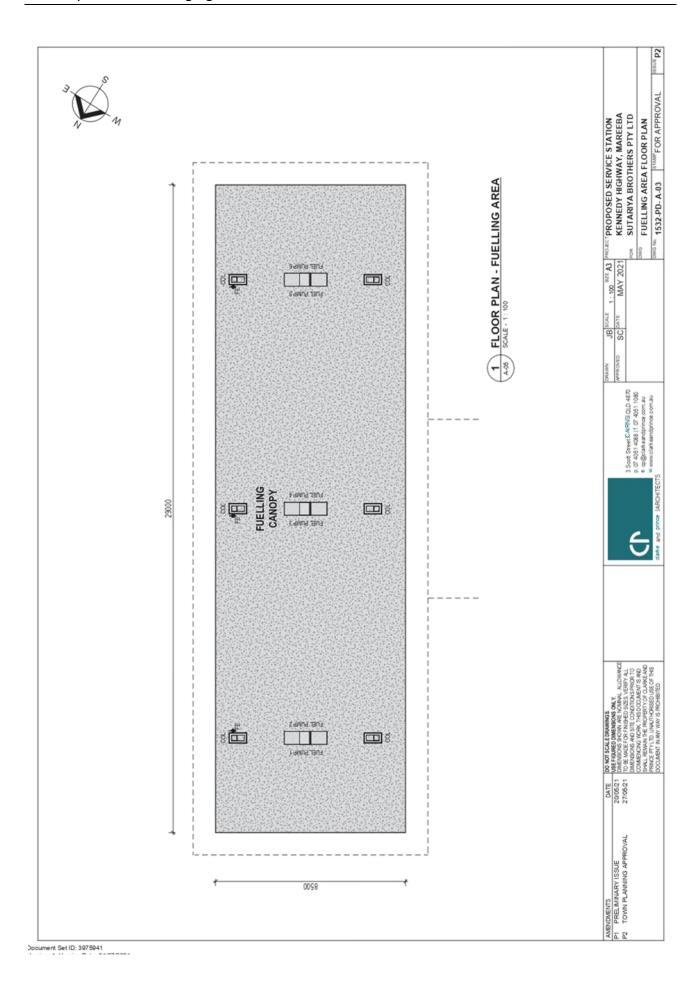
Emissions - The development is not likely to emit any other nuisance causing emissions.

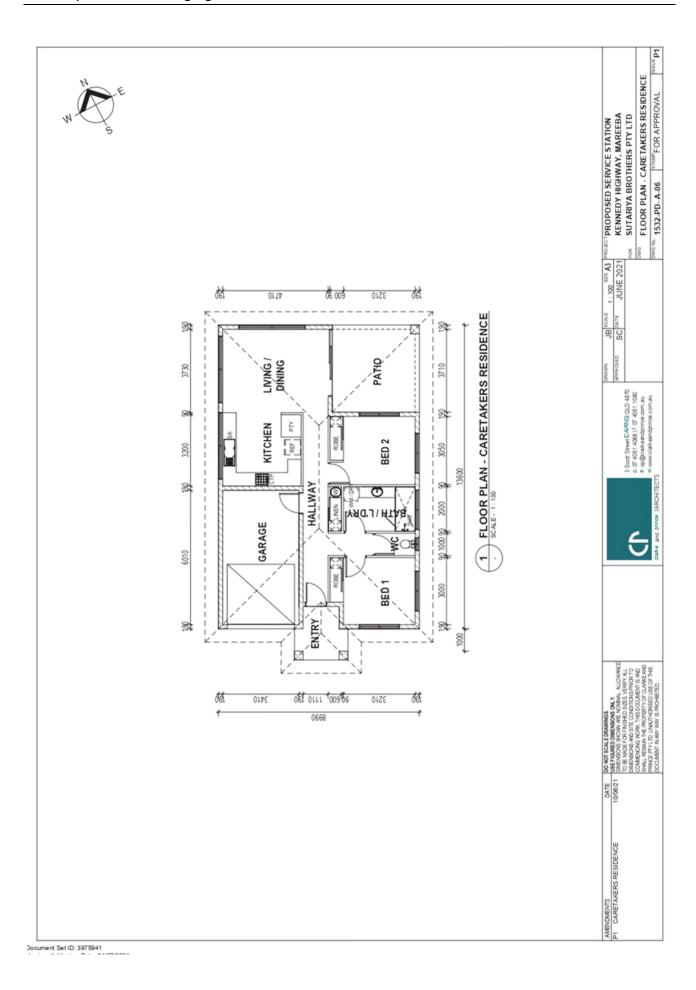
The development complies with PO9.

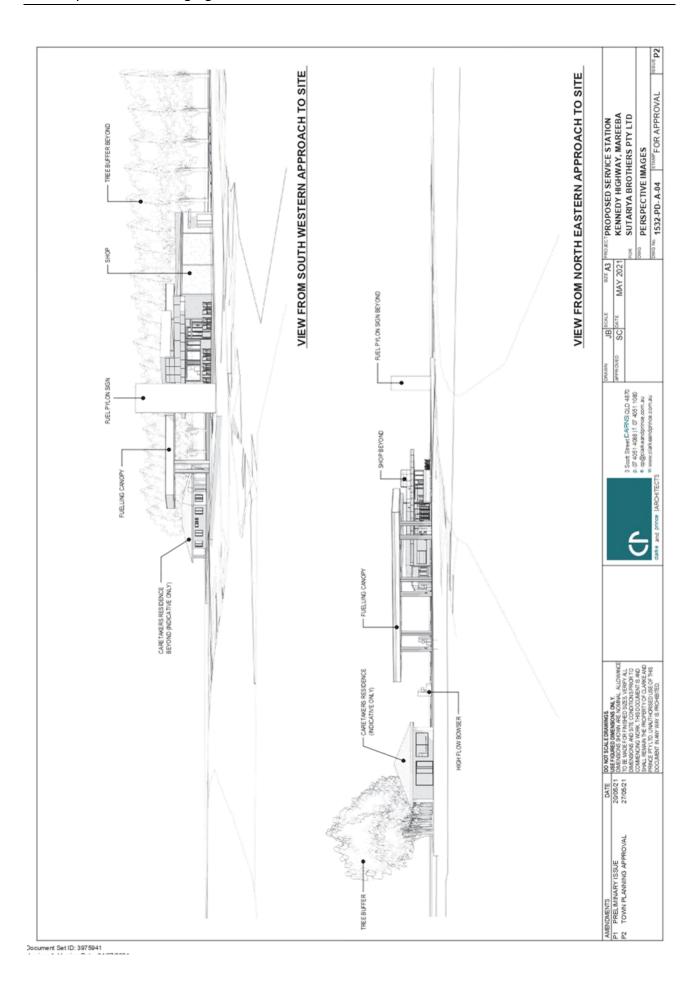


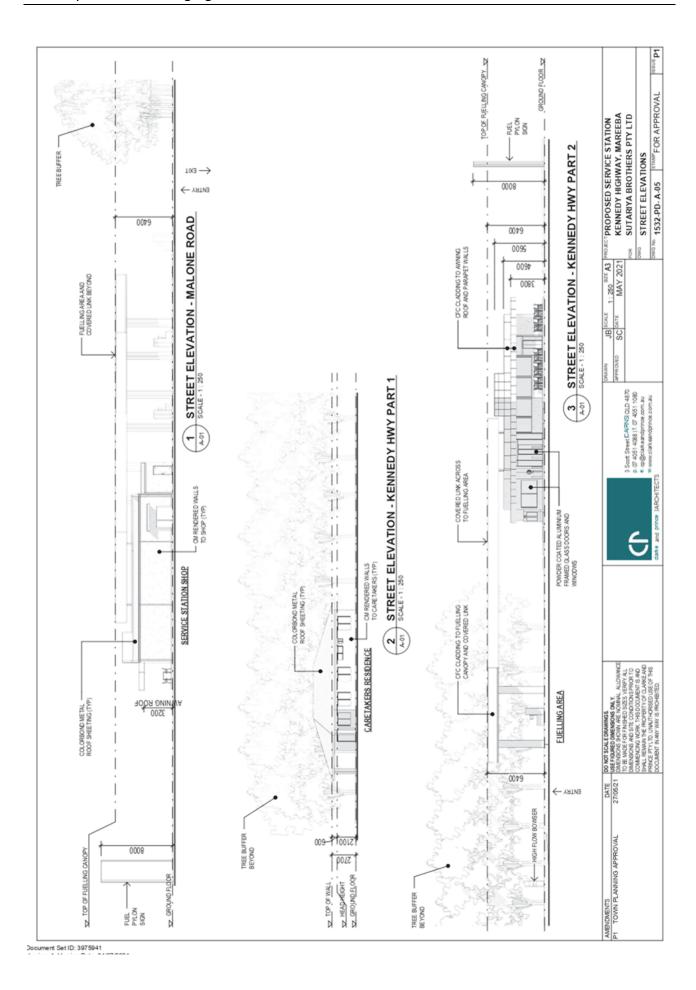












From: "No Reply" <mydas-notifications-prod2@qld.gov.au>

 Sent:
 Fri, 3 Sep 2021 14:34:56 +1000

 To:
 "Mary.McCarthy@dsdilgp.qld.gov.au"

Subject: 2107-23539 SRA application correspondence - Malone Rd, Mareeba - Sutariya

Brothers Pty Ltd - MCU/21/0014

Attachments: Attachment 4 - Approved Stormwater Drainage Management Plan.pdf, Representations about a referral agency response.pdf, 2107-23539 SRA SARA Response.pdf

Importance: Normal

Please find attached a notice regarding application 2107-23539 SRA

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email. RA6-N



Email Id: RFL G-0921-0011-6602

Document Set ID: 4011580 Version: 1 Version Date: 13/09/2021



Re: New Service Station

At: Kennedy Highway between Mareeba and Emerald Creek

1 Overview

Rodgers Consultants has been engaged to prepare a Stormwater Drainage Management Plan to support a Development Application for a Service Station development on Lot 15 on RP 846956 at the corner of Malone Road and Kennedy Highway, Mareeba. The site is and is located within the Mareeba Shire Council local government area.



Figure 1.1 Site Locality

2 Existing Site Details

The site is currently vacant with good grass cover, bounded by heavy vegetation on the south-eastern boundary and falls gently towards the Kennedy Highway. The Malone Road pavement and northern table drain falls gently towards Kennedy Highway where it grades around the corner to the north-east and continues to flow north-east on the eastern side of the Kennedy Highway. The existing site levels and contours are shown on RPS drawing PR149751-1. Kennedy Highway is on a crest approximately 100m east of Malone Road.

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3 Proposed development

The proposed development is shown on Clarke & Prince drawing 1532-PD-A-01. The development includes:

- o Refuelling areas for general and heavy vehicles
- o Concrete hardstand and unsealed truck turning area
- o Shop/retail building and on-site carparking

4 Flood Risk Review

Department of Natural Resources, Mines and Energy regional flood mapping indicates that the site is not affected by Q100 (1% AEP) flooding as shown in Figure 4.1 below.



Figure 4.1 Flood Map

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5 Stormwater Quantity Assessment

The proposed site is zoned Rural Residential and is currectly vacant. To ensure a non-worsening impact on adjacent stormwater drainage systems (ie. Kennedy Highway table drain) this development will discharge postdevelopment stormwater flows into a detention basin located at the north-eastern corner of the site. The stormwater detention basin will be sized to detain flows for all events up to Q100 (1% AEP) and discharge flows to the Kennedy Highway at predevelopment flow rates.

The entire site currently falls and drains to the Kennedy Highway table drain and the postdevelopment site will continue to do so. Rodgers Consulting drawing F01 shows the concept stormwater drainage scheme proposed for this development.

Pre & post development stormwater flows calculated in accordance with QUDM are summarised as follows:

		TIME OF	FRACT						
CATCHMENT	AREA	CONCEN	IMPER	COEFF.	Vol.	Vol.	Vol.	Vol.	Vol.
	Α	Tc	fi	C10	Q2	Q5	Q10	Q20	Q100
	m2	mins			m3/s	m3/s	m3/s	m3/s	m3/s
Predev	8412.5	40	0.10	0.70	0.082	0.113	0.131	0.156	0.227
Postdev	8412.5	6	0.41	0.78	0.195	0.278	0.330	0.399	0.597

Increases in stormwater flow will be detained in a basin located at the northern corner of the site as shown on Rodgers Consulting drawing F01. For the Q100 (1% AEP) event, the maximum storage requirement is 180m³ with a basin of 250m² and 720mm deep. The location of the basin allows for the site to discharge to the Kennedy Highway table train at the lowest level possible to avoid excessive site filling. All postdevelopment stormwater runoff from the site will be collected and discharged to the basin with a system of underground pipes and overland flow paths.

6 Summary

A stormwater drainage detention basin constructed at the northern corner of this site will ensure that postdevelopment stormwater discharge to the Kennedy Highway will remain at the predevelopment flow rate and this development will have a non-worsening impact on the Kennedy Highway drainage system.

Please do not hesitate to make contact should you require any clarification or further information.

Yours faithfully

RODGERS CONSULTING ENGINEERS

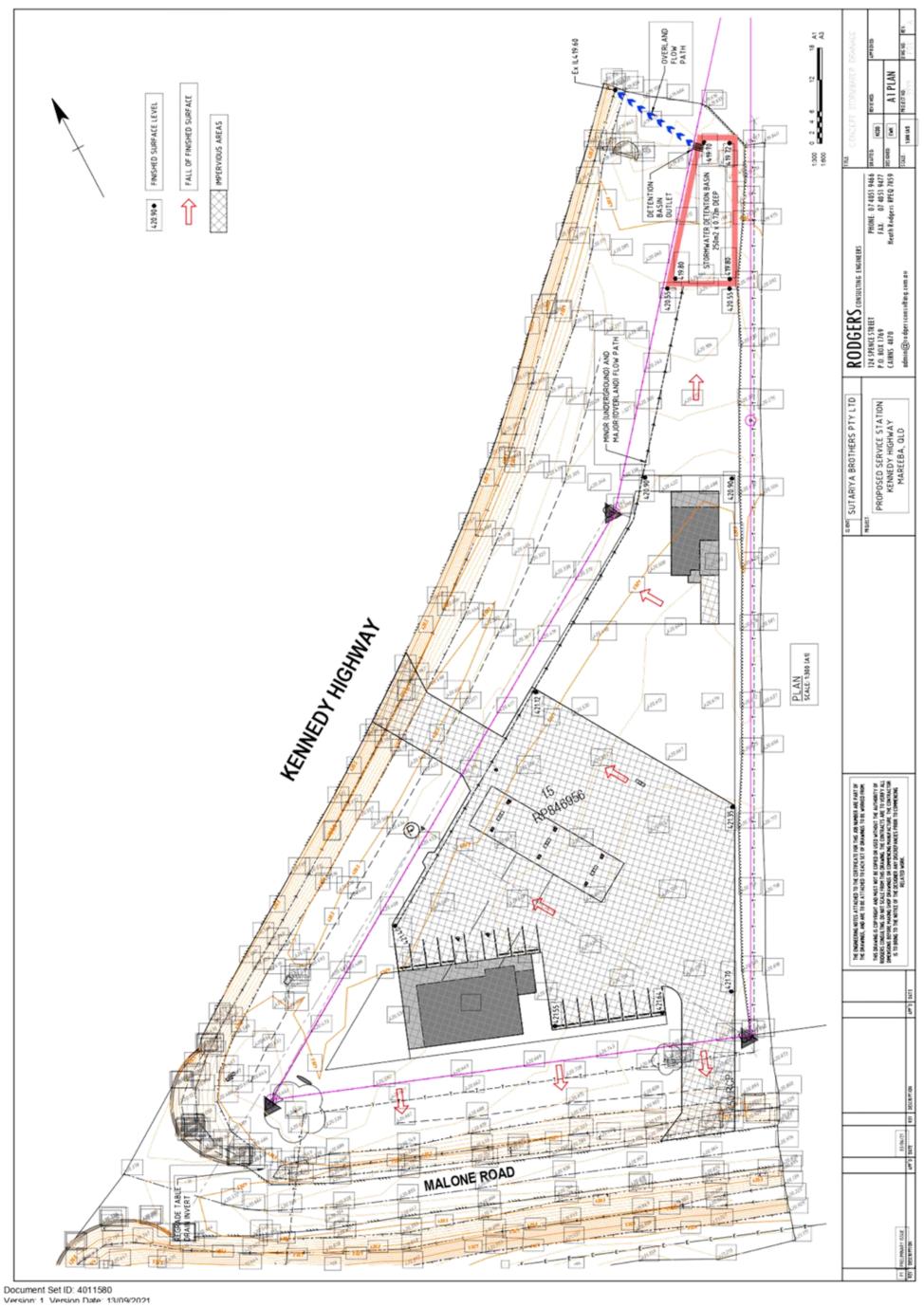
Heath P Rodgers

B.E. Hons, MIE Aust, RPEQ

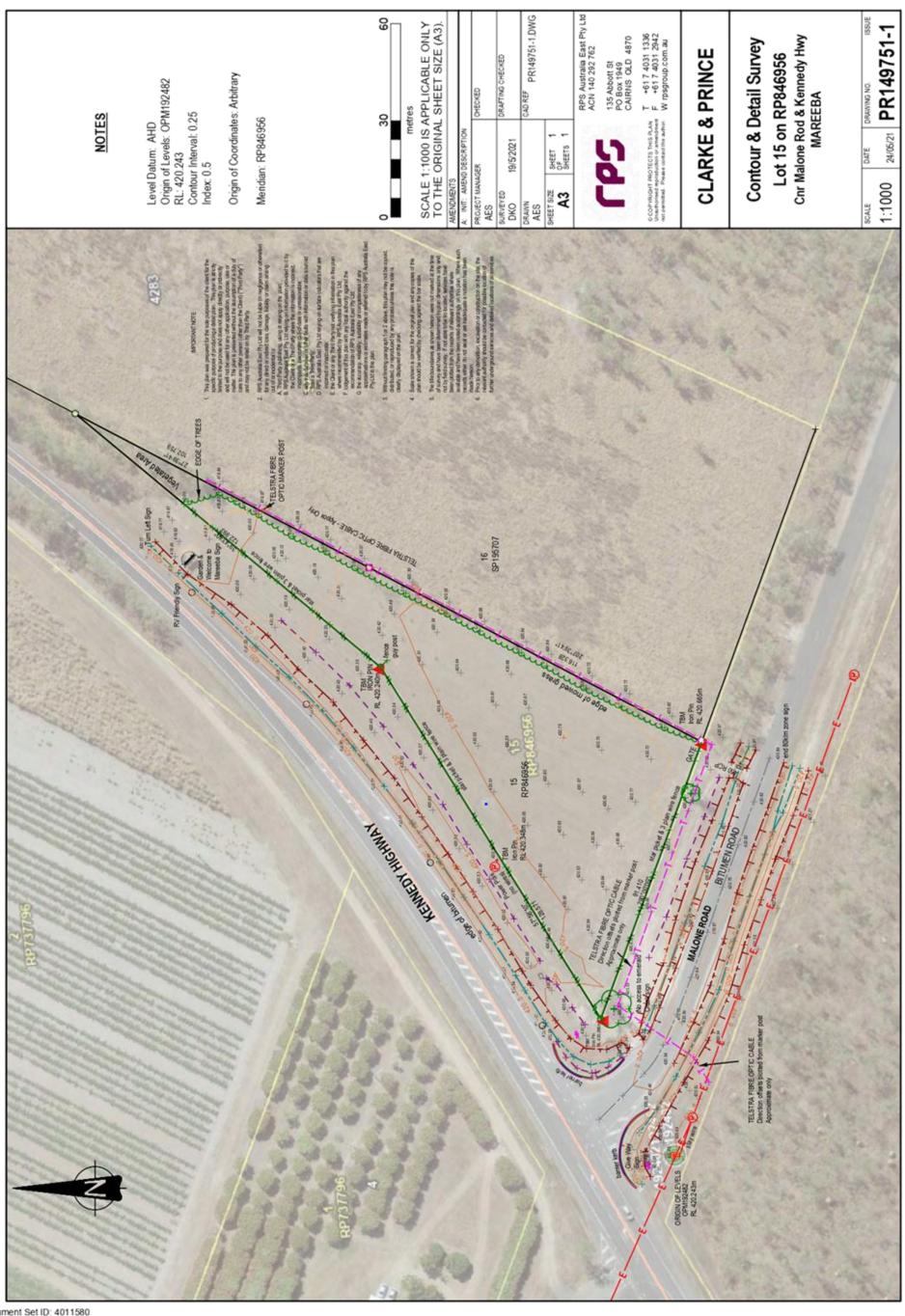
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Document Set ID: 4011580



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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

Page 1 of 2

Pursuant to Section 68 of the Planning Act 2016

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

RA6-N



SARA reference: 2107-23539 SRA
Council reference: MCU/21/0014
Applicant reference: M7-21

3 September 2021

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

Attention: Carl Ewin

Dear Sir/Madam

SARA response—Malone Road, Mareeba

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 13 July 2021.

Response

Outcome: Referral agency response – with conditions.

Date of response: 3 September 2021

Conditions: The conditions in Attachment 1 must be attached to any

development approval.

Advice: Advice to the applicant is in **Attachment 2**.

Reasons: The reasons for the referral agency response are in Attachment 3.

Development details

Description: Development permit Material change of use - service station and

caretaker's accommodation

SARA role: Referral Agency.

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning

Regulation 2017)

Development application for a material change of use within 25m of a state-controlled road and within 100m of an intersection with a state-

controlled road

Far North Queensland regional office Ground Floor, Cnr Grafton and Hartley

Street, Caims

PO Box 2358, Cairns QLD 4870

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2107-23539 SRA SARA reference:

Assessment Manager: Mareeba Shire Council Street address: Malone Road, Mareeba Real property description: Lot 15 on RP846956 Applicant name: Sutariya Brothers Pty Ltd

Applicant contact details: C/- U&I Town Plan

PO Box 426

Cooktown QLD 4895 ramon@uitownplan.com.au

State-controlled road access

permit:

This referral included an application for a road access location, under section 62A(2) of Transport Infrastructure Act 1994. Below are the

details of the decision:

Refused

Reference: TMR21-033511 (500-1570)

Date: 30 August 2021

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at

Far.North.Queensland.IDAS@tmr.qld.gov.au

Representations

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

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

For further information please contact Mary McCarthy, Senior Planning Officer, on 47583404 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Tony Croke Principal Planner

Sutariya Brothers Pty Ltd, ramon@uitownplan.com.au cc

enc Attachment 1 - Referral agency conditions

Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response Attachment 4 - Representations provisions

Attachment 5 - Approved plans and specifications

State Assessment and Referral Agency

Page 2 of 7

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

No.	Conditions	Condition timing				
Mater	Material change of use					
Gener devek	2.4.1—The chief executive administering the <i>Planning Act 2016</i> nominal of the Department of Transport and Main Roads to be the enforcement opened to which this development approval relates for the administration relating to the following conditions:	ent authority for the				
1.	 (a) The development must be carried out generally in accordance with Section 5 Stormwater Quantity Assessment of the Stormwater Drainage Management Plan prepared by Heath Rodgers Consulting engineers Pty Ltd, dated 04-06-2021, Reference 210220, in particular: A detention basin is to be located at the north-eastern comer of the site as illustrated by the Concept Stormwater Drainage Plan, prepared by Rodgers Consutling Engineers Pty Ltd, Drawing No FO1, Revision A, dated 03-06-2021. All post-development stormwater runoff from the site is to be collected and discharged to the detention basin with a system of underground pipes and overland flow paths. (b) RPEQ certification with supporting documentation must be provided to the corridor management unit at far.north.queensland.idas@tmr.qld.gov.au, within the Department of Transport and Main Roads', confirming that the development has been constructed in accordance with part (a) of this condition. 	(a) At all times (b) Prior to the commencement of use				
2.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times				

Attachment 2—Advice to the applicant

General advice

 Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

2. Advertising device

The applicant should seek advice from the Department of Transport and Main Roads (DTMR) to ensure that the advertising device visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road.

Note: DTMR has powers under section 139 of the *Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015* to require removal or modification of an advertising sign and / or a device which is deemed to create a danger to traffic.

3. Transport Noise Corridor

Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated *transport noise corridor*. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a *transport noise corridor* are designed and constructed to reduce transport noise. *Transport noise corridor* means land designated under Chapter 8B of the *Building Act 1975 as a transport noise corridor*. Information about *transport noise corridors* is available at state and local government offices.

A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The proposed development is for a material change of use for a service station and caretaker's accommodation.
- · The proposed development will gain access from Malone Road, a local council road.
- SARA has assessed the development against State code 1: Development in a state-controlled road
 environment of the State Development Assessment provisions (SDAP), version 2.6, and determined
 that with conditions, the development achieves compliance with the performance outcomes of the
 State code.

Material used in the assessment of the application:

- · The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by the department
- · The Development Assessment Rules
- SARA DA Mapping system

State Assessment and Referral Agency

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Attachment 4—Change representation provisions

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State Assessment and Referral Agency

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Attachment 5—Approved plans and specifications

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State Assessment and Referral Agency

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WRITTEN SUBMISSION

PLANNING ACT 2016

DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE – SERVICE STATION AND CARETAKER'S ACCOMMODATION – LOT 15 ON RP 846956



MCU/21/0014

Costanzo lacutone and Carla lacutone

PO Box 677

MAREEBA QLD 4880

Ph: 0408 012 541

Email: conandcarla@bigpond.com

28 September 2021

The Chief Executive Office

Mareeba Shire Council

65 Rankin Street

MAREEBA QLD 4880

We refer to the above Development Application and confirm we are the registered owners of Lot 16 on Survey Plan 195707. This property is zoned rural residential and neighbours the proposed development site, having a common boundary with the entire length of the proposed development site's eastern boundary.

The Development Application states:-

"The three (3) metre wide tree buffer along the eastern boundary also provides a suitable buffer with some height that delivers a suitable transition from the highway through the service station and onto the adjoining vacant rural residential land. Additionally, the 1.8m high solid timber fence along the boundary provides additional treatments and a physical barrier to improve amenity and security to future residential uses."

We submit that the proposed 1.8m high solid timber fence along the boundary will not provide a sufficient physical barrier to improve the amenity and security to future residential uses. A timber fence adjacent to and incorporated in a tree buffer zone which is constantly watered will rapidly deteriorate. Further, the susceptibility of a timber fence to the natural elements and pest/termite activity will undoubtedly impact on the integrity and durability of such a fence leading to a severely limited lifespan of no more than a few years. Such a fence would undeniably fail to achieve its desired objectives.

The fence will need to be of a more permanent, structurally sound and reliable construction immune from natures deteriorating elements. This can only be achieved by the construction of a properly designed solid concrete/block fence. Such a fence would also provide an immediate

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barrier given that it is expected to take approximately five (5) years for any tree buffer to mature sufficiently to provide an adequate vegetation buffer.

In conclusion, our requirement for a solid concrete/block fence is validly made and supportable.

Your faithfully

COSTANZO AND CARLA IACUTONE

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8.2 HOCKEY MACHINERY SALES PTY LTD - ACCESS AND DRAINAGE WORKS FOR LOT 56 KENNEALLY ESTATE AND ASSOCIATED INFRASTRUCTURE CHARGE CREDIT - LOT 100 ON SP325396 - KENNEALLY ROAD, MAREEBA

Date Prepared: 6 October 2021
Author: Planning Officer

Attachments: 1. Hockey Machinery Sales Pty Ltd. - Request for Credit For Development

Works 🗓

2. Quotation for Crossover & Culvert Access Works &

EXECUTIVE SUMMARY

Upon completion of Kenneally Estate, Mareeba, a balance allotment (Lot 56) will remain which fronts Kenneally Road. This allotment will have a total area of 4,631m² and is zoned low density residential under the Mareeba Shire Council Planning Scheme.

Convenient access to the allotment is currently not available due to a narrow and deep seasonal earthen drainage feature (drain) that runs through the front of the property. This drain forms part of a broader stormwater network and is used to drain a significant amount of stormwater originating from upstream developments, namely Seary Road and Marinelli Estate situated to the south-west.

Hockey Machinery Sales Pty Ltd, the landowner/developer of Kenneally Estate has obtained quotes to provide convenient access to proposed Lot 56 via a substantial culvert crossing over the drain in order to make the property saleable or able to be developed further. The cost of this work is estimated at \$56,022.45. The quote is included as **Attachment 2**. The drain will then be rock lined at the expense of the applicant/developer in order to prevent further erosion.

Hockey Machinery Sales Pty Ltd has written to Council with a proposal to fund the access crossing works on the basis that the quoted amount of \$56,022.45 payable to complete the works be credited towards infrastructure charges payable on the remaining balance lots of Kenneally Estate (Attachment 1).

Considering this drain forms part of a broader stormwater network and is responsible for draining a significant amount of stormwater from upstream properties, and that Council will benefit from the proposed rock lining of the drain which will protect against future erosion issues, Council officers are in agreeance to the proposed arrangement.

It is recommended that Council agree to this arrangement on the basis that the culvert crossing works are completed, the drain rock lined, and that an easement is created over the drain in favour of Council before any infrastructure credits are applied.

RECOMMENDATION

That Council agree to credit an amount of \$56,022.45 towards the remaining infrastructure charges payable on the balance lots of Kenneally Estate, with the credit/s applied at time of endorsement of a plan of survey and the credit amount divided evenly by the number of allotments remaining in the Estate only after the following has been completed:

1. The full extent of the works included on the quote and the rock lining of the full length of the drain (as it exists on the property), to the satisfaction of Council's delegated officer; and

2. The establishment of a drainage easement in favour of Council over the full extent of the drain as it exists on the property, with all costs associated with the establishment of the easement to be paid for by the applicant/developer.

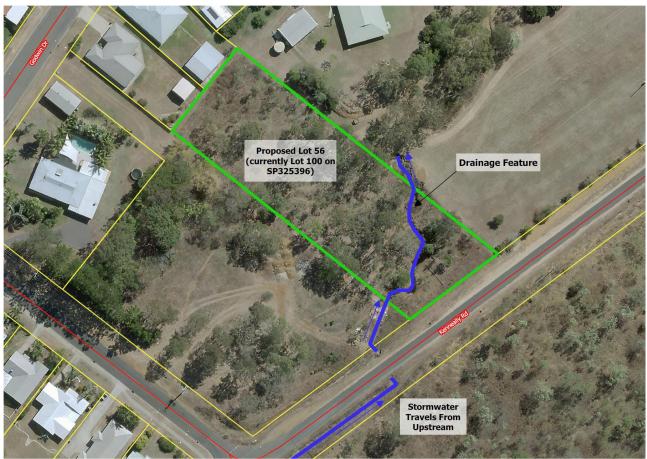
BACKGROUND

Upon completion of Kenneally Estate, Mareeba, a balance allotment (Lot 56) will remain which fronts Kenneally Road. This allotment will have a total area of 4,631m² and is zoned Low density residential under the Mareeba Shire Council Planning Scheme.

Convenient access to the allotment is currently not available due to a narrow and deep seasonal earthen drainage feature (drain) that runs through the front of the property. This drain forms part of a broader stormwater network and is used to drain a significant amount of stormwater originating from upstream developments, namely Seary Road and Marinelli Estate situated to the south-west (refer to below map).

Hockey Machinery Sales Pty Ltd, the landowner/developer of Kenneally Estate has obtained quotes to provide convenient access to proposed Lot 56 via a substantial culvert crossing over the drain in order to make the property saleable or able to be developed further. The cost of this work is estimated at \$56,022.45. The quote is included as **Attachment 2**. The drain will then be rock lined at the expense of the applicant/developer in order to prevent further erosion.

Hockey Machinery Sales Pty Ltd has written to Council with a proposal to fund the culvert crossing works on the basis that the quoted amount of \$56,022.45 payable to complete the works be credited from infrastructure charges payable on the remaining balance lots of Kenneally Estate.



Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation,

liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

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

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The subject land is zoned Low density residential under the Mareeba Shire Council Planning Scheme 2016. It is likely that this balance allotment will accommodate a residential use in the future.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

The cost of the proposed access/culvert crossing works are proposed to be credited towards future infrastructure charges payable on the remaining lots in Kenneally Estate.

Council officers from the Planning Department and Technical Services Department are in agreeance to this arrangement.

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Hockey Machinery Sales Pty Ltd will be notified of Council's decision by letter.



LH:mp

Thursday, 23rd September 2021

The Mayor Mareeba Shire Council PO Box 154 Mareeba Qld 4880

Email: mayor@msc.qld.gov.au

Attention: Mrs Angela Toppin

Re: Access and Drainage to Lot 56, Kenneally Road, Kenneally Estate, Mareeba

Thank you for your recent meeting with me together with Brian and Glenda to discuss the necessary access and drainage to Lot 56 to make it a saleable block of land.

As a note of information, Hockey Machinery Sales has developed over 100 residential lots of land in the Mareeba Shire since 2004 and has had the benefit of a good and successful working relationship with the council during these years. We have developed four stages during this time.

As we discussed during our meeting, at present because of water flow from the eastern side of the road (from Torrisi Road and early stage of Marinelli Estate) being drained under the road into Lot 56 and flows through the front section of Lot 56, the current water drain inhibits access to the lot.

For your information, with the assistance of Roger Twine, I intend to apply to the council for a DA to build six units (or town houses) on this lot. I am presently waiting on Ergons reply to have sufficient electricity brought to the lot before we apply for the development application.

In 2018, I engaged Lance Dodd's of Benchmark Survey and Design to draft a site plan of Lot 56 which includes adjacent properties, local services and a plan of the gully. A preliminary design of access and water reticulation was also included. Please note the width of access needs to be increased from 4 metres (as per Lance's plan) to 6 metres to accommodate a new development application for six units.

The proposed work to be done to Lot 56 falls into two categories:

- Firstly a 6 M wide cross over culvert access as per a quotation included by FGF development's quotation M210901 for \$50,929.50 +gst = \$56,022.45
- Secondly a realignment of the balance of the drainage and having it rock lined.
 Although I haven't a quote to do this I believe a retail price would be in the vicinity of \$25-35,000 +gst.

Please note this section of the job I am happy to do it myself with the assistance of Neil Arthur, who has built rock walls for us at our Millaa Millaa Farm. (See photos provided)

Cont....2/..

Hockey Machinery Sales Pty Ltd Lyndon Hockey - Mobile: 0428 772 902 Email: lyndon@hockeymachinery.com 39 Supply Road, Bentley Park Qld 4869 PO Box 906, Cairns Qld 4870 ABN: 24 824 360 191

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Page 2.

On a "Without Prejudice Basis"

I wish to make a proposal. This proposal is for council to indirectly financially assist with the access costs of Lot 56, thus being a benefit to both of us.

My proposal to council is as follows:

- Hockey Machinery Sales engage and pay FGF to construct the cross over culvert and access as per their quote for \$50,929.50+gst
- As Hockey Machinery Sales is selling current residential lots from Stage 4 Kenneally Estate, our
 contribution to the council is approximately \$20,000 per lot, approximately one third or \$6,500 of this
 relates to water services. My proposal is that council accept a deduction of one third of my
 contributions for the next eight lots until this amount equals the sum of \$50,929.50 (the total sum of
 the crossover)
- 3. Hockey Machinery Sales would be totally responsible for the work and costs of realigning and rock lining the remaining section of the drainage.

I trust this proposal meets with your approval.

Assuring you of our professional service at all times.

Yours faithfully

Lyndon Hockey Director

cc Brian Millard

Hockey Machinery Sales Pty Ltd Lyndon Hockey - Mobile: 0428 772 902 Email: lyndon@hockeymachinery.com 39 Supply Road, Bentley Park Qld 4869 PO Box 906, Cairns Qld 4870 ABN: 24 824 360 191

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DEVELOPMENTS North Cairns, QLD 4870

PO Box 6665, Caims 4870 **Telephone**-07 4041 4350

Facsimile-07 4041 4969

ABN 67 102 951 039

Email-reception@fgf.com.au

Ref: M210901

22 September 2021

Hockey Machinery Sales

Attn: Lyndon Hockey Ph.: 0428 772 902

Email: admin@hockeymachinery.com

RE: QUOTE SUBMISSION

KENNEALLY ESTATE- LOT 56 CROSS OVER CULVERT AND ACCESS

Dear Lyndon,

FGF Developments Pty Ltd is pleased to provide this quote submission addressing the requirements of the above project. Scope is as per the priced BOQ.

Description	Unit	Qty	Rate	Total
Establishment and Disestablishment	Item	1	2,490.00	2,490.00
Clearing and preparation of culvert bed and	Item	1	6,662.50	6,662.50
access (nominally 6m wide x 30m long)				
Supply and Install 900mm Diam. RCP Culvert	Item	1	21,342.00	21,342.00
and Headwalls (17.08m long, or 7 pipes wide)				
Supply and compact imported fill to culvert	tn	423	36.39	15,395.00
crossing embankment (Provisional Quantity)				
Supply and compact Type 2.3 unsealed	m2	180	28.00	5,040.00
pavement to access (Provisional Quantity)				
Council permits, approvals and testing	Item	1		Excluded
Drain re-allignment and rock linning	Item	1		By Others
	Sub Total			\$ 50,929.50
	Gst			\$ 5,092.95
		Total	\$ 56,022.45	

We thank you for the opportunity to provide this quote. If you have any questions or require further information, please do not hesitate to contact Brendan on (07) 4041 4350.

Kind Regards,

Brendan Rogina
Operations Manager

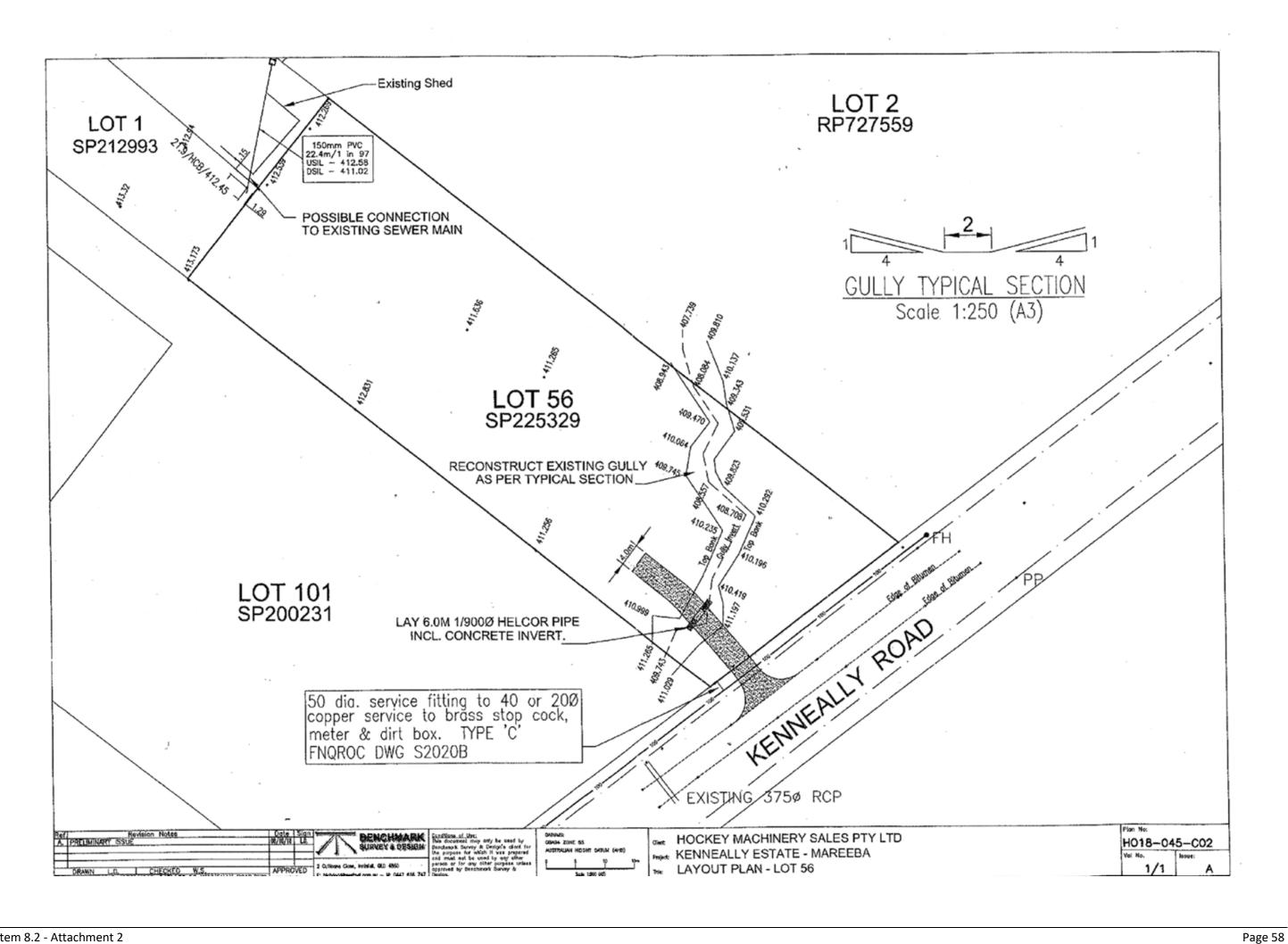
FGF Developments Pty Ltd

Form: TE-001/5 Issue: 2 Date: 25.02.16

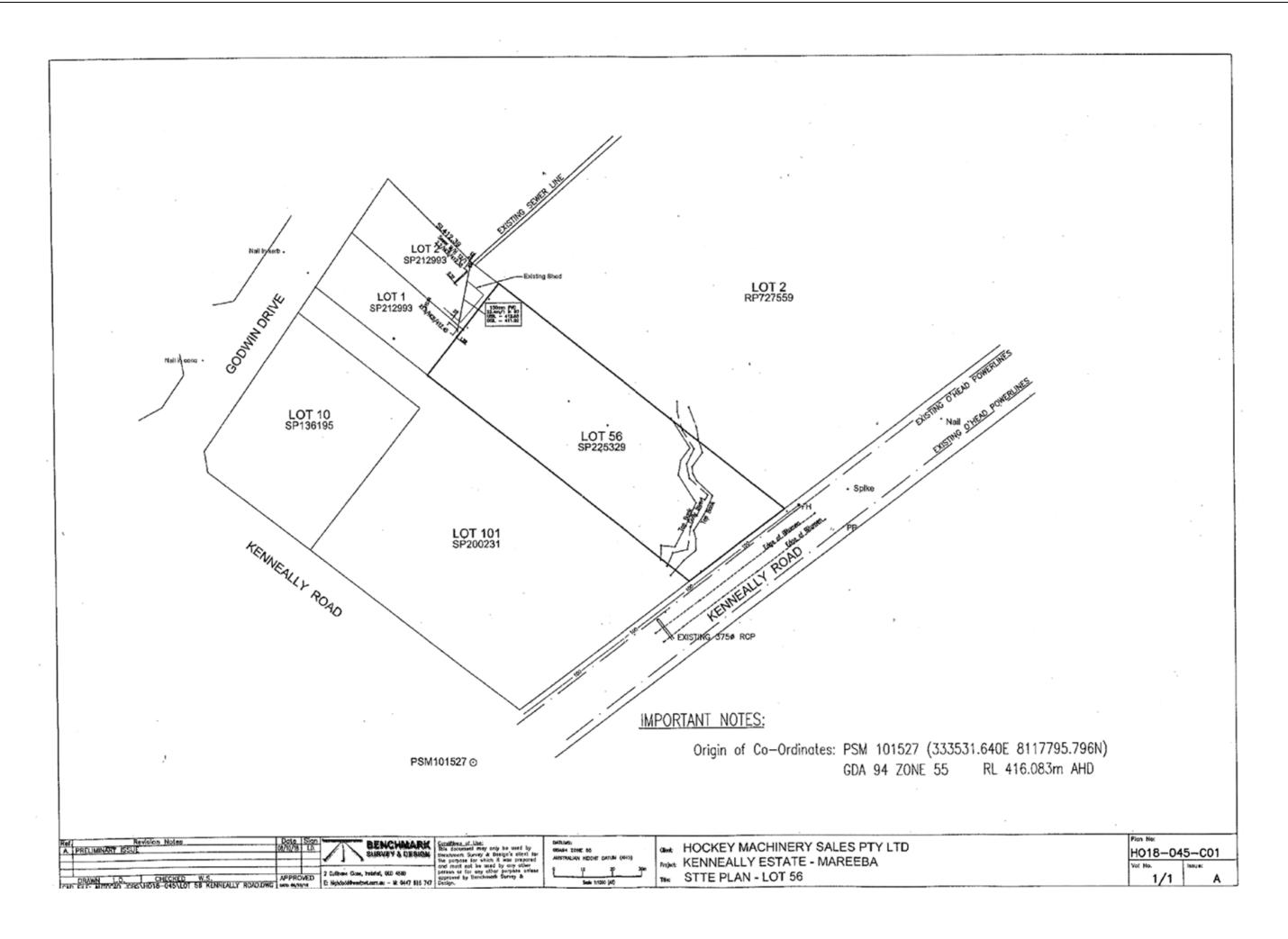
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Item 8.2 - Attachment 2



Item 8.2 - Attachment 2

8.3 GIULIANO & GINA CORDENOS AND STEPHEN CORDENOS - MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 TO ALTER THE LEVEL OF ASSESSMENT FOR "CHILDCARE CENTRE' FROM IMPACT ASSESSMENT TO CODE ASSESSMENT - LOT 53 ON SP204554 - 47 ANZAC AVENUE, MAREEBA - MCU/20/0017

Date Prepared: 27 October 2021
Author: Senior Planner

Attachments: 1. CairnsSARA letter dated 1 February 2021 4

2. Submissions - Changed Application <a>J

3. Submissions - Original Application <a> J

APPLICATION DETAILS

APPLICATION	NC	PREMISES		
APPLICANT	Giuliano & Gina	ADDRESS	47 Anzac Avenue,	
	Cordenos and		Mareeba	
	Stephen Cordenos			
DATE OF CHANGED	28 July 2021	RPD	Lot 53 on SP204554	
APPLICATION:				
TYPE OF APPROVAL	Preliminary Approval			
PROPOSED DEVELOPMENT	Material Change of Use for a Preliminary Approval including a			
	variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment			
	for 'childcare centre' from Impact assessment to Code			
	assessment			
FILE NO	MCU/20/0017	AREA	4,061m2	
LODGED BY	Planning Plus Pty Ltd	OWNER	Armbridge Pty Ltd	
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016			
ZONE	Low Density Residential zone			
LEVEL OF	Impact Assessment			
ASSESSMENT				
SUBMISSIONS	Original application - Three (3), including one with 73			
	signatories			
	Changed application - Five (5)			

EXECUTIVE SUMMARY

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

The application is Impact assessable and five (5) properly made submissions were received in response to public notification of the changed application. A further three (3) properly made submissions were received during the public notification of the original application.

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

Approval of this variation request will change how the Mareeba Shire Council Planning Scheme 2016 applies to Lot 53 on SP204554 by reducing the level of assessment for a future childcare centre material change of use application from an impact assessment to a code assessment.

A future code assessable application will not require further public notification beyond that already carried out for this variation request. By limiting the variation request only to alter the level of assessment for a childcare centre, the applicant has removed the original application's uncertainty.

The likely impacts of a future childcare centre can be reasonably foreseen, notwithstanding the minimal level of detail provided by the applicant. Those persons concerned by the prospect of a future childcare centre have had twice the normal public notification period (30 business days versus 15 business days) to lodge their submissions.

A review of the variation request against the full Strategic Framework has established that the variation request is not inconsistent with the balance of the planning scheme.

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

It is recommended that the variation request be approved, subject to conditions requiring a future childcare centre to be connected to Mareeba's reticulated water and sewerage infrastructure.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION	PREMISES		
APPLICANT	Giuliano & Gina	ADDRESS	47 Anzac Avenue,
	Cordenos and		Mareeba
	Stephen Cordenos		
DATE OF CHANGED	28 July 2021	RPD	Lot 53 on SP204554
APPLICATION:			
TYPE OF APPROVAL	Preliminary Approval		
PROPOSED DEVELOPMENT	Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment		

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

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

And

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

(A) APPROVED DEVELOPMENT:

Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment

- (B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)
 - (a) <u>Development assessable against the Planning Scheme</u>
 - 1. The assessment manager has approved a variation to an applicable local planning instrument, being the Mareeba Shire Council Planning Scheme 2016.

The variation approved is **code assessable** development with respect to material change of use - childcare centre on Lot 53 on SP204554.

The following codes apply to material change of use - childcare centre development on Lot 53 on SP204554 resulting from this preliminary approval -

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.3 Community activities code
- 9.4.1 Advertising devices code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

2. Water Supply

- (a) The developer must connect any future childcare centre on Lot 53 on SP204554 to Council's reticulated water supply system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

3. Sewerage Connection

(a) The developer must connect any future childcare centre to Council's reticulated sewerage system in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer.

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

(C) 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) 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.

(c) 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.

(D) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency response dated 1 February 2021

(E) RELEVANT PERIOD

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

- Material Change of Use six (6) years (starting the day the approval takes effect);
- (F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
 - Development Permit for Material Change of Use
- (G) OTHER APPROVALS REQUIRED FROM COUNCIL
 - Nil

THE SITE

The site is situated at 47 Anzac Avenue, Mareeba and is more particularly described as Lot 53 on SP204554. The site is irregular in shape with an area of 4,061m2 and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is flat and except for a for sale sign in the north-eastern corner, vacant.

The site has frontages of approximately 107 metres to the Kennedy Highway and 80 metres to Anzac Avenue. Both frontage roads are constructed to bitumen sealed standard. Informal access to the site is gained from Anzac Avenue.

The properties adjoining the western boundary comprise of a residential lot containing a dwelling house, and Lot 201 containing the Mareeba Bowls Club and the new Mareeba Shire Council library. Both of these adjoining lots are zoned Low Density Residential.

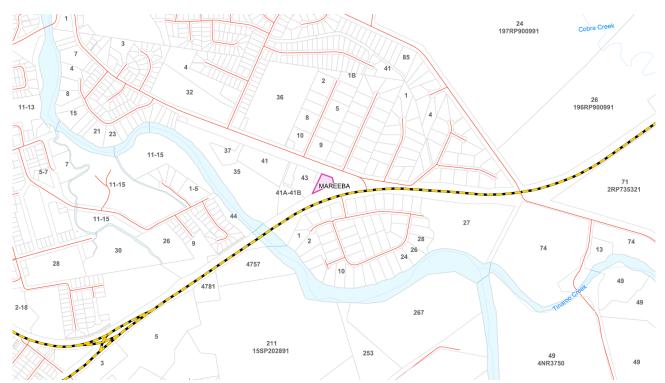
The immediate locality is characterised by residential and rural residential lots generally ranging between 1,000m2 and up to 8,000m2.

The site is not currently connected to Mareeba's reticulated water and sewerage networks.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Lot 53 on SP204554 is a balance allotment left after the completion of the Riverland's Estate subdivision on the opposite side of the Kennedy Highway.

Original Application

Material Change of Use application MCU/20/0017 was originally lodged with Council on 8 December 2020 (original application). The original application sought Preliminary Approval including a Variation Request under Section 43 and 50(3) of the Planning Act 2016 to vary the effect of the Mareeba Shire Council Planning Scheme 2016 for use rights associated with the 'Anzac Avenue Commercial Zone' over Land at 47 Anzac Avenue, Mareeba, more particularly described as Lot 53 on SP204554.

The use rights associated with the proposed Anzac Avenue Commercial Zone would have varied (replaced) those use rights currently associated with the land's Low Density Residential zoning. In essence, the original application sought to establish the proposed 'Anzac Avenue Commercial Zone' as a local categorising instrument for Lot 53 on SP204554, thereby making a material change of use for the following seven (7) land uses, code assessable:

- Food and drink outlet
- Health care services
- Office
- Outdoor sales
- Service industry

- Shop
- Showroom

Council officers completed assessment of the original application and submitted a report to the 21 April 2021 Ordinary Meeting, with a recommendation for refusal based on the following reasons:

- 1. The proposed development is in conflict with Specific Outcome 3.3.2.1 (3) of the Strategic Framework.
 - (3) Other than small scale industry areas, commercial activities will not occur outside centre areas unless there is an overriding need in the public interest, there are no alternative sites in centre areas, there is no adverse impact on centre areas or the area surrounding the development and the site is readily accessible by a range of transport modes.

Reason for conflict

The application is proposing commercial activities outside the established centre area.

The Need Analysis does conclude that there is a 'Need' for the proposed small commercial area.

The test for establishing an overriding need in the public interest goes well beyond establishing a basic need. Currently, the most detailed methodology for deciding whether there is a need in the public interest is outlined in section 41B of the *Planning Regulation 2017*.

Section 41B

- (2) The referral agency may decide there is an overriding need, in the public interest, for the development to be carried out only if the development application demonstrates that-
 - (a) the development will have a social, economic or environmental benefit for the community that outweighs-
 - (i) any adverse impact of the development on a matter or thing stated in the SEQ regional plan, table 11b; and
 - (ii) the desirability of achieving the goals, elements and strategies stated in the SEQ regional plan, particularly the goals, elements and strategies about-
 - (A) consolidating urban development in the SEQ urban footprint; and
 - (B) preventing land fragmentation in the SEQ regional landscape and rural production area; and
 - (b) there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out.
- (3) To remove any doubt, it is declared that there is not an overriding need, in the public interest, for the development to be carried out merely because-
 - (a) the applicant-

- (i) owns the premises; or
- (ii) has an interest in, or option over, the premises; or
- (b) the premises are available for the carrying out of the development.

Section 41B does makes specific reference to South East Queensland, however its general principles still apply in all cases.

The applicant has not demonstrated that there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out. Therefore, the applicant has not demonstrated that there is an overriding need in the public interest.

Mareeba has a significant supply of vacant and underdeveloped Centre zone land that can accommodate all of the uses envisaged by the variation request. Therefore, alternative sites are available in the existing centre areas.

The proposed development has the potential to adversely impact on the surrounding Low Density Residential and Rural Residential land uses through increased traffic and noise.

The development conflicts.

- 2. The proposed development is in conflict with Specific Outcome 3.3.2.1 (4) of the Strategic Framework.
 - (4) Ribbon or strip commercial activities along state controlled roads and local collector roads is generally avoided outside of the centre areas where possible.

Reason for conflict

The variation request will result in ribbon or strip commercial activities along the Kennedy Highway and Anzac Avenue.

Other than this site's exposure to the Kennedy Highway, there are no other significant planning grounds pressing for this Low Density Residential lot to be developed for commercial purposes.

Mareeba has a significant supply of vacant and underdeveloped Centre zone land that can accommodate all of the uses envisaged by the variation request.

In this instance, it is possible to avoid the ribbon or strip commercial activities by developing these activities within the existing centre areas.

The development conflicts.

- 3. The proposed development is in conflict with Specific Outcome 3.7.6.1 (1) of the Strategic Framework.
 - (1) Commercial development will be facilitated by:
 - (a) consolidation and co-location of centre activities in existing centre areas;
 - (b) identification of space adjacent to centre areas to cater for the expansion of commercial activities;

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

Reason for conflict

The application is proposing commercial activities outside the established centre area.

The site is not adjacent to an established centre area and approval of the variation request will represent an ad-hoc commercial node in the midst of Mareeba's most active residential development area.

The development conflicts.

- 4. The proposed development is in conflict with Specific Outcome 3.7.6.1 (2) of the Strategic Framework.
 - (2) Out-of-centre retail development is avoided and should only occur if there is a clearly demonstrated over-riding community need and evidence demonstrating that the development would not adversely impact existing centre areas.

Reason for conflict

The application is proposing commercial activities outside the established centre area.

The Need Analysis does conclude that there is a 'Need' for the proposed small commercial area.

The test for establishing an overriding need in the public interest goes well beyond establishing a basic need. Currently, the most detailed methodology for deciding whether there is a need in the public interest is outlined in section 41B of the *Planning Regulation 2017*.

Section 41B

- (2) The referral agency may decide there is an overriding need, in the public interest, for the development to be carried out only if the development application demonstrates that-
 - (a) the development will have a social, economic or environmental benefit for the community that outweighs-
 - (i) any adverse impact of the development on a matter or thing stated in the SEQ regional plan, table 11b; and
 - (ii) the desirability of achieving the goals, elements and strategies stated in the SEQ regional plan, particularly the goals, elements and strategies about-
 - (A) consolidating urban development in the SEQ urban footprint; and

- (B) preventing land fragmentation in the SEQ regional landscape and rural production area; and
- (b) there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out.
- (3) To remove any doubt, it is declared that there is not an overriding need, in the public interest, for the development to be carried out merely because-
 - (a) the applicant-
 - (i) owns the premises; or
 - (ii) has an interest in, or option over, the premises; or
 - (b) the premises are available for the carrying out of the development.

Section 41B does makes specific reference to South East Queensland, however its general principles still apply in all cases.

The applicant has not demonstrated that there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out. Therefore, the applicant has not demonstrated that there is an overriding need in the public interest.

Mareeba has a significant supply of vacant and underdeveloped Centre zone land that can accommodate all of the uses envisaged by the variation request. Therefore, alternative sites are available in the existing centre areas.

Council has previously approved 10,000m² of commercial zoning under the Hastie Road Business Zone approval on Karobean Drive, Mareeba. To date, the stages comprising the Amaroo Medical Centre and associated shop tenancies have been completed.

This established commercial area was approved on the basis that it would meet the short to medium term needs of the eastern Mareeba residential growth area.

The Hastie Road Business Zone has remaining capacity to allow for future stages including a convenience store and fast food outlet. The development of a second commercial area to service the same eastern Mareeba residential growth area is unwarranted at this time.

The proposed development has the potential to adversely impact on the surrounding Low Density Residential and Rural Residential land uses through increased traffic and noise.

The development conflicts.

- 5. The proposed development is in conflict with purpose statement 6.2.6.2 (1) of the Low Density Residential Zone Code.
 - (1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.

Reason for conflict

As the site will continue to adjoin land in the Low Density Residential, it is appropriate to assess the variation request for consistency with the purpose statement for the Low Density Residential zone.

The variation request has the potential to lead to commercial development well beyond the small scale envisaged under the Low density residential zone code and the also well beyond the expectations of existing residents.

The development conflicts.

- 6. The proposed development is in conflict with purpose statement 6.2.6.2 (2)(a) & (c) of the Low Density Residential Zone Code.
 - (2) Mareeba Shire Council's purpose of the Low density residential zone code is to:
 - (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
 - (c) facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.

Reason for conflict

The variation request does not maintain the integrity of the established residential area.

The variation request has the potential to lead to commercial development well beyond the small scale envisaged under the Low density residential zone code and the also well beyond the expectations of existing residents.

- 7. The proposed development is in conflict with overall outcomes 6.2.6.2 (3)(f), (g) & (k) of the Low Density Residential Zone Code.
 - (3) The purpose of the code will be achieved through the following overall outcomes:
 - (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;
 - (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;
 - (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;

Reason for conflict

The variation request may potentially result in larger scale commercial development beyond that envisaged under overall outcome (f) and may lead to the adverse amenity impacts identified under overall outcome (g).

Overall outcome (k) is very specific in respect to non-residential development. Such development may be considered in <u>new</u> residential areas, where the non-residential use <u>meets the day to day needs</u> of the immediate residential community. Neither situation applies for the proposed variation request.

The proposed development conflicts.

Prior to the 21 April 2021 Ordinary Meeting, the applicant requested that the agenda item for the original application be withdrawn, pending further representations.

On 28 July 2021, a change was made to the application (changed application) reducing the scope of the variation request to solely the level of assessment for a childcare centre on the subject land.

PREVIOUS APPLICATIONS & APPROVALS

Prior to this current application, the most recent material change of use application over the site was lodged on 28 October 2009.

At this time, the Mareeba Shire Planning Scheme 2004 was in effect and the site was zoned Future Residential.

The material change of Use application proposed to develop the site for a motor showroom and associated vehicle repair station (proposed Mareeba Mitsubishi and Mareeba Mazda).

Council at its meeting held on 5 May 2010 resolved to refuse the application on the following grounds:

- 1. The proposed development will compromise the achievement of the following Desired Environmental Outcomes:
 - (h) All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction.
 - (r) The identification and protection of the amenity of noise sensitive development and liveability of residential areas.
- 2. The proposed development is in conflict with Part 4, Division 24, 4.135 Overall Outcomes for Future Residential Zone Code, (2):
 - (i) which provides the Mareeba Shire with an allocation of land in a "holding zone" within the life of this planning scheme, until such time as additional land is required to meet demand;
 - (ii) which allows for uses which are consistent with the current zones, but will not prejudice the intended development of the Future Residential zone;
 - (iv) where sporadic and premature subdivision of land is prevented, development is well planned and integrated with surrounding land uses, and any interim uses do not prejudice future development;
 - (vii) where urban design promotes a sense of place and community safety;
- 3. The proposed development is in conflict with Part 4, Division 6, 4.31 Overall Outcomes for Residential Zone Code, (2):
 - (a) is attractive and contains housing at a range of population densities that provides a
 pleasant and safe living environment for its occupants;
 - (d) provides for a mix of medium and high-density development within the existing urban fabric and is visually compatible with the scale and character of the surrounding area;

The current application has been made under the Mareeba Shire Council Planning Scheme 2016.

DESCRIPTION OF PROPOSED DEVELOPMENT

The changed application is for Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment.

If approved, a future development of a childcare centre on Lot 53 on SP204554 will require a code assessable material change of use application which will be assessed against the following assessment benchmarks (codes) of the Mareeba Shire Council Planning Scheme 2016:

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.3 Community activities code
- 9.4.1 Advertising devices code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

A future code assessable application will not require further public notification, beyond that already carried out for this variation request.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan.

The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories		
	Residential Area		
	Transport Elements		
	State Controlled Road		
	Local Collector Road		
	Principal Cycle Network		
Zone:	Low Density Residential zone		
Overlays:	Airport environs overlay		
	Hill and slope overlay		
	 Residential dwelling house and outbuilding overlay 		
	 Transport infrastructure overlay 		

Planning Scheme Definitions

The proposed use is defined as:

Column 1	Column 2	Column 3	Column 4 Does not include the following examples
Use	Definition	Examples include	
Childcare centre	minding, education and	Crèche, early childhood centre, kindergarten, outside hours school care	establishment, home

RELEVANT PLANNING INSTRUMENTS

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

(A) Planning Act 2016 and Planning Regulation 2017

Planning Act 2016 - section 61

- 61 Assessing and deciding variation requests
 - (1) This section applies to a part of a properly made application that is a variation request.
 - (2) When assessing the variation request, the assessment manager must consider-
 - (a) the result of the assessment of that part of the development application that is not the variation request; and

Comment

Not applicable. The variation request forms the entire development application.

(b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and

Comment

A review of the variation request against the full Strategic Framework is contained in this report. This review establishes that the variation request is not inconsistent with the remainder of the planning scheme.

It is noteworthy that a childcare centre is code assessable development within the Medium Density Residential zone where carried out on a lot of at least 1,200m2 in area.

(c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and

Comment

A future code assessable application will not require further public notification, beyond that already carried out for this variation request.

By reducing the scope of the variation request to only alter the level of assessment for childcare centre, the applicant has removed the enormous uncertainty surrounding the original application.

The likely impacts of a future childcare centre can be reasonably foreseen notwithstanding the minimal level of detail provided by the applicant.

(d) any other matter prescribed by regulation.

Comment

Refer to Planning Regulation 2017 - section 32 discussion below.

- (3) The assessment manager must decide-
 - (a) to approve-
 - (i) all or some of the variations sought; or
 - (ii) different variations from those sought; or
 - (b) to refuse the variations sought.

Comment

The officer recommendation is outlined at the commencement of this report.

Planning Regulation 2017 - section 32

32 Assessing variation requests—Act, s 61

For section 61(2)(d) of the Act, an assessment manager must consider the following matters when assessing a variation request, to the extent the matter is relevant to the request-

(a) the common material;

Comment

This report considered the common material.

(b) the regional plan for a region;

Comment

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

(c) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;

Comment

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

(d) any temporary State planning policy.

Comment

Not relevant

(B) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

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

Although the current application seeks to vary certain aspects of the planning scheme, the variations being proposed should remain consistent with the policy direction established by the strategic framework.

The following is an assessment of the variation request against the entire strategic framework:

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

(1) Mareeba Shire is intended to support a widely dispersed population in a variety of settings, including rural towns, small rural settlements, villages, rural residential areas, cropping lands, grazing lands and broad-hectare grazing properties. Future development maintains this settlement pattern and the distinct character that it provides to the shire. The settlement pattern also ensures the continuing viability of the shire's rural economy, particularly through the provision of high quality services.

Comment

The variation request does not compromise the intended settlement pattern.

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

Comment

The variation request does not compromise this strategic outcome.

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

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

Comment

The variation request will not strategically impact on new residential development or housing choice.

(4) Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.

Comment

Not applicable.

(5) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity. The rural area's valued, relaxed rural lifestyle, character, and scenic qualities are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.

Comment

Not applicable.

(6) Industry areas support the industrial development in the shire and are protected from encroachment by incompatible or sensitive uses. The Mareeba major industry area is the predominant supply of industrial land which will cater for high impact industry and major industrial developments into the future. Smaller industry areas are strategically located across the shire to service local needs.

Comment

The variation request does not compromise this strategic outcome.

(7) The built environment is ecologically sustainable, achieving energy and resource efficiency and favouring architecture that is sensitive to local character. Development reflects sustainable tropical design principles, is climate responsive and preserves natural features.

Comment

Future development on the site can comply with this strategic outcome.

(8) Risks to infrastructure, buildings and the community posed by bushfires, cyclones, flooding, landslides and other extreme events are minimised. Development is considerate of the potential increased incidence of these hazards induced by climate change.

Comment

The site is not identified as being at extreme risk from these hazards. Any future buildings on the site can reasonably respond to the relevant hazard level.

3.3.2 Element—Activity centres network

3.3.2.1 Specific outcomes

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

Comment

Mareeba is a major regional activity centre. The scale of potential development possible under the variation request is consistent with a major regional activity centre.

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

Comment

Mareeba is a major regional activity centre and the variation request envisages development appropriate for such a centre.

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

Comment

The planning scheme does not categorise a childcare centre as a commercial activity.

(4) Ribbon or strip commercial activities along *state controlled roads* and *local collector roads* is generally avoided outside of the *centre areas* where possible.

Comment

The planning scheme does not categorise a childcare centre as a commercial activity.

(5) *Centre areas* provide vibrant settings for community activity, social interaction and trade. Each centre retains its individual character.

Comment

Any future development of the subject site can still comply with this outcome, albeit at a smaller scale.

(6) *Centre areas* provide high quality and attractive streetscapes, active shopfronts, comfortable pedestrian environments and spaces for social interaction.

Comment

Any future development of the subject site can still comply with this outcome, albeit at a smaller scale.

3.3.3 Element—Major regional activity centre

3.3.3.1 Specific outcomes

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

Comment

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

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

Comment

The proposed development would comply.

(3) Mareeba is characterised by a relative lack of development constraints, and is supported by an expanding major industry area and Mareeba Airport. Mareeba has significant residential, industrial and commercial growth potential.

Comment

Noted.

(4) The centre area of Mareeba continues to be focussed on the core area around Byrnes Street (between Rankin and Lloyd Streets), with significant expansion of centre activities within underutilised sites within the Byrnes Street core, in Walsh Street and south along Byrnes Street. New development will improve the streetscape of the town centre including streetscape improvement.

Comment

Noted.

- (5) Regional scale services and employment are provided in Mareeba, including:
 - (a) primary, secondary and tertiary educational establishments;
 - (b) major supermarkets and large format retailers;
 - (c) factory outlets and warehouses;
 - (d) government administration;
 - (e) hospitals and social services;
 - (f) major recreation and health and fitness facilities.

Comment

Noted.

3.3.4 Element—Village activity centre

3.3.4.1 Specific outcomes

(1) Kuranda, as the *village activity centre* for Mareeba Shire, accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituent surrounding rural and rural residential communities.

Comment

Not applicable.

(2) The Kuranda Village continues as a premier tourist destination of Far North Queensland as the 'Village in the Rainforest', supported by a growing arts economy. Its positioning and access to the Cairns tourism base (including international and domestic airports) will continue to support a significant local tourist economy, as well as making it a lifestyle destination for new residents.

Comment

Not applicable.

(3) Kuranda's *centre area* retains and enhances its village character and rainforested entrance and surrounds which make it an attractive place to live and visit.

Comment

Not applicable.

(4) Growth is focused within the broader Kuranda district. Further residential development in the Myola corridor is not supported within the life of the planning scheme.

Comment

Not applicable.

3.3.5 Element—Rural activity centres

3.3.5.1 Specific outcomes

(1) Chillagoe and Dimbulah are the Rural activity centres within Mareeba Shire and continue to provide a level of commercial and community services to their rural catchments. Further development of emerging lower intensity activities is commensurate with the scale and amenity of the relevant local catchment, and includes support to primary industries, mining activities and tourism uses.

Comment

Not applicable.

(2) Rural industries, workers accommodation and mining infrastructure are accommodated in suitable locations. Any expansion of mining activity in the shire is anticipated to result in positive increases to population. Social, economic and environmental change within affected settlements is to be managed to ensure the long term sustainability of these settlements is protected.

Comment

Not applicable.

(3) The *rural activity centres* of Mareeba Shire maintain their relaxed, low density, small town character and lifestyle. Infill development will maintain larger lot sizes than other *activity centres* in the shire in order to retain the rural character and expected levels of amenity. Lower residential densities are also enforced due to a lack of sewerage infrastructure.

Comment

Not applicable.

(4) Chillagoe supports significant tourist activity and visitor numbers in addition to servicing its local community.

Comment

Not applicable.

3.3.6 Element—Rural villages

3.3.6.1 Specific outcomes

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

Comment

Not applicable.

3.3.7 Element—Residential areas and development

3.3.7.1 Specific outcomes

(1) Residential development, including Multiple dwellings and Dual occupancy, are sensitively integrated into the existing character of residential streets, predominantly in *residential areas* adjoining the *centre areas* of Mareeba and Kuranda. Infill development accounts for 20 percent of new dwellings constructed in Mareeba by 2031.

Comment

Not applicable.

(2) Population growth is focused on infill sites within existing residential areas and greenfield developments in residential areas and urban expansion areas to the east and south of Mareeba. An investigation area to the north of Mareeba will be considered for potential urban growth outside the life of the planning scheme.

Comment

Not applicable.

(3) Residential expansion occurs in *residential areas* immediately adjacent to established *activity centres* and is logically sequenced to ensure efficient servicing by existing physical infrastructure networks.

Not applicable.

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

Applicant's Response

Proposal seeks an alternative form of development given the site's location adjacent to existing non-residential land uses and position at the corner of two major roads.

Comment

The proposed development applies to one lot and will not alter the predominant form of development in residential areas.

A minor conflict exists which will be remedied should the variation request be approved.

(5) A range of mixed housing, affordable housing and social housing is provided in response to the diverse and changing demography of Mareeba Shire. This development is located in residential areas in a manner consistent with the character and amenity of the shire's activity centres.

Comment

Not applicable.

- (6) Residential subdivision design and greenfield development considers and respects:
 - (a) topography;
 - (b) climate responsive design and solar orientation;
 - (c) efficient traffic flows and connectivity;
 - (d) pedestrian and cycle movement;
 - (e) efficient and sustainable infrastructure provision;
 - (f) environmental values;
 - (g) parkland and open space links;
 - (h) mixed lot sizes and dwelling types;
 - (i) water sensitive urban design;
 - (j) good quality agricultural land;
 - (k) the character and scale of surrounding development.

Comment

Not applicable.

3.3.8 Element—Urban expansion and investigation areas

3.3.8.1 Specific outcomes

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

<u>Comment</u>

Not applicable.

(2) Well-serviced and designed greenfield residential development occurs in *urban expansion* areas of Mareeba and Kuranda only where it is planned, logically sequenced and can be efficiently serviced.

Comment

Not applicable.

(3) *Urban expansion areas* in Mareeba provide a range of housing options and aim for density targets of twelve dwellings per hectare by 2031.

Comment

Not applicable.

(4) Local centre development may occur within *urban expansion areas* in Mareeba to provide for everyday community needs within a walkable catchment.

Comment

Not applicable.

3.3.8.2 Land use strategies

- (1) Investigation areas are to be investigated to accommodate future development beyond the life of the planning scheme. Investigation areas are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an investigation area should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of activity centres. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:
 - (a) need for land for the proposed land use;
 - (b) mitigation or avoidance of impacts on sensitive receiving environments;
 - (c) where involving good quality agricultural land:
 - (i) there is no alternative land available that is not good quality agricultural land; and
 - (ii) the need for future development represents a public benefit.
 - (d) suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance
 - (e) consistency with the Strategic Framework.
 - (f) consistency with State and Regional Planning requirements.

Comment

Not applicable.

3.3.9 Element—Aged care and retirement areas

3.3.9.1 Specific outcomes

(1) Appropriately designed and serviced aged accommodation, including residential care and retirement facilities, which take into account the support services required as people become less independent, are developed throughout Mareeba Shire's residential areas and urban expansion areas.

Not applicable.

(2) Small scale, low cost aged accommodation close to the CBD and health services catering for independent living are encouraged to cater to Mareeba's ageing population.

Comment

Not applicable.

3.3.10 Element—Rural residential areas

3.3.10.1 Specific outcomes

(1) Rural residential development is consolidated within *rural residential areas* where it will not result in the fragmentation or loss of *agricultural areas* or *biodiversity areas*.

Comment

Not applicable.

(2) Infill development within *rural residential areas* occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an *activity centre* is proximate.

Comment

Not applicable.

(3) No further subdivision of greater than anticipated density occurs within *rural residential areas* that are not proximate to an *activity centre* and its attending physical and social infrastructure.

Comment

Not applicable.

(4) Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.

Comment

Not applicable.

(5) Limited agricultural and animal husbandry activities may occur in *rural residential areas* where the offsite impacts of the activity are mitigated in protection of the amenity expectation of the *rural residential areas*.

Comment

Not applicable.

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

Comment

Not applicable.

3.3.11 Element—Rural areas

3.3.11.1 Specific outcomes

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

Comment

Not applicable.

(2) Land in *rural areas* is maintained in economically viable lot sizes, ensuring that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses.

Comment

Not applicable.

- (3) Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the *rural area* in a way which:
 - (a) does not impede or conflict with agricultural activities and production; and
 - (b) does not compromise rural character and scenic qualities; and
 - (c) does not adversely impact on ecological and biodiversity values.

Comment

Not applicable.

(4) Other rural areas will be largely maintained in their current configuration, only being subdivided where viable holdings are achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.

Comment

Not applicable.

(5) Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in *other rural areas* where appropriately located, serviced and otherwise consistent with the Strategic Framework.

Comment

Not applicable.

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

Comment

Not applicable.

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

<u>Comment</u>

Not applicable.

- (8) Historical townships located in *rural areas* are generally cadastral anomalies. Historical townships are generally below current infrastructure standards in respect to roads, stormwater drainage, water and sewerage infrastructure and are not intended to be developed or further subdivided. Historical townships are not always named, and include:
 - (a) Almaden
 - (b) Calcifer
 - (c) Kingsborough
 - (d) Koorboora
 - (e) Montalbion
 - (f) Mt Mulligan
 - (g) Northcote
 - (h) Petford
 - (i) Stannary Hills
 - (j) Thornborough
 - (k) Watsonville

Comment

Not applicable.

3.3.12 Element—Industry areas

3.3.12.1 Specific outcomes

(1) The Mareeba *major industry area* will develop as a regional industrial hub, servicing Mareeba Shire and beyond. The role of Mareeba as an industrial and service node is strengthened by the allocation of suitable and adequately serviced land for all types of industry, from low impact to high impact and special industries including industries that generate trade waste e.g. fruit and vegetable processing, small scale meat processing, saw mills and chemical manufacturers.

Comment

Not applicable.

(2) Mareeba provides a strategic alternative and secure location to limited supplies of industrial land in Cairns, and potentially expands as a base for increased agricultural, cattle and mining activities, and for servicing Gulf Savannah and Cape York communities.

Comment

Not applicable.

(3) Regional scale, large industrial facilities and high impact industries are primarily located within the Mareeba *major industry area*. Chillagoe *industry area* may accommodate high impact

industry associated with mining where mitigation of impacts on the amenity of residential areas is undertaken in accordance with best practice.

Comment

Not applicable.

(4) The *industry areas* of Dimbulah and Mt Molloy accommodate light to medium impact industry and trades and services which service their local catchments.

Comment

Not applicable.

(5) Industry areas in select rural activity centres and rural villages support the local economy with light industry and trades. Where no industry area is supplied in rural activity centres and rural villages, some low impact industrial uses may be permitted in centre areas and residential areas where it is demonstrated that impacts on surrounding land uses can be appropriately managed.

Comment

Not applicable.

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

Comment

Not applicable.

(7) Sensitive urban land uses such as residential development or community facilities do not encroach upon or establish within *industry areas*.

Comment

Not applicable.

3.3.13 Element—Sustainable design

3.3.13.1 Specific outcomes

(1) Development integrates the principles and practices of sustainable urban design in streetscapes and public areas, providing attractive and comfortable environments for pedestrians.

Comment

Future development can comply.

(2) Buildings are designed with appropriate orientation and siting, passive climate control and incorporate energy and water saving technologies.

Comment

Future development can comply.

(3) Development reflects the tropical character of the shire to promote outdoor living.

Comment

Future development can comply.

3.3.14 Element—Natural hazard mitigation

3.3.14.1 Specific outcomes

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

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

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

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

(3) Development considers the potential for increased occurrence of natural hazards as a result of climate change, including greater frequency of extreme weather events and increased rainfall intensities.

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

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

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

3.3.15 Element—Indigenous communities

3.3.15.1 Specific outcomes

(1) Quality housing and infrastructure is provided in the *Aboriginal Communities* of Oak Forest, Kowrowa, Mantaka, Koah and Mona Mona and their expansion is anticipated and catered for.

Comment

Not applicable.

(2) The aspirations of Indigenous communities to return to their traditional country, facilitated through the development of interpretive tourism and rural based economic development, are realised in appropriate locations.

Comment

Not applicable.

3.4 Natural resources and environment

3.4.1 Strategic outcomes

(1) Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within *conservation areas* and *biodiversity areas*, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of *biodiversity areas*, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.

Comment

The site does not contain or adjoin any such areas.

(2) Natural corridors through the landscape, including *ecological corridors*, and natural areas which provide linkages between areas of significant biodiversity and habitat value are protected and enhanced. Opportunities are realised to connect habitat fragments across the regional landscape through strategic rehabilitation and protection of potential habitat connection corridors, such as *habitat linkages*. The resilience of natural systems and wildlife to respond to climate change is strengthened by providing maximum connectivity across a range of habitats, allowing species to migrate and retreat.

Comment

The site does not contain or adjoin any such areas.

(3) The physical condition, ecological health, environmental values and water quality of surface water and groundwater systems, including but not limited to *major waterbodies* and *major watercourses*, is protected, monitored and improved. The impacts of Mareeba Shire's water quality, wetland and riparian health on the Great Barrier Reef and the Gulf of Carpentaria are recognised through integrating sustainable catchment management practices into land use planning. Riparian areas and areas surrounding ecologically significant wetlands will be enhanced as part of new development.

Comment

Noted.

(4) The shire secures a safe, reliable and adequate water supply, which is efficiently used and appropriately managed to ensure social, economic and environmental sustainability. Important strategic sources of water, including the Barron Basin, contingent water supplies and underground aquifers are recognised for their role in supporting the shire's community,

primary industries and economic base. Their social, economic and environmental function is not compromised by land uses and development.

Comment

Noted.

(5) The air and acoustic environment of Mareeba Shire is managed to ensure its maintenance or improvement. Development maintains or enhances the health and well-being of the community and the natural environment.

Comment

Future development can be reasonably conditioned to minimise air and acoustic impacts.

(6) Risks to health and safety caused by contaminated land are managed, including through the remediation of contaminated sites and the careful management of unexploded ordinances.

Comment

Not applicable.

3.4.2 Element—Conservation areas

3.4.2.1 Specific outcomes

(1) The ecological values and processes of *conservation areas*, including World Heritage Areas, are recognised and protected from development which is incompatible with these values.

Comment

Not applicable.

(2) Conservation areas include areas of high scenic amenity value and are protected from development which compromises these scenic values.

Comment

Not applicable.

- (3) Development within conservation areas will be limited to:
 - (a) visitor facilities designed to facilitate nature appreciation and blend with the natural environment;
 - (b) facilities for ecological research;
 - (c) small-scale maintenance buildings and depots associated with the management of natural values;
 - (d) essential infrastructure corridors;
 - (e) uses in accordance with a relevant Indigenous Land Use Agreement (ILUA).

Comment

Not applicable.

- (4) New development adjacent to conservation areas will:
 - (a) be compatible with natural values; and

- (b) sensitively located and setback from conservation areas; and
- (c) ensure no irreparable disturbances to the areas of ecological significance; and
- (d) mitigate the cumulative impacts of development; and
- (e) ensures contaminants do not impact conservation areas.

Not applicable.

3.4.3 Element—Pest and weed management

3.4.3.1 Specific outcomes

(1) Development within, adjoining or surrounding conservation areas, biodiversity areas, wetlands or watercourses avoids the incursion of weeds and pests through best practice management practices, sensitive design, landscaping and appropriate setback and buffer distances.

Comment

The site does not contain or adjoin any such areas.

(2) Wildlife predation from domestic animals in *biodiversity areas* is avoided by restricting cats and dogs, providing sufficient fencing or other appropriate mitigation measures.

Comment

The site does not contain or adjoin any such areas. Nor is the development proposing to keep cats or dogs.

(3) Plants used for landscaping and street trees are ideally native species, appropriate for the purpose and the local environment, and do not introduce invasive or exotic plants into the shire.

Comment

Future development will need to comply with the Landscaping Code.

(4) Operational works ensure appropriate management practices are adopted to minimise the spread of weed species.

Comment

Future development can be conditioned to comply.

3.4.4 Element—Biodiversity areas

3.4.4.1 Specific outcomes

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

Comment

Not applicable.

(2) Development on lots containing *biodiversity areas* ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.

Comment

Not applicable.

(3) *Biodiversity areas* that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.

Comment

Not applicable.

(4) The ecological values of *biodiversity areas* which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.

Comment

Not applicable.

(5) Areas within the Einasleigh Uplands bioregion to the west of the shire are recognised for their high level of endemism and significant biodiversity values.

Comment

Not applicable.

(6) Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.

Comment

Not applicable.

3.4.5 Element—Strategic rehabilitation and ecological corridors

3.4.5.1 Specific outcomes

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

Comment

Not applicable.

(2) Habitat linkages are strategically located future habitat corridors linking biodiversity areas within the shire. Development does not compromise the ability to realise these opportunities for ecological connectivity through progressive revegetation of habitat linkages with native vegetation.

Comment

Not applicable.

3.4.6 Element—Watercourses and wetlands

3.4.6.1 Specific outcomes

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

Comment

The subject land does not adjoin a watercourse or wetland.

- (2) Wetlands of ecological significance are protected from sediment and run off, vegetation clearing, weed invasion and pollution through designated setbacks and buffers. These include the following:
 - (a) Wetlands in the Great Barrier Reef Catchment; and
 - (b) Wetlands of High Ecological Significance as identified through the *Aquatic Biodiversity* Assessment and Mapping Method (AquaBAMM).

Comment

The subject land does not adjoin a watercourse or wetland.

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

Comment

Future development can be conditioned to comply.

(4) The headwaters of the Staaten River, which are included in the far western extent of Mareeba Shire, are recognised for their status as a part of the Gulf Rivers Strategic Environmental Area.

<u>Comment</u>

Noted.

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

Comment

The subject land does not adjoin a watercourse or wetland.

3.4.7 Element—Water resources

3.4.7.1 Specific outcomes

- (1) Development integrates the key principles of Total Water Cycle Management through:
 - (a) considering impacts on all water sources;
 - (b) using water sources sustainably;
 - (c) allocating and using water equitably;
 - (d) maintaining ecological flows and water quality.

Future development can be conditioned to comply.

(2) Water resources and reserves, including the Barron Basin, are recognised, monitored and protected from development which may prejudice or compromise their important role in supplying the community and industries within the shire with water.

Comment

Not applicable.

(3) The extraction of groundwater for domestic or commercial purposes or as part of a petroleum or other mining activity from underground aquifers must not directly or indirectly cause environmental harm to any spring, wetland or other surface waters.

Comment

Not applicable.

(4) Development mitigates impacts on ground water contamination, particularly in areas where water tables are heavily drawn upon for irrigation or domestic purposes.

Comment

Future development can be conditioned to comply.

(5) Demand management principles are integrated into the planning and design of water infrastructure.

Comment

Not applicable.

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

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

Comment

Future development can be reasonably conditioned to minimise air and acoustic impacts.

(2) Mareeba's *major industry area* accommodates uses with the potential to impact on air and acoustic qualities.

Comment

Noted.

(3) Land uses which emit high level of noise, including for example motor sports, gun clubs and the like will be appropriately located and managed to mitigate acoustic impacts.

Noted.

(4) Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.

Comment

Future development can be reasonably conditioned to minimise air and acoustic impacts.

3.4.9 Element—Contaminated land

3.4.9.1 Specific outcomes

(1) Development avoids, or appropriately remediates, contaminated land.

Comment

Not applicable.

(2) Development does not increase the risk of human or environmental harm associated with contaminated land.

Comment

Not applicable.

(3) Development of land with substantial Unexploded Ordnance (UXO) potential only proceeds following the conduct of UXO investigations and any necessary remediation by a qualified UXO investigation and remedial search contractor.

Comment

Not applicable.

3.5 Community identity and diversity

3.5.1 Strategic outcomes

(1) Mareeba Shire is characterised by a diverse cultural, scenic and natural character and identity. Valued streetscapes, town centres, built and natural features and precincts of character housing will be preserved and enhanced through sympathetic new development and redevelopment of existing buildings.

<u>Comment</u>

Not applicable.

(2) Heritage places and areas of historical significance are conserved and enhanced through sensitive re-use. Indigenous cultural heritage within the landscape is protected, or developed in consultation with Traditional Owners.

Comment

Not applicable.

(3) The outstanding landscape qualities and *scenic routes* of Mareeba Shire are conserved and protected from development that diminishes their visual and aesthetic values. The rural character, evidence of geomorphologic history and natural features within the regional landscape are preserved through sensitive development which complements iconic views, rainforest, hill slopes, bushland and rural vistas.

Comment

Not applicable.

(4) Development integrates a range of well linked and accessible open space and recreational areas within *residential areas* and *centre areas* and their surrounds. Open space and recreation areas are retained for community use, protected from incompatible development and incorporate important *biodiversity areas* and buffers to wetlands and watercourses. Open space supports a range of recreational activities which are consistent with community demand and encourage healthy and active lifestyles, including sporting and leisure facilities and trail networks.

Comment

Not applicable.

(5) A range of community facilities, that meet the needs of the Mareeba Shire community, is provided, maintained and enhanced. Facilities that cater for cultural events, community activities, sports and recreation are sensitively developed and integrated into the surrounding area. The range and location of community facilities caters for a wide cross section of interests and users in dispersed locations.

Comment

The development complies.

(6) Easily accessible health care services and facilities are provided that meet community needs. Public health and safety is fostered in the design of the built environment in Mareeba Shire, including by promoting surveillance, activity and recreation.

Comment

Not applicable.

3.5.2 Element—Local character

3.5.2.1 Specific outcomes

- (1) New development is designed to be complementary and sympathetic to:
 - (a) the character and identity of activity centres, particularly centre areas and main streets;
 - (b) prevalent architectural styles in the surrounding area;
 - (c) areas of early and highly valued character housing and commercial areas in Kuranda.

Comment

Future development can be conditioned to comply.

(2) Built and natural features that contribute to the character and identity of the shire, particularly within *activity centres*, are protected and enhanced.

Not applicable.

(3) Development promotes opportunities to foster local arts and culture and celebrate local history and identity.

Comment

Not applicable.

3.5.3 Element—Cultural heritage

3.5.3.1 Specific outcomes

(1) Heritage places of local and State significance are identified and protected from development that detracts from their heritage values, including character, prevalent views, fabric and features.

Comment

Not applicable.

(2) Buildings and sites of cultural heritage significance are retained, sensitively developed and reused in a way that enhances and retains their heritage values and historical significance.

Comment

Not applicable.

(3) Indigenous cultural heritage is protected, preserved and respected in accordance with traditional custom and practice and within the statutory framework of the *Aboriginal Cultural Heritage Act 2003*. 'Areas of Cultural Significance' have been broadly considered in the Strategic Framework.

Comment

Noted.

(4) Development of sites which include Indigenous cultural heritage significance acknowledges the key role of traditional owners in cultural heritage matters and is carried out in accordance with a Cultural Heritage Management Plan and in observance of established duty of care practices and cultural sensitivity.

Comment

Not applicable. The land is not known to contain sites of Indigenous cultural heritage significance.

(5) Evidence of past land use and the history of Mareeba Shire is preserved and sensitively integrated into new development. This includes the remnant infrastructure of mining, timber getting, tobacco and Second World War activities.

Comment

Not applicable.

3.5.4 Element—Scenic amenity

3.5.4.1 Specific outcomes

- (1) Areas of high scenic amenity (such as *scenic routes*) are protected from development, which is visually inappropriate, obtrusive, unattractive or insensitive. *Scenic routes* include:
 - (a) Great Tropical Drive;
 - (b) Savannah Way;
 - (c) Wheelbarrow Way;
 - (d) Black Mountain Road;
 - (e) Barron Falls Road;
 - (f) The Great Inland Way;
 - (g) Kuranda Range; and
 - (h) Rex Range

Comment

Not applicable.

(2) Development ensures scenic amenity values are maintained through sensitive location, design, materials, colour schemes, scale, minimising earthworks and retention of native vegetation.

Comment

Not applicable.

(3) Forested hill slopes which are visible from *scenic routes* and *residential areas* are maintained in their natural state in recognition of their contribution to the shire's scenic amenity.

Comment

Not applicable.

- (4) New development does not compromise or obstruct views or public access to *iconic landscape features*, including to the following:
 - (a) Chillagoe smelters;
 - (b) Ngarrabullgann/Mt Mulligan.

Comment

Not applicable.

(5) Roadside advertising devices in *rural areas* are unobtrusive and sparse, except in areas specifically identified as appropriate for large outdoor advertising.

Comment

Not applicable.

3.5.5 Element—Open space and recreation

3.5.5.1 Specific outcomes

(1) New and enhanced sports infrastructure and recreational and social interaction spaces are accessible and attractive to the majority of residents in convenient locations.

Comment

Not applicable.

(2) Public open space incorporates and protects environmentally significant features, including remnant native vegetation, wildlife habitat, *major waterbodies* and *major watercourses*.

Comment

Not applicable.

- (3) New development enhances public access and connections to, and supports activation and appreciation of, features which are highly valued and utilised for outdoor recreational pursuits, including:
 - (a) parts of the Barron and Walsh Rivers;
 - (b) stock routes, particularly those of regional recreation and tourism significance such as the stock routes near Julatten and Mt Molloy;
 - (c) historic trails including Douglas track and Smiths track;
 - (d) decommissioned elements of the railway network, including rail trails of regional recreation and tourism significance, including former rail corridor between Almaden and Mungana;
 - (e) conservation areas;
 - (f) the existing network of parks and reserves in Mareeba Shire.

Comment

Not applicable.

(4) A network of public open space is integrated and well linked across urban and rural areas to provide continuous trails for walking, horse riding and cycling, including through the establishment of *principal cycle routes*.

Comment

Not applicable.

3.5.5.2 Land use strategies

(1) Mareeba Shire Council will prepare an Open Space Strategy which will identify priorities and direct investment into public open space to optimise community benefit.

<u>Comment</u>

Not applicable.

(2) The disused Atherton branch line which extends south from Mareeba to the Tablelands Regional Council border is maintained to allow for its future development as a rail trail for cycling and walking.

Comment

Not applicable.

3.5.6 Element—Community facilities

3.5.6.1 Specific outcomes

- (1) The development and reuse of cultural facilities and precincts is:
 - (a) compatible with the surrounding area;
 - (b) provided with a high level of amenity and safety for users of the site;
 - (c) located to be easily accessible to the majority of residents.

Comment

Not applicable.

(2) Development complements and sensitively integrates with existing halls, clubs, libraries, art galleries, places of worship, theatres, function rooms, community and cultural centres and other key community infrastructure. Development on sites adjoining community facilities will not obstruct or detract from their use, accessibility and functionality.

Comment

The future development of a childcare centre on the subject land will not compromise the ongoing use of the Cedric Davies Community Hub.

(3) Community facilities are redeveloped in a way that is functional, safe and sensitive to the community's needs. Development of these sites is cognisant of the existing character and adjoining land uses of the area and addresses the street frontage to create a high level of accessibility and legibility to the community.

Comment

The future development of a childcare centre can reasonably comply.

3.5.7 Element—Health

3.5.7.1 Specific outcomes

(1) The establishment of new medical services and facilities, particularly in small communities with limited access to healthcare, is facilitated.

Comment

Not applicable.

- (2) Access to existing health facilities and regional hospitals is enhanced by consolidation and improvements within their immediate vicinity, such as:
 - (a) enhanced pedestrian orientation and infrastructure;
 - (b) universal housing to support ageing and impaired residents who may require regular medical treatment;
 - (c) the integration of universal design principles into the built environment, ensuring access to both the able bodied and the physically disabled.

Comment

Noted.

(3) Areas within walking distance of key regional hospitals and health care services provide infill development opportunity for people who depend on access to these facilities.

Comment

Noted.

3.5.8 Element—Safe and healthy communities

3.5.8.1 Specific outcomes

(1) An active and healthy community is supported through encouraging compact *residential areas* and *centre areas*, with a high degree of accessibility and permeability that promotes an increase in active transport.

Comment

The proposed development does not conflict.

(2) New development integrates access to existing areas and facilities for sports and recreation. New sports and recreational facilities are accessible to a large number of users by mixed transit modes.

Comment

Not applicable.

(3) New development integrates the principles of *Crime Prevention Through Environmental Design* (CPTED) to limit opportunities for crime and vandalism.

Comment

Future development can be conditioned to comply.

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

(1) Local collector road and state controlled road networks support the identified hierarchy of activity centres and the rural economy of Mareeba Shire. The location, density and scale of development supports the efficient and convenient movement of goods, services and people. Roads are progressively upgraded (including construction of future state roads and future local connections) and maintained to a high standard to support higher urban densities, rural production, tourism, commerce, industry and major trip generators.

Comment

Anzac Avenue is a Collector Road and the Kennedy Highway is a State Controlled Road. Both roads are of the necessary hierarchy to accommodate the proposed development.

(2) The rail network is recognised as important strategic infrastructure resulting from significant past investment. Use of the rail network for tourist, passenger and freight movements throughout the shire is protected and enhanced.

Comment

Not applicable.

(3) Designated freight routes are appropriately managed and upgraded. Designated freight routes, active elements of the *rail network* and planned and designated *future state roads* are not prejudiced by inappropriate land uses to ensure the efficient transportation of essential goods and services, now and in the future.

Comment

Not applicable.

(4) Street layout and design, including in new development, supports mixed transit modes, including buses, pedestrians, cyclists and mobility devices, particularly in *activity centres*. *Centre areas* and destinations are safely and conveniently accessible to cyclists and pedestrians through the provision of a permeable and highly connected active transport network, including *principal cycle routes*, and the provision of end of trip facilities.

Comment

Not applicable.

(5) The Mareeba Airport provides a strategic, regional hub for air traffic, aviation services and industries in the shire. The expansion of Mareeba Airport is facilitated as an airport enterprise area that encourages aviation compatible business, industry and commercial enterprises to co-locate to create an aviation dependant activity cluster where the activity centre hierarchy is maintained and where the operational efficiency and safety of the Mareeba Airport is ensured through the appropriate design and location of development.

Comment

Not applicable.

(6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.

Comment

The development will be conditioned to require connections to the Mareeba reticulated water and sewerage networks.

(7) The shire is provided with sustainable and adequate waste disposal facilities that have minimal adverse impact on the environment. Transfer stations and waste disposal facilities are separated and not compromised by incompatible development or sensitive land uses. Urban development provides appropriately located and adequate space for waste storage and collection.

Comment

Noted.

(8) The generation and consumption of energy is sustainable and efficient. Over reliance on distant coal-fired power stations for electricity supply is minimised through the establishment of renewable energy generation facilities and localised and domestic-scale energy generation, where the integrity and function of local electricity networks is not compromised. Power stations, high-voltage transmission lines and sub stations, including *electricity infrastructure* and *energy generation facilities*, are protected from incompatible development.

Comment

Noted.

(9) Mareeba Shire is supported by affordable and reliable high-speed telecommunications that are delivered through facilities that minimise visual impact.

Comment

Noted.

(10) Out of sequence development and development in excess of planning assumptions provides contributions or upgrades to road, pedestrian and cycle, water and sewerage, and stormwater networks that are commensurate with the anticipated impacts generated by the development.

Comment

Noted.

3.6.2 Element—Road network

3.6.2.1 Specific outcomes

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

Comment

Future development will be conditioned to comply.

(2) The design and layout of new roads compliments the function and hierarchy of the existing road network and results in high levels of connectivity, accessibility and legibility to motorists and residents.

Comment

Noted.

(3) Planned future state roads and future local connections are integrated into new development and protected from development that would compromise their construction and future operation.

Comment

Noted.

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

Future development will be conditioned to comply.

(5) Development of new roads and upgrades to existing roads are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

Future development will be conditioned to comply.

3.6.3 Element—Rail network

3.6.3.1 Specific outcomes

(1) The *railway network* may become more viable and active in response to rising oil prices and greenhouse gas abatement measures, and development should consider the potential for and impacts of ongoing use of the *railway network* for both freight and passenger transport.

Comment

Not applicable.

(2) The use of the *railway network* for tourist based passenger movements is protected and enhanced.

Comment

Not applicable.

(3) Activities that support the use of the *railway network* for passenger and freight purposes are encouraged in appropriate locations.

Comment

Not applicable.

3.6.4 Element—Freight

3.6.4.1 Specific outcomes

(1) The efficient and safe movement of freight is facilitated through an effective regional network of local collector roads, state controlled roads, B-Double routes and the railway network and a future network of future state roads and future local connections

Comment

Not applicable.

(2) Mareeba Shire's freight network and supporting infrastructure, such as B-Double pads and freight depots, is protected from incompatible development that may impede existing and future traffic movements or future construction, upgrades and extensions.

Comment

Not applicable.

(3) Freight generating development and supporting industries are located close to freight network access points.

Comment

Not applicable.

3.6.5 Element—Public and active transport

3.6.5.1 Specific outcomes

(1) New urban development is designed to support increased public transport patronage and promote active transport.

Comment

Noted.

- (2) Mareeba Shire's *activity centres* are well serviced with walking and cycling infrastructure, including:
 - (a) footpaths;
 - (b) shade trees;
 - (c) seating along key routes and in major trip generation areas;
 - (d) bike paths and lanes, including principal cycle routes;
 - (e) end of trip facilities.

Comment

Future development can be conditioned to comply.

(3) Centre development provides for safe and convenient pedestrian mobility and access, and the provision for public transport and interchange facilities.

Comment

Not applicable.

(4) The operational requirements of bus routes are incorporated into new residential subdivisions where appropriate, creating efficient flow throughs for vehicular traffic and facilitating future expansion of public transport.

Comment

Not applicable.

3.6.6 Element—Air transport

3.6.6.1 Specific outcomes

(1) Air transport and *aviation infrastructure* in Mareeba expand to support the shire's economic base.

Comment

Not applicable.

- (2) Development in the vicinity of public *aviation infrastructure* (including Mareeba, Chillagoe and Dimbulah) avoids:
 - (a) adversely affecting the safety and operational efficiency of those airports and aviation infrastructure;
 - (b) large increases in the numbers of people adversely affected by aircraft noise;
 - (c) increasing the risk to public safety near the airport runways.

Not applicable.

(3) New private and public aviation infrastructure is developed within the other rural area to support rural production in locations where surrounding land uses and sensitive receptors are not adversely impacted.

Comment

Not applicable.

3.6.6.2 Land use strategies

- (1) Development surrounding *Mareeba Airport* is undertaken consistent with a structure plan that encourages compatible business, industry and commercial enterprise to co-locate in the creation of an aviation dependent or complementary aviation activity cluster that achieves synergies that contribute to economic growth and development where:
 - (a) consistent with Planning Scheme Policy 8 Structure Planning;
 - (b) the hierarchy of the activity centre network is maintained; and
 - (c) aircraft operations are not constrained or limited by land use and development, including consideration of future airport expansion(s).

Comment

Not applicable.

3.6.7 Element—Water supply and wastewater services

3.6.7.1 Specific outcomes

(1) Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.

Comment

The development will be conditioned to connect to Mareeba's reticulated water and sewerage infrastructure.

(2) Water storage, sewerage disposal and reticulation infrastructure is utilised and extended economically and efficiently to new development.

Comment

The development will be conditioned to connect to Mareeba's reticulated water and sewerage infrastructure.

(3) Development in rural areas will demonstrate that it has access to adequate potable water and fire-fighting water supply on-site.

Not applicable.

(4) In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.

Comment

Not applicable.

(5) The ongoing operation of sewerage treatment plants and associated infrastructure is protected from incompatible and odour sensitive development.

Comment

Not applicable.

(6) Upgrades and extensions to water and wastewater infrastructure are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

The development can be conditioned to comply.

3.6.8 Element—Stormwater management

3.6.8.1 Specific outcomes

- (1) Water Sensitive Urban Design principles and adequate infrastructure are integrated into new development, ensuring:
 - (a) water quality objectives are met;
 - (b) a no worsening effect on surrounding land and the environment is achieved;
 - (c) flooding and ponding of water is avoided

Comment

Future development can be conditioned to comply.

(2) Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.

Comment

Future development can be conditioned to comply.

3.6.9 Element—Waste management

3.6.9.1 Specific outcomes

(1) Waste facilities have adequate capacity to service the community and industry and provide a sustainable method of waste disposal.

Comment

Not applicable.

(2) Waste facilities are designed and operated to minimise adverse impacts on the community and the environment and are protected from encroachment of inappropriate and odour sensitive development.

Comment

Not applicable.

(3) Significant waste management facilities, including Mareeba landfill and Springmount waste facility, provide for the long term solid waste disposal needs of the eastern part of the shire. Their ongoing operations are protected from incompatible development.

Comment

Not applicable.

(4) On-site waste disposal and recycling areas are provided by development to meet operational requirements of storage, screening and collection.

Comment

Future development can be conditioned to comply.

3.6.10 Element—Energy supply

3.6.10.1 Specific outcomes

(1) Adequate, sustainable, reliable and secure electricity supply infrastructure is provided to the shire, including new development.

Comment

Noted.

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

Comment

Not applicable.

(3) The shire's net carbon emissions are reduced by establishment of renewable energy generation facilities, maintaining compact urban areas and encouraging development that embraces energy efficient design features.

<u>Comment</u>

Not applicable.

(4) Renewable energy facilities are connected to an existing, nearby, high voltage electricity network (with adequate capacity) without significant environment, social or amenity impact.

Comment

Not applicable.

3.6.11 Element—Information and communication technology

3.6.11.1 Specific outcomes

(1) Households, businesses and industry within urban and rural communities are serviced with high-speed fibre-optic, high-speed wireless or satellite broadband internet connections across the shire.

Comment

Future development can be conditioned to comply.

(2) Telecommunications facilities, particularly mobile phone towers, are located to ensure visual amenity is not compromised, with these facilities co-located wherever possible.

Comment

Not applicable.

3.7 Economic development

3.7.1 Strategic outcomes

(1) The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. *Agricultural areas* and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports agriculture and primary industry is maintained and protected.

Comment

Not applicable.

(2) The *rural area* includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.

Comment

Not applicable.

(3) Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in *activity centres* and are particularly focussed within Mareeba. Kuranda, as a *village activity centre*, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.

Comment

The proposed development complies.

(4) The natural environment, rural and scenic landscapes of Mareeba Shire provide a basis for the development of sustainable tourism enterprises. Mareeba Shire's geographic proximity to Cairns International Airport provides opportunities for increasing visitation and exposure to

the shire. Large scale tourist accommodation facilities are developed in key sites across the shire and meet the needs of a range of users. The character and appeal of key *activity centres*, landscape features and *scenic routes* which attract tourists to Mareeba Shire will be maintained and enhanced. The western dry land savannah of the shire accommodates further nature and rural based tourism development.

Comment

Not applicable.

(5) *Industry areas* provide for a range of industrial development, expansion, supporting infrastructure and employment opportunities consistent with their intended function in the shire. *Industry areas* are protected from incompatible development and sensitive land uses. The Mareeba Airport expands and caters for a hub of specialist aviation services.

Comment

Not applicable.

(6) Catalysts for economic diversification and cultural activity such as educational establishments, emerging technology, research and development activities and the arts are encouraged in the shire, preferably near or within Mareeba or the Kuranda district. Creative industries flourish in Mareeba Shire, providing strong cultural legacies and sustained employment opportunities. The shire's unique wet tropical ecosystems and dry tropical savannahs provide further opportunities to develop regional tropical expertise and attract more environmental education and scientific research activities to the shire.

Comment

Not applicable.

(7) The geological diversity and rare mineral occurrence of Mareeba Shire provide the basis for the establishment of mixed mining activities of varying scales, supporting increased employment and wealth within the shire, while ensuring ecological and amenity values are not negatively impacted. Support services and infrastructure to existing and future mineral exploration, including workers accommodation, are encouraged in appropriate locations.

Comment

Not applicable.

(8) Key resource areas (of local, regional and state significance) and associated haul routes are buffered from incompatible development. New resource operations establish in *rural areas* where impacts on surrounding land are manageable and environmental values can be protected.

Comment

Not applicable.

(9) Flexibility and responsiveness allow for economic diversity and innovation, leading to a greater variety of employment opportunities that meet the changing needs of the community and economy. Small scale and emerging industries are supported in appropriate locations across the shire.

Comment

Noted.

(10) Mareeba Shire positions itself as a major sustainable energy region of Australia, providing a significant portion of the shire's electricity supply through various renewable sources. Sustainable energy generation also contributes to the economy of the shire and provides an increasing source of employment. *Energy generation facilities*, including the Barron Gorge Hydroelectric Power Station, and any newly established power generation facilities are protected from incompatible development.

Comment

Not applicable.

(11) Major employment generators within Mareeba Shire continue to support the economy and are protected from development which may prejudice their ongoing operation. New and expanded employment generators are promoted in appropriate locations across the shire, including within activity centres and rural areas.

Comment

Not applicable.

3.7.2 Element—Rural and Agricultural land

3.7.2.1 Specific outcomes

(1) Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.

Comment

Not applicable.

(2) Other rural areas are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.

Comment

Not applicable.

(3) Urban and rural residential development provides a buffer to adjacent *rural areas* in accordance with best practice.

Comment

Not applicable.

(4) Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.

Comment

Not applicable.

(5) Development ensures rural activities in all *rural areas* are not compromised by incompatible development and fragmentation.

Comment

Not applicable.

(6) Important irrigation infrastructure, such as the Mareeba-Dimbulah Irrigation Area irrigation channels, pipelines and holding ponds, are maintained for the purpose of providing water to support agricultural production and are protected from incompatible development.

Comment

Not applicable.

3.7.3 Element—Rural enterprise

3.7.3.1 Specific outcomes

- (1) Rural industries and intensive agricultural uses are appropriately scaled and located in the landscape of the shire, including the establishment of further:
 - (a) food and fibre processing facilities;
 - (b) value adding of primary product;
 - (c) cottage industries;
 - (d) hydroponics;
 - (e) aquaculture;
 - (f) wholesale nurseries;
 - (g) intensive horticulture;
 - (h) farmgate industries.

Comment

Not applicable.

(2) Rural industries of an appropriate scale are located within *rural areas* where an adequate level of infrastructure is available or can be provided and adverse impacts on surrounding land are limited and manageable.

Comment

Not applicable.

(3) Large-scale and high impact rural industries will be encouraged to establish within *industry* areas.

Comment

Not applicable.

3.7.4 Element—Intensive animal industries

3.7.4.1 Specific outcomes

(1) Intensive animal industries are located and designed to avoid adverse impacts on surrounding land and residences, particularly in relation to noise and odour.

Comment

Not applicable.

(2) Intensive animal industries incorporate measures to protect environmental values and are located outside *biodiversity areas*.

Comment

Not applicable.

(3) Intensive animal industries are located in *rural areas* characterised by large lot sizes where residences and sensitive land uses are not adversely impacted.

Comment

Not applicable.

3.7.5 Element—Forestry and permanent plantations

3.7.5.1 Specific outcomes

- (1) Rural areas provide opportunities for:
 - (a) sustainable forestry on private land;
 - (b) ongoing operation of established plantations;
 - (c) integrated agro-forestry and native forestry into land used primarily for cropping and pasture.

Comment

Not applicable.

(2) Permanent plantations are located within *habitat linkages* or areas which are not *agricultural* areas.

Comment

Not applicable.

3.7.6 Element—Retail and commercial development

3.7.6.1 Specific outcomes

- (1) Commercial development will be facilitated by:
 - (a) consolidation and co-location of centre activities in existing centre areas;
 - (b) identification of space adjacent to *centre areas* to cater for the expansion of commercial activities;
 - (c) infrastructure provision in areas identified as able to cater for new commercial development;
 - (d) maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.

Comment

The application is proposing a commercial activity as categorised by the planning scheme.

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

Comment

The application is not proposing retail development.

(3) Centre areas provide a vibrant, busy setting for community activity, social interaction and local trade and exchange. Each centre area retains its relaxed rural atmosphere and unique character, and provides for a high level of pedestrian activity.

Comment

Noted.

- (4) The following features are integrated or provided by new commercial development:
 - (a) attractive streetscapes with shade trees and awnings;
 - (b) active shop fronts;
 - (c) pedestrian and cyclist comfort and convenience;
 - (d) universal design principles;
 - (e) spaces for community activity and social interaction;
 - (f) CPTED initiatives.

Comment

Future development can be conditioned to comply.

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

Comment

Not applicable.

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

(1) Kuranda maintains its status as a major, international tourist destination of Far North Queensland while the emerging tourist economy of Chillagoe continues to attract more interest and visitors. Irvinebank is recognised as a key site of historical significance and as a point of interest to tourists. Increasing levels of tourist accommodation and facilities are provided in all the shire's activity centres.

Comment

Not applicable.

(2) Major tourist accommodation facilities that can accommodate large numbers of overnight visitors in the shire are developed in strategic locations where amenity impacts are mitigated and physical infrastructure appropriately provided.

Comment

Not applicable.

(3) Tourist parks in key locations provide sites to accommodate caravans and recreational vehicles across the shire. Facilities to accommodate caravans and recreational vehicles are developed in a variety of urban and, at a limited scale, rural locations, to encourage extended visitations within the shire. Tourist facilities are designed to ensure they provide a high quality of infrastructure and services to visitors.

Comment

Not applicable.

(4) The outstanding scenic qualities of the regional landscape and the character and heritage values of the shire's *activity centres* are recognised and protected for their role in promoting and attracting visitors to the shire. Development in scenic and highly visible locations will minimise its impacts on scenic amenity through sensitive location, design, colour and scale.

Comment

Not applicable.

- (5) A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:
 - (a) tourist attractions and facilities within activity centres;
 - (b) cultural interpretive tours;
 - (c) nature based tourism;
 - (d) sports and recreational activities;
 - (e) tourist attractions;
 - (f) adventure tourism;
 - (g) farm based tourism;
 - (h) food based tourism;
 - (i) bed and breakfasts;
 - (j) camping and recreational vehicle facilities;
 - (k) cycle tourism.

Comment

Not applicable.

(6) Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.

Comment

Not applicable.

3.7.8 Element—Industry

3.7.8.1 Specific outcomes

(1) The Mareeba *major industry area* is a key economic driver for the shire and provides a significant strategic supply of land for industrial uses, particularly difficult to locate high impact and special industries, in Far North Queensland.

Comment

Not applicable.

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

Comment

Not applicable.

(3) *Industry areas* are designated and protected from other land uses which could impair or prejudice their development for industrial purposes.

Comment

Not applicable.

(4) A high level of infrastructure, services and amenity in existing *industry areas* is provided to support business investment and expansion of *industry areas*.

Comment

Not applicable.

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

Comment

Not applicable.

3.7.9 Element — Education, research, culture and the arts

3.7.9.1 Specific outcomes

(1) Development complements and provides for improved access to important education, research, cultural and arts facilities.

Comment

Not applicable.

(2) Education, research, cultural and arts facilities are protected from development that will adversely impact on their operations or constrain further development.

Comment

Not applicable.

(3) New education, research, cultural and arts facilities are established in appropriate, accessible, safe and well serviced locations within Mareeba Shire.

Comment

Not applicable.

(4) Education, research, cultural and arts facilities of limited scale are established in *rural areas* only where the facility is dependent on the natural resources of the locality.

Comment

Not applicable.

3.7.10 Element—Mining

3.7.10.1 Specific outcomes

(1) The development and expansion of mining in the shire is encouraged in appropriate locations, where impacts on environmental values and local amenity are appropriately managed.

Comment

Not applicable.

(2) Mining activities in the shire are supported by ensuring associated industries and workers can be appropriately accommodated and sited within the shire, particularly within surrounding activity centres.

Comment

Not applicable.

(3) Mine sites, associated infrastructure and industries which support mining are protected from development that might prevent or constrain current or future operations.

Comment

Not applicable.

3.7.11 Element—Extractive resources

3.7.11.1 Specific outcomes

(1) Key resource areas of local, regional and state significance and their associated haul routes are protected from development that might prevent or constrain current or future extraction.

Comment

Not applicable.

- (2) Extractive industries:
 - (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
 - (b) avoid areas of ecological significance and values;
 - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).

Comment

Not applicable.

(3) Sand extraction in watercourses maintains and restores the environmental and hydrological values of the site, and does not impede community recreational usage and public access points to waterways.

Comment

Not applicable.

3.7.12 Element—Small scale and emerging industries

3.7.12.1 Specific outcomes

(1) New and emerging industries and services are encouraged in appropriate locations.

Comment

Not applicable.

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

Comment

Not applicable.

3.7.13 Element—Energy generation

3.7.13.1 Specific outcomes

(1) Renewable energy facilities are established in locations where impacts on surrounding land and ecological values are mitigated.

Comment

Not applicable.

(2) The design, siting, construction, management, maintenance and operation of energy generation facilities and associated infrastructure takes comprehensive account of (and is sensitive to) environmental, heritage, landscape and scenic values, surrounding land, future preferred settlement patterns, and recognised impacts.

Comment

Not applicable.

(3) Energy generation facilities utilise and take comprehensive account of national and/or state government-recognised scientific knowledge and standards and are commensurate with the significance, magnitude and extent of both direct and non-direct impacts.

Comment

Not applicable.

(4) Energy generation facilities do not adversely impact on the amenity of the surrounding area.

Comment

Not applicable.

(5) Established *energy generation facilities* are protected from development which has the potential to constrain their operations or future expansion.

Comment

Not applicable.

(6) Energy generation facilities are connected to a nearby, high-voltage electricity network with adequate capacity.

Comment

Not applicable.

3.7.14 Element—Major employment generators

3.7.14.1 Specific outcomes

(1) Key enterprise and employment areas in Mareeba Shire, including Arriga Sugar Mill, Lotus Glen Correctional Facility and Springmount Waste Management Facility are protected from development which could compromise their expansion and ongoing operations.

Comment

Not applicable.

(2) New major urban employment generators are encouraged to be located near or within Mareeba or Kuranda.

Comment

Not applicable.

Relevant Developments Codes

As this application is a variation request only, the typical assessment against the relevant development codes in not of particular value, except for ensuring these codes are suitable for the assessment of any future code assessable development application.

Council officers have reviewed all codes that would be applicable to a future childcare centre application and consider these codes fit for purpose. Two (2) additional conditions are proposed to make it certain that a future childcare centre must be connected to the Mareeba reticulated water and sewerage infrastructure.

As the site will continue to adjoin land in the Low Density Residential, it is appropriate to assess the variation request for consistency with the purpose statement for the Low Density Residential zone.

The purpose statement for the Low Density Residential zone is as follows:

(1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.

Comment

A childcare centre is a community use. All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

- (2) Mareeba Shire Council's purpose of the Low density residential zone code is to:
 - (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
 - (b) provide opportunities for other forms of residential development where existing character and amenity will not be compromised; and
 - (c) facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.

Comment

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) The dominant form of development is detached dwelling houses, on a range of lot sizes;
 - (b) In greenfield areas, in proximity to activity centres, a wider range of higher density residential development may occur where existing low density residential amenity is not compromised;
 - (c) High quality Residential care facilities and Retirement facilities are located on larger sites;
 - (d) Development provides for an efficient land use pattern and is well connected to other developments;
 - (e) Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;
 - (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;
 - (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;
 - (h) Development reflects and enhances the existing low density scale and character of the area;
 - (i) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;
 - (j) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to meet the needs of the local community;

- (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;
- (I) Development takes account of the environmental constraints of the land; and
- (m) Any unavoidable impacts are minimised through location, design, operation and management requirements.

Comment

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

• Planning Scheme Policy 4 - FNQROC Regional Development Manual

This policy will be applicable to a future code assessable material change of use - childcare centre application.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency (CairnsSARA) as a concurrence agency for development within 25 metres of State controlled road.

CairnsSARA advised in a letter dated 1 February 2021 that they require the conditions to be attached to any approval (Attachment 1).

Internal Consultation

Technical Services.

PUBLIC NOTIFICATION

The changed development proposal was placed on public notification from 26 August 2021 to 8 October 2021. The applicant submitted the notice of compliance on 11 October 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Five (5) properly made submissions were received and all of those objected to the proposed development.

Public notification of the original application occurred from 28 January 2021 to 11 March 2021. Three (3) properly made submissions were received, with all objecting to the proposed development. One of these submissions was a petition signed by 73 signatories.

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

Grounds for objection /support	Comment	
Original Application		
CBD has existing vacant shops. A standalone shop on the subject site may not be successful resulting in an empty building/eyesore.	The changed application is limited to childcare centre only.	
There is substantial vacant land zoned for commercial purposes on Byrnes Street and in the CBD.	Agreed. The changed application is limited to childcare centre only.	
Amaroo Estate has an area zoned for commercial development, much of which remains to be developed.	The Hastie Road Business Zone establishes one (1) hectare of commercial zoned land on Karobean Drive.	
	To date, the Amaroo Medical Centre and supporting minor tenancies have been developed.	
	The Hastie Road Business Zone provides for the future development of a convenience store and fast food outlet.	
The development may compromise security.	Not a planning issue. Law and order is a police responsibility and is regrettably becoming an increasing concern in all zones.	
Increased traffic will cause issues with access to Ferretti Close, Anzac Avenue and the Kennedy Highway intersection.	A future childcare centre application will need to address the applicable planning scheme codes, including additional traffic impacts.	
	Any approval would be conditional upon the developer undertaking reasonable measures/upgrades to prevent traffic impacts.	
Parks and green spaces are required, not	Not relevant to the current application.	
commercial development.	Council is reviewing parks and green spaces as a separate project.	
Commercial development would detrimentally	The changed application is limited to childcare centre only.	
impact on the established residential amenity.	The planning scheme does not categorise a childcare centre as commercial development, instead it is categorised as a community activity.	
	All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.	
	A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.	
The established non-residential (community based) uses in this locality are compatible with the residential use.	Noted.	
Use of Anzac Avenue road reserve in front of the subject land.	There is no proposal to use Anzac Avenue road reserve.	
	Should a request be made in the future, Council would need to consider such a request at that time.	
Precedent for other undeveloped land on Anzac Avenue.	All future applications will be considered on their individual merits.	
Changed Application		
There are already three not for profit centres operating at less than 100% capacity. Another	The market will determine the success or otherwise of businesses.	

centre would cause the closure of QT's Early Learning Centre.		
Increased traffic will cause issues with access to Ferretti Close, Anzac Avenue and the Kennedy Highway intersection.	A future childcare centre application will need to address the applicable planning scheme codes, including additional traffic impacts.	
	Any approval would be conditional upon the developer undertaking reasonable measures/upgrades to prevent traffic impacts.	
Development would detrimentally impact on the established residential amenity.	The changed application is limited to childcare centre only.	
	The planning scheme does not categorise a childcare centre as commercial development, instead it is categorised as a community activity.	
	All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.	
	A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.	
The established non-residential (community based) uses in this locality are compatible with the residential use.	Noted.	
Use of Anzac Avenue road reserve in front of the	There is no proposal to use Anzac Avenue road reserve.	
subject land.	Should a request be made in the future, Council would need to consider such a request at that time.	
Precedent for other undeveloped land on Anzac Avenue.	All future applications will be considered on their individual merits.	
Parks and green spaces are required, not commercial development.	Not relevant to the current application.	
	Council is reviewing parks and green spaces as a separate project.	

Submitters

Name of Principal submitter	Address		
Original Application			
1. R & E Piagno	PO Box 166, Mareeba		
2. S Gilles	PO Box 166, Mareeba		
3. H & M Cotter (petition with 73 signatories)	18 Ferretti Close, Mareeba		
Changed Application			
1. Q.I.T.E.	126 Byrnes Street, Mareeba		
2. B & J Pozzebon	17 Ferretti Close, Mareeba		
3. M & H Cotter	18 Ferretti Close, Mareeba		
4. R & E Piagno	PO Box 166, Mareeba		
5. S Gillies	PO Box 166, Mareeba		

PLANNING DISCUSSION

Approval of this variation request will change how the Mareeba Shire Council Planning Scheme 2016 applies to Lot 53 on SP204554 by reducing the level of assessment for a future childcare centre material change of use application from impact assessment to code assessment.

A future code assessable application will not require further public notification, beyond that already carried out for this variation request. By limiting the variation request to only alter the level of assessment for childcare centre, the applicant has removed the enormous uncertainty surrounding the original application.

The likely impacts of a future childcare centre can be reasonably foreseen notwithstanding the minimal level of detail provided by the applicant. Those persons concerned by the prospect of a future childcare centre have had twice the normal public notification period (30 business days versus 15 business days) to lodge their submissions.

A review of the variation request against the full Strategic Framework has established that the variation request is not inconsistent with the balance of the planning scheme.

It is noteworthy that a childcare centre is code assessable development within the Medium Density Residential zone where carried out on a lot of at least 1,200m2 in area.

It is recommended that the variation request be approved, subject to conditions requiring a future childcare centre to be connected to Mareeba's reticulated water and sewerage infrastructure.

RA6-N



SARA reference: 2012-20440 SRA Council reference: MCU/20/00017 Applicant reference: 20-14/001050

1 February 2021

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

Attention: Carl Ewin

Dear Sir/Madam

SARA response—47 Anzac Avenue, Mareeba

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 4 January 2021.

Response

Outcome: Referral agency response – with conditions.

Date of response: 1 February 2021

Conditions: The conditions in **Attachment 1** must be attached to any

development approval.

Advice: Advice to the applicant is in Attachment 2.

Reasons: The reasons for the referral agency response are in **Attachment 3**.

Development details

Description: Preliminary approval Material change of use for Preliminary

that includes a variation request Approval including a Variation Request under Section 43 and 50(3) of the Planning Act 2016 to vary the effect of the Mareeba Shire Planning Scheme for Use Rights associated with the 'Anzac Avenue

Commercial Zone'.

SARA role: Referral Agency

Far North Queensland regional office Ground Floor, Cnr Grafton and Hartley

Street, Caims

Page 1 of 6 PO Box 2358, Cairns QLD 4870

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SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning

Regulation 2017)

Development application for a material change of use within 25m of a

state-controlled road

SARA reference: 2012-20440 SRA
Assessment Manager: Mareeba Shire Council
Street address: 47 Anzac Avenue, Mareeba

Real property description: Lot 53 on SP204554

Applicant name: Ambridge Pty Ltd

Applicant contact details: C/- Planning Plus

PO Box 399 Redlynch QLD 4870

info@planningplusqld.com.au

Representations

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

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

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373222 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Brett Nancarrow Manager (Planning)

Kuhuman)

cc Armbridge Pty Ltd, info@planningplusqld.com.au

enc Attachment 1 - Referral agency conditions Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response

Attachment 4 - Representations provisions

State Assessment and Referral Agency

Page 2 of 6

Attachment 1—Referral agency conditions
(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing	
Material change of use			
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4—The chief executive administering the Planning Act 2016 nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:			
1.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times	

State Assessment and Referral Agency

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Attachment 2—Advice to the applicant

General advice

 Terms and phrases used in this document are defined in the Planning Act 2016 its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Advertising device

Advertising advice should be obtained from the Department of Transport and Main Roads (DTMR) if the development intends to erect, alter or operate 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.

Note: DTMR has powers under section 139 of the *Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015* to require removal or modification of an advertising sign and/for a device which is deemed that it creates a danger to traffic.

Further permits

 Future development permit applications may trigger referral to SARA as Lot 53 on SP204554 is adjacent to the state-controlled road corridor.

State Assessment and Referral Agency

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Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- Access to the site does not compromise the safety and efficiency of the state-controlled road. Direct
 access to the state-controlled road is not permitted.
- No filling, excavation or retaining structures are proposed and there is no increase in stormwater and drainage run-off. Therefore, the development proposal does not create any hazard or any adverse effects to the state-controlled road.
- Future infrastructure work is unlikely to create a safety hazard to road transport infrastructure.

Material used in the assessment of the application:

- · The development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- · The State Development Assessment Provisions (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

State Assessment and Referral Agency

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Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

State Assessment and Referral Agency

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding representations about a referral agency response

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

Page 1 of 2

Pursuant to Section 68 of the Planning Act 2016

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

RA22-N



Our reference: 2012-20440 SRA Your reference: MCU/20/00017 Applicant reference: 20-14/001050

6 August 2021

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

Attention: Carl Ewin

Dear Sir/Madam,

Notification of intention to change referral agency response

(Given under section 28.4 of the Development Assessment Rules)

The State Assessment and Referral Agency (SARA) issued a referral agency response on 1 February 2021 for the development application described below.

Applicant details

Applicant name: Giuliano & Gina Cordenos and Stephen Cordenos

Applicant contact details: C/- Planning Plus

PO Box 399

Redlynch QLD 4870

info@planningplusqld.com.au

Location details

Street address: 47 Anzac Avenue, Mareeba

Real property description: Lot 53 on SP204554

Local government area: Mareeba Shire Council

Application details

Preliminary approval that Material change of use for a preliminary approval including a variation includes a variation request to vary the effect of the Mareeba Shire Council Planning

Scheme 2016 to alter the level of assessment for a child care centre

Notification of a change to the application in response to further advice from an assessing authority was received on 30 July 2021.

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

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The department has reviewed the changes and advises it will not be amending its referral agency response.

For further information please contact Ruth Creffield, A/Senior Planning Officer, on 5352 9775 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Joanne Manson A/Manager (Planning)

cc Giuliano & Gina Cordenos and Stephen Cordenos, info@planningplusqld.com.au

State Assessment and Referral Agency

Page 2 of 2



24th September 2021

CEO

Mareeba Shire Council 65 Rankine Street MAREEBA 4880

Joyce Toggebon.

Dear Sir

RE: MCU/20/0017

We would object to any changes to the Mareeba Shire Council Planning Scheme in relation to the property

47 Anzac Avenue

Lot 53 on SP204554

Anzac Av has become busier over the past few years. The traffic has escalated to the point where entering and exiting Anzac Avenue has become difficult. With the opening of the library there has been a notable increase in the traffic in the area.

More all ready approved housing is being built in Savannah Lifestyle Resort and this will bring further traffic to the area.

We have been informed that a Day Care Centre can cater for between 70-80 children. If approval was given to a Day Care Centre the impact on the traffic flow in a few hundred metres would be significant.

The access into 47 Anzac Avenue will impact on the Ferretti Close and Anzac Av intersection because of the proximity. If this block of land was left as residential this would not be a problem but if a Day Care Centre or Commercial Building was approved this would make this intersection very dangerous.

Thank you

B and J Pozzebon

B. Sande

17 Ferretti, Close

Mareeba 4880

Document Set ID: 4016215 Version: 1 Version Date: 27/09/2021 1.

M and H Cotter 18 Ferretti Close MAREEBA 4880

24th September 2021

CEO

Mareeba Shire Council 65 Rankine Street MAREEBA 4880

Dear Sir

RE: MCU/20/0017

APPLICATION FOR A MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 TO ALTER THE LEVEL OF ASSESSMENT FOR "CHILD CARE CENTRE"

LOT 53 SP204554 PARISH TINAROO

47 ANZAC AVENUE, MAREEBA

We the signatories of this correspondence object to the above stated Application on the following grounds.

1. Amenity of Area

The above stated parcel of land is located in a residential area and is zoned rural residential. It would be an understatement to say that every home in this area is well presented and maintained. Google Maps automatically directs traffic from the east down Anzac Avenue therefore the potential increase in traffic is exponential due to future growth of this area.

2. Kennedy Highway, Anzac Av Intersection

Previously in 2004 the Department Transport and Main Roads had indicated that there were long term plans to relocate the Kennedy Highway and Anzac Av Intersection to align with the entrance into Riverlands Estate. (Please refer to attached Main Roads Plan PD35)

Whilst no funding for this project has been applied for and it is not in budgeting for the short to medium term consideration must be given to the future impact of such a change.

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3. Existing Community and Commercial Operations.

In an 80 metre zone occupying both sides of Anzac Avenue there are 3 Community Businesses (Mareeba Bowls Club, QT's Childcare and Mareeba Library) and Anza Nursery. These 4 businesses co exist in harmony and by their very nature slot into a pattern that results in reasonable impact on residents and Traffic Movement. However the addition of any further development will have increased impact on both traffic movement and the residents of the area.

This has become very obvious with the opening of the Library to the public in the past month. With increased traffic there now appears to be a need for deceleration lanes to allow traffic to flow without risk to the turning vehicles.

4. Increased Traffic Movement on Anzac Avenue

Recent traffic surveys indicate approximately 45,322 vehicle movements on Anzac Avenue for a 7 day period. Further residential development has been approved as well of further Commercial Development on Hastie Rd all of which will add to increased traffic movement on Anzac Av. Opening Anzac Avenue up to potential development will impact greatly on the ability of this area to cope with residential traffic as well as any future commercial traffic from Amaroo. Also the parcel of land at the start of Hastie road that has been earmarked for development of 150 residential blocks.

5. Access to Kennedy Highway from Anzac Avenue

Access to the Kennedy Highway is already an issue in peak times. With the increased volume of traffic Anzac Avenue onto the highway and the increased vehicle movement on the highway it is difficult to exit safely. Add to this the offset access to Riverland Park and you have 2 entry points on to a busy major highway that both have compromised views of oncoming traffic. When exiting Anzac Avenue you are required to negotiate traffic from 3 different directions (from Cairns, Mareeba and Riverland Park) at a speed of 80 klms per hour.

6. Access to Anzac Avenue

When entering and exiting the Kennedy Highway on to Anzac Avenue there is a 350 metre zone where 4 residential streets (Eliza Ave, Trivoli Cl, Ferretti Cl & Margherita Cl), one residential property, 3 existing Community Facilities (Mareeba Bowls Club, QT's Childcare and Mareeba Library), Anza Nursery and Savannah Lifestyle Resort (130 residence vehicles) all converge on to Anzac Avenue via direct access. Extend another 80 metres to Ceola Drive the main access from at least 5 residential subdivisions also converges on to Anzac Avenue.

Previously supplied information from Queensland Department of Transport and Main Roads stated that "Access between the State-controlled road (i.e. Kennedy Highway) and the proposed Lot 1 shall be via Anzac Avenue located at the western side boundary of the subject land, to the satisfaction of Mareeba Shire Council." As there is an existing power pole on the western boundary of this parcel of land it would be expected that access would be moved back towards the east making the access point very close to that of Ferretti Cl.

Potentially this would raise serious safety concerns in approving access to Anzac Avenue from a possible Day Care Centre as in approximately 80 metres there would

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be traffic entering and exiting from Kennedy Highway, Anzac Av, Eliza Av, Trivoli Cl, Ferretti Cl, and a Residential Property.

7. Vehicle Movements related to a Potential Development

By the very nature of business carried out by a Day Care Centre, traffic entering and exiting such a facility is consolidated in two 90minute time frames during the peak traffic periods of the day.

8. Use of Council Road Reserve

The front of this above stated property is bordered by a Road Reserve/Stock Route. As the Council has already allowed Mareeba Bowls Club, QT's Childcare and Mareeba Library use of this Road Reserve for a carpark does this potentially mean that any future development could also use road reserve as a carpark.

Previous advice given by Department of Transport and Main Roads indicated that a Building Alignment Setback would be required of "a building alignment setback of 40 metres from the Kennedy Highway frontage of the subject land shall apply to all new structures intended to be located on the subject land". Any such requirement by the Department Transport and Main Roads could severely impact the amount of usable land available to the landholder.

9. Precedent for Undeveloped Property on Anzac Avenue.

There are currently two large parcels of undeveloped land situated on Anzac Avenue.

- (a) Adjacent to the QT's Childcare Centre and directly opposite the Savannah Lifestyle Resort.
- (b) Corner of Ceola Drive and Anzac Avenue- this parcel of land is split by an existing Residential property.

These properties (a) and (b) are presently zoned rural residential however if approval was given to rezoning LOT 53 SP204554 PARISH TINAROO 47 ANZAC AVENUE this could set a precedent in regards to future rezoning requests.

Whilst the Department Transport and Main Roads have indicated that the current configuration of the Kennedy is suitable for the short to medium term it is evident by the growth of Mareeba that this may not be the case in the future. Without the ability to determine at what point this would be required it is necessary to give careful consideration to any altering of the Mareeba Shire Planning Scheme 2016 and any developments that are approved.

Yours faithfully

Michael Cotter

Document Set ID: 4016221 Version: 1 Version Date: 27/09/2021 be traffic entering and exiting from Kennedy Highway, Anzac Av, Eliza Av, Trivoli Cl, Ferretti Cl, and a Residential Property.

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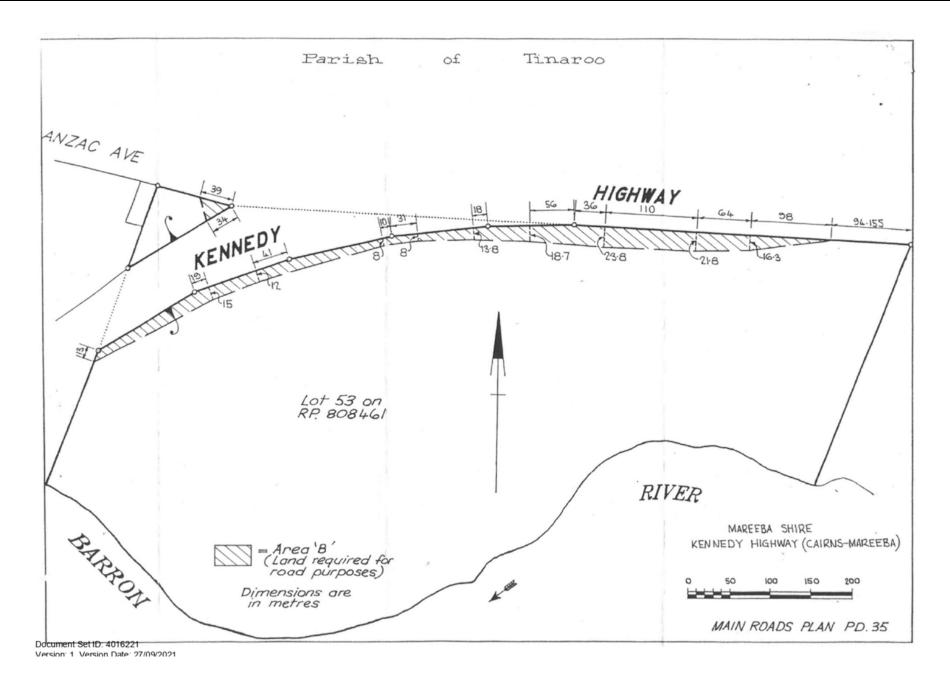
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Yours faithfully

Michael Cotter

Helen Cotter

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30 August 2021



Brian Millard, Mareeba Shire Council PO Box 154 Mareeba QLD 4880

ABN 82 025 334 098 Freecall – 1800 354 414 Website – <u>www.qite.com</u>

MAREEBA - HEAD OFFICE

126 Byrnes St, Mareeba Q 4880 t: (07) 4092 9700 f: (07) 4092 4057 P O Box 188, Mareeba Q 4880 e: mareeba@qite.com

ATHERTON

26 Main St, Atherton Q 4883 t: (07) 4091 5800 f: (07) 4091 5811 P O Box 1468 Atherton Q 4883 e: atherton@qite.com

INNISFAIL

1 Edith St, Innisfail Q 4860 t: (07) 4061 6666 f: (07) 4061 9618 P O Box 1708 Innisfail Q 4860 e: innisfail@qite.com

CAIRNS

19 Aplin St, Cairns Q 4870 t: (07) 4030 8600 f: (07) 4041 3606 P O Box 1780 Cairns Q 4870 e: cairns@qite.com Dear Brian,

RE: Variation to build a Childcare Centre – 47 Anzac Avenue, Mareeba.

Q.I.T.E. on behalf of QT's Early Learning Centre are writing to strongly object to the current variation to build a child Care Centre on lot 53 on SP20455.

Our objection is based on the grounds that there are already three Not for Profit Centres currently existing and operating in Mareeba and none of them are at 100% occupancy.

This would be the demise of the QT's Early Learning Centre if another Child Care Centre was built in such proximity to an existing child care centre.

We urge Council to consider our objection concerning the proposed Variation.

Yours sincerely

Jillian Trout General Manager

Working with the Community

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RECORDS

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MAREEBA SHIRE

28/9/2021

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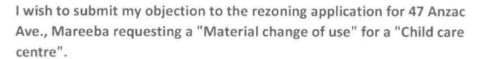
The CEO

Mareeba Shire Council

PO Box 154

Mareeba Old 4880

Ref: Application MCU/20/0017



My objections are as follows:

1. Egress from Ferretti Close would be problematic. Due to the unusual configuration of the intersections of the Kennedy Highway, Anzac Avenue and Ferretti Close combined with increasing vehicle and heavy truck traffic using Anzac Avenue since the Barron bridge upgrade, attempting to exit Ferretti Close has become more difficult. Adding another entrance to a commercial enterprise virtually opposite Ferretti Close would create a dangerous situation. A search of Google maps (copy enclosed) shows that from the intersections of the Kennedy Highway to Margherita Close, a distance of only 350 meters, there are three street intersections on the eastern side of Anzac Avenue being Elisa Ave, Ferretti Cl, and Margherita Cl. and entrances to 45 Anzac Ave and the Mareeba Memorial Bowls Club, the Mareeba Shire Library and an existing child care centre on the western side.

In recent years there has been a large growth in traffic both northwards and southwards on Anzac Ave. as well as traffic attracted to the above facilities mentioned. For users of Ferretti CI. a hazardous situation exists as the increased traffic exiting Kennedy Highway into Anzac Ave. at speed (60kph) makes it difficult to judge a safe entrance to Anzac Ave. due to the distance from the highway to the Ferretti intersection being quite small.

An entrance to a new child care centre with inherent large traffic increase virtually directly opposite Ferretti Cl. would create a greater hazard than already exists.

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- A child care centre would require access to town water supply and a sewerage connection which do not currently exist.
- 3. The current status of 47 Anzac Ave. is "residential" for obvious reasons and the proposed change would create a precedent to allow alteration forever the ambience of the local area.
- 4. Green spaces and parks, not commercial buildings. There are currently no parks for families to get together to play and picnic on the eastern side of the Barron River. There has been tremendous development of residential homes yet not one such park has been provided. This land would be better utilised for this purpose.

Yours sincerely,

Ruggero Piagno

Edna Piagno

PO Box 166 Mareeba 4880

Document Set ID: 4017223 Version: 1 Version Date: 29/09/2021 56 Anzac Ave, Mareeba QLD 4880 to 43 Anzac Ave, Mareeba QLD 4880 - Google Maps

https://www.google.com.au/maps/dir/-17.0044973,145.4427951/-17.0032161,145.4401439/@-17

Google Maps 56 Anzac Ave, Mareeba QLD 4880 to 43 Anzac Ave, Mareeba QLD 4880

Drive 350 m, 1 min



via Anzac Ave 1 min
Fastest route, the usual traffic 350 m

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Item 8.3 - Attachment 2 Page 144

0 7 OCT 2021

MAREEBA SHIRE

The CEO

Mareeba Shire Council

P O Box 154

Mareeba, QLD, 4880.

Ref: MCU/20/0017

I wish to submit my objections for the rezoning application for 47 Anzac Ave Mareeba – requesting a "Material change of use" for a Child Care Centre.

My objections are:

- Egress from Ferretti Close has become problematic with increasing traffic and heavy vehicle
 use since the upgrade to the Barron River Bridge was completed. Adding another business
 close to the intersection of Kennedy Highway and Anzac Avenue will only add to the
 problem and create a dangerous situation, especially considering the number of streets
 converging already in such a short distance from the highway.
- Another childcare centre so close to an existing one makes no commercial sense. I am
 concerned about what changes will be made if this material change is made. No one will buy
 the land for childcare centre only the purpose for the change is to allow future changes.
- 3. This land is zoned for residential, and changes will affect the ambience of the local area.
- 4. This side of the river requires more green zones and or park areas. There has been an increase in the development of homes on this side of the river with no allowances made for any green zones or park areas.

Yours sincerely,

Simone Gillies

Syries

P O Box 166

Mareeba, 4880.

Document Set ID: 4019098 Version: 1 Version Date: 07/10/2021 The CEO

Mareeba Shire Council

PO Box 154

Mareeba Qld 4880

Ref: Application MCU/20/0017

I wish to submit my objection to the rezoning application for 47 Anzac Ave., Mareeba to a commercial zone.

My objections are as follows:

- 1. The CBD currently has vacant shops signifying that success of small businesses are not guaranteed. A stand-alone commercial enterprise in this location would have difficulty in attracting enough patronage to survive. Should this application be approved failure of any eventual enterprise could easily result in an empty, vacant and neglected building for long periods of time. This could become an eyesore and lead to vandalism due to lack of any security.
- 2. There is vacant land zoned for commercial purposes on the old Lawson/Foxwood/Rankine mill site opposite Mareeba Plaza on Byrnes St. This site has prime positioning with high visibility and much more passing traffic than 47 Anzac Ave., ideal for commercial activity. Also, minimal changes, if any, would be required to provide access to this site, unlike that for the application site. Over many years there has been much fanfare of new enterprises locating on this Byrnes St. site, yet none have eventuated, indicating that no business plan has been able to stack up for additional buildings.
- 3. Amaroo has an area zoned for commercial purposes yet there seems little demand for further infrastructure to be built. Any intending new venture looking to service the eastern side of the Barron River should be encouraged to look here. Fragmented small commercial zones are not conducive to successful businesses due to lack of the exchange of patronage from differing businesses in close proximity.
- 4. Security would be compromised. The CBD has recently been the target of much criminal activity including to the Shire Council itself, this in an area with considerable security. A stand-alone business some 3 km from the centre of town would be an easy target, thus placing local residents at greater risk.
- 5. Egress from Ferretti Close would be problematic. Due to the unusual configuration of the intersections of the Kennedy Highway, Anzac Avenue and Ferretti Close combined with increasing vehicle and heavy truck traffic using Anzac Avenue since the Barron bridge upgrade, attempting to exit Ferretti Close has become more difficult. Adding another entrance to a commercial enterprise virtually opposite Ferretti Close would create a dangerous situation.

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6. Green spaces and parks, not commercial buildings. There are currently no parks for families to get together to play and picnic on the eastern side of the Barron River. There has been tremendous development of residential homes yet not one such park has been provided. This land would be better utilised for this purpose.

Yours sincerely,

Ruggero Piagno

Edna Piagno

PO Box 166 Mareeba 4880

Document Set ID: 3914343 Version: 1. Version Date: 15/02/2021

N/s

Urp-MC4

Mareeba Shire Council

PO Box 154,

Mareeba QLD 4880

RE: Application MCU/20/0017



To Whom It May Concern,

I am writing to object to the rezoning application for 47 Anzac Avenue, Mareeba to a commercial zone.

I object on the grounds of:

- Mareeba needs more green spaces/ parks not more buildings, especially on the Eastern side
 of town, where there are currently no parks for families to gather and play.
- Amaroo has approval for commercial buildings and yet very few have taken up the
 opportunity. It would seem the demand for commercial development is low. It would be
 better for all commercial development to be situated in one area.
- The CBD currently has empty shops. If someone were to build commercial spaces, they
 would be more likely to remain empty. It would also draw business away from the CBD.
- The CBD has been subject to a high level of criminal activity which could expand into residential areas nearby any new developments.
- There is vacant land for commercial buildings opposite the Coles complex. This has been
 available for years and yet no one has taken on this project. The demand for extra
 commercial sites is not there. This area has more passing traffic than the Anzac Ave proposal
 and still not successful in providing commercial buildings.
- The volume of traffic along Anzac Avenue is already substantial and any development would increase traffic and impact egress to and from Ferretti Close.
- The increase in traffic a commercial development would attract would increase the risk to foot and bike traffic.

Yours sincerely,

Simone Gillies P O Box 166

Mareeba, 4880.

Document Set ID: 3919775 Version: 1 Version Date: 22/02/2021

Item 8.3 - Attachment 3

1.

M and H Cotter

18 Ferretti Close

MAREEBA 4880

5th March, 2021

CEO

Mareeba Shire Council

65 Rankine Street

MAREEBA 4880

Dear Sir

RE: MCU/20/0017

DEVELOPMENT APPLICATION - PRELIMINARY APPROVAL FOR USE RIGHTS IN ACCORDANCE WITH THE PROPOSED 'ANZAC AVENUE COMMERCIAL ZONE' OVER LAND SITUATED

LOT 53 SP204554 PARISH TINAROO

47 ANZAC AVENUE, MAREEBA

We the signatories of attached Register object to the above stated Application on the following 9 grounds.

1. Amenity of Area

The above stated parcel of land is located in a residential area and is zoned rural residential. It would be an understatement to say that every home in this area is well presented and maintained. Google Maps directs traffic from the east down Anzac Avenue therefore for visitors to Mareeba it is their first view of Mareeba. It is a very pleasing entrance to Mareeba, one that gives visitors a good first impression, something Mareeba Shire Council should be encouraging.

Approving a highly visible Commercial Development as proposed will change and derogate the look of this area. More than 80% of the residents in the immediate area are retirees and will be home during the trading hours of any proposed Commercial Development. The residents will be directly affected by the noise from increased traffic as well as that generated by any business itself. Whilst no specific use has been stated there has been previous conversations as to the type of business Developers are targeting these include Supa Cheap Auto, Convenience Store and Medical Facility.

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Any such development and especially 2 storeys as proposed in this application is an out of sequence development. Depending on the type of Commercial Development it could result in a very different demographic to the current residents. The residents have accepted progress with the other community developments in this area however the area has now reached saturation point and collectively we ask that the amenity of our area is not compromised any further.

2. Existing Community and Commercial Operations.

In an 80 metre zone occupying both sides of Anzac Avenue there are 3 Community Businesses (Mareeba Bowls Club, QT's Childcare and Mareeba Library) and Anza Nursery. These 4 businesses are consistent with the Community development of this area. They co exist in harmony and by their very nature slot into a pattern that results in minimal impact on residents and Traffic Movement.

- (a) The Childcare Centre generates most of its traffic movements between 7.30am to 8.30am and again from 4.30pm to 5pm weekdays only.
- (b) Mareeba Bowls Club members use the facility on average three times during the week and once on the Sunday with traffic movements between 8.30am to 9am, 12.30pm to 1pm, 5.30pm to 6pm.
- (c) Mareeba Library Monday to Friday 10am -5pm and Saturday 9am 12pm
- (d) Anza Nursery-Mareeba Garden Centre has minimal impact on the Community. It generates no more noise than a household with steady trade during the week when other facilities are at their peak. Most of its business and traffic generation comes from restricted weekend trade(Saturday 8am to 5pm) Sunday (8am to 1pm).

3. Lack of Potential Success of Stand Alone Commercial Business

The CBD currently has vacant shops signifying that there is no a lack of Commercial Sites available in the Mareeba Area. A stand-alone commercial enterprise in this location may have difficulty in attracting enough patronage to survive. Should this application be approved failure of any eventual enterprise could easily result in an empty, vacant and neglected building for long periods of time. This could become an eyesore resulting in vandalism due to lack of any security.

4. Increased Traffic Movement on Anzac Avenue

Recent traffic surveys indicate approximately 45,322 vehicle movements on Anzac Avenue for a 7 day period. Further residential development has been approved as well of further Commercial Development on Hastie Rd all of which will add to increased traffic movement on Anzac Av. Opening Anzac Avenue up to potential commercial development will impact greatly on the ability of this area to cope with residential traffic as well as any future commercial traffic from Amaroo.

5. Access to Kennedy Highway from Anzac Avenue

Access to the Kennedy Highway is already an issue in peak times. With the increased volume of traffic Anzac Avenue onto the highway and the increased vehicle movement on the highway it is difficult to exit safely. Add to this the offset access to Riverland Park and you have 2 entry points on to a busy major highway that both

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have compromised views of oncoming traffic. When exiting Anzac Avenue you are required to negotiate traffic from 3 different directions (from Cairns, Mareeba and Riverland Park) at a speed of 80 klms per hour. Adding the distraction of a highly visible Commercial Operation will impact on the safety of motorists.

6. Access to Anzac Avenue

When exiting the Kennedy Highway on to Anzac Avenue there is a 250 metre zone where 4 residential streets (Eliza Ave, Trivoli Cl, Ferretti Cl & Margherita Cl), one residential property, 3 existing Community Facilities (Mareeba Bowls Club, QT's Childcare and Mareeba Library), Anza Nursery and Savannah Lifestyle Resort (130 residence vehicles) all converge on to Anzac Avenue via direct access. Extend another 80 metres to Ceola Drive the main access from at least 5 residential subdivisions also converges on to Anzac Avenue. As a result of the shape of this parcel of land it is almost certain that access to the property will definitely be very close to Ferretti Close access.

There would be serious safety concerns to approve access to Anzac Avenue from this proposed Commercial Development.

7. Vehicle Movements related to Commercial Development

By the nature of business carried out on Commercial Properties there is a requirement for stock deliveries, customer traffic and employee traffic. With no clear indication of what type of development the Applicant is targeting the potential to have traffic congestion inconsistent with existing residential and community development. Adding to this not knowing what type of commercial operation is potentially planned and with extended trading hours now the norm it is feasible that this could be 7day trade 7am to 9pm.

8. Use of Council Road Reserve

The front of this above stated property is bordered by a Road Reserve/Stock Route. As the Council has already allowed Mareeba Bowls Club, QT's Childcare and Mareeba Library use of this Road Reserve for a carpark does this potentially mean that any future commercial development could also use road reserve as a carpark.

9. Precedent for Undeveloped Property on Anzac Avenue.

There is currently two large parcels of undeveloped land situated on Anzac Avenue.

- (a) Adjacent to the QT's Childcare Centre and directly opposite the Savannah Lifestyle Resort.
- (b) Corner of Ceola Drive and Anzac Avenue- this parcel of land is split by an existing Residential property.

These properties (a) and (b) are presently zoned rural residential however if approval was given to rezoning LOT 53 SP204554 PARISH TINAROO 47 ANZAC AVENUE to Commercial this could set a precedent.

Any further commercial development on Anzac Avenue is not consistent with Mareeba Shire Council CBD development and we ask that council rejects this out of sequence proposal and allows the area to maintain the existing community demographic.

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Yours faithfully		4.	
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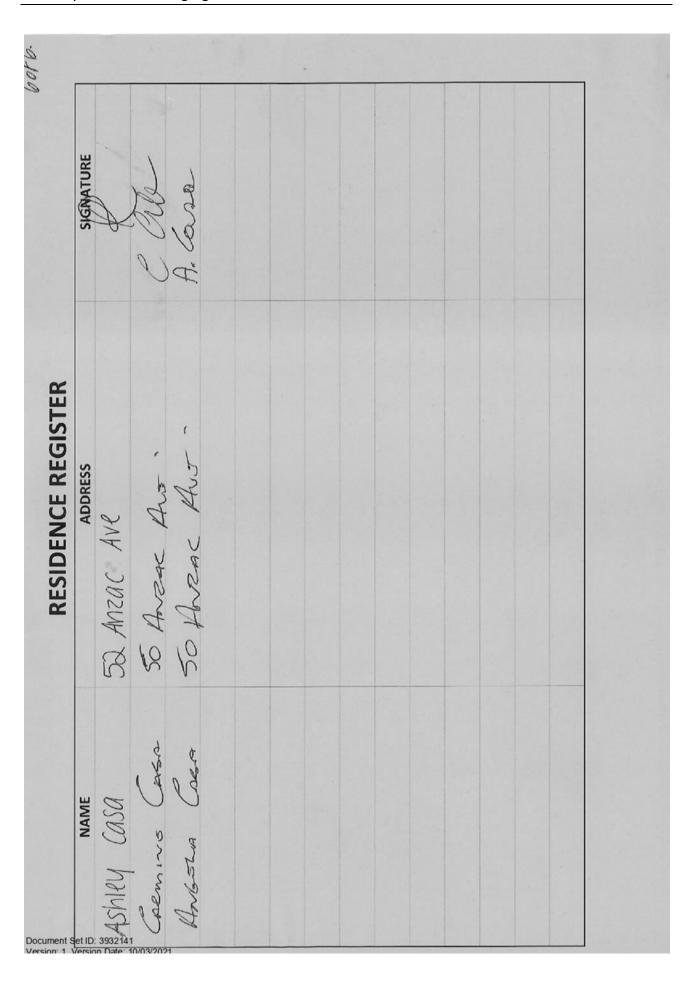
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8.4 SURRENDER AND REISSUE FOR PERMIT TO OCCUPY 0/240339 OVER LOT A ON AP23157, LOCALITY OF DIMBULAH

Date Prepared: 18 October 2021

Author: Senior Planner

Attachments: Nil

EXECUTIVE SUMMARY

The Department of Resources (DOR) has received applications for the surrender and reissue of Permit to Occupy 0/240339 over land described as Lot A on AP23157, situated off Leafgold Weir Road, Dimbulah.

Permit to Occupy 0/240339 was issued for water facility purposes on 16 March 2018. The permit to occupy is associated with the adjoining farm on Lot 96 on HG315 and allows for the transfer of water from the Walsh River to Lot 96 on HG315.

Lot 96 on HG315 has recently changed ownership and the existing permit to occupy must be cancelled and a new permit to occupy for the same purpose will be issued to the new owner of Lot 96.

DOR seeks Council's views on the reissue of a permit to occupy.

RECOMMENDATION

That Council advise the Department of Resources that Council has no objection to the reissue of a permit to occupy for water facility purposes over land described as Lot A on AP23157, Locality of Dimbulah.

BACKGROUND

The Department of Resources has received applications for the surrender and reissue of Permit to Occupy 0/240339 over land described as Lot A on AP23157, situated off Leafgold Weir Road, Dimbulah.

Permit to Occupy 0/240339 covering an area of 0.286 hectares commenced on 16 March 2018. The permit to occupy allows the subject land to be used for water facility purposes in conjunction with the adjoining farm on Lot 96 on HG315.

The permit to occupy specifically allows for the farm on Lot 96 on HG315 to obtain water from the Walsh River.

Lot 96 on HG315 has recently changed ownership and the existing permit to occupy must be cancelled and a new permit to occupy for the same purpose will be issued to the new owner of Lot 96.

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Map Disclaimer

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

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

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

There is no planning objection to the reissue of a permit to occupy over the same area for the same purpose.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Ni

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

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

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8.5 SURRENDER AND REISSUE FOR PERMIT TO OCCUPY 0/236627 OVER LOT A ON AP20062, LOCALITY OF BIBOOHRA

Date Prepared: 26 October 2021

Author: Senior Planner

Attachments: Nil

EXECUTIVE SUMMARY

The Department of Resources (DOR) has received applications for the surrender and reissue of Permit to Occupy 0/236627 over land described as Lot A on AP236637, situated on Rogers Road, Biboohra.

Permit to Occupy 0/236627 was issued for water facility purposes on 27 March 2013. The permit to occupy covers the Barron River pump site for Lot 11 on SP195696, which is situated at 1028 Bilwon Road, Biboohra.

Lot 11 on SP195696 has recently changed ownership and the existing permit to occupy must be cancelled and a new permit to occupy for the same purpose will be issued to the new owner of Lot 11.

DOR seeks Council's views on the reissue of a permit to occupy.

RECOMMENDATION

That Council advise the Department of Resources that Council has no objection to the reissue of a permit to occupy for water facility purposes over land described as Lot A on AP20062, Locality of Biboohra.

BACKGROUND

The Department of Resources has received applications for the surrender and reissue of Permit to Occupy 0/236627 over land described as Lot A on AP20062, situated on Rogers Road, Biboohra.

Permit to Occupy 0/236627 covering an area of 25m2 commenced on 27 March 2013. The permit to occupy covers the Barron River pump site for Lot 11 on SP195696, which is situated at 1028 Bilwon Road, Biboohra.

Lot 11 on SP195696 has recently changed ownership and the existing permit to occupy must be cancelled and a new permit to occupy for the same purpose will be issued to the new owner of Lot 11.

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Map Disclaimer:

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LEGAL/COMPLIANCE/POLICY IMPLICATIONS

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

There is no planning objection to the reissue of a permit to occupy over the same area for water facility purpose.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

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

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8.6 COUNCIL POLICY REVIEW

Date Prepared: 23 September 2021

Author: Manager Development and Governance

Attachments: 1. Administration Action Complaint Policy &

2. Competitive Neutrality Complaint Management Policy &

3. Signing of Correspondence and Documents Policy J

4. Closed-Circuit Television (CCTV) System Policy &

EXECUTIVE SUMMARY

As part of the ongoing organisation-wide compliance policy review work, amended and newly created instruments along with instruments marked for repeal are presented to Council for consideration.

RECOMMENDATION

That Council:

- 1. repeals the following policies:
 - a. Administration Action Complaint Policy adopted 20 December 2017;
 - b. Competitive Neutrality Complaint Management Policy adopted 20 December 2017;
 - c. Signing of Correspondence and Documents Policy adopted 20 September 2016; and
 - d. Closed-Circuit Television (CCTV) System Policy adopted 18 March 2020.
- 2. adopts the following policies:
 - a. Administration Action Complaint Policy;
 - b. Competitive Neutrality Complaint Management Policy;
 - c. Signing of Correspondence and Documents Policy; and
 - d. Closed-Circuit Television (CCTV) System Policy

BACKGROUND

Administration Action Complaint Policy

Both the Policy and associated Procedure have undergone their periodic review, which included minor amendments to make the documents easier to read. Furthermore, the more procedural content previously detailed in the Policy has been moved to the Procedure document.

Competitive Neutrality Complaint Management Policy

Both the Policy and Procedure have undergone their periodic review, which included minor amendments to make the documents easier to read. Furthermore, the more procedural content previously detailed in the Policy has been moved to the Procedure document.

Signing of Correspondence and Documents Policy

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The Policy was due for its periodic review. The new Policy has been moved into Council's current format and minor alterations were made to the policy document.

Closed-Circuit Television (CCTV) System Policy

A minor amendment has been proposed to the scope to exclude cameras used for covert operations e.g. evidence gathering for enforcement actions. This use has always been excluded from the Policy however the change will create greater clarity for readers.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

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

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Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	XX/XX/2021
Review Officer:	Manager Development and Governance	Review Due:	XX/XX/2025
Author:	Senior Compliance Officer	Commencement:	XX/XX/2021

PURPOSE

To provide a framework for investigation and resolve of administrative action complaints received by Council in accordance with requirements under the *Local Government Act 2009* (Qld) (LGA) and *Local Government Regulation 2012* (Qld) (LGR). This policy should be read in conjunction with Council's Administrative Action Complaint Management Procedure.

2. SCOPE

This policy applies across Council to all complaints received by Council.

For the purposes of this policy, an administrative action complaint is:

- an expression of dissatisfaction with the quality of service Council has provided, or failure to provide a service; or
- any form of misconduct by employees or agents.

Administrative matters do not include:

- · Requests for information
- Requests for service
- Suggestions
- Enquiries
- Petitions
- · Comments submitted during a formal consultation or negotiation processes
- Councillor conduct

The following complaints will not be managed under this policy:

- Corruption complaints that are required to be dealt with under the Crime and Corruption Act 2001 (Qld);
- · Competitive neutrality complaints;
- Public Interest Disclosures (PIDS) made under the Public Interest Disclosure Act 2010 (Qld);
- Internal complaints relating to employee conduct (i.e. Code of Conduct matters) will be actioned as per the relevant policies;
- · Social media comments.

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¹ See Local Government Act 2009 (Qld) s 268(1). See also Local Government Regulation 2012 (Qld) s 306.

3. POLICY STATEMENT

Council recognises that effective complaints management is integral to good customer service and therefore values all complaints. While Council encourages a proactive approach to complaints management, the objective of the administrative action complaints process is to ensure that the correct legislation, policies and procedures are followed to arrive at lawful and reasonable decisions.

The Complaints Management Process governed by this policy aims to:

- Be fair and objective. All complaints are considered on their facts and the principles of natural justice are observed:
- Support continuous improvement. Where applicable, the outcomes from a complaints management process are applied to improve business operations, policies and procedures;
- Be open and accountable. The decisions and outcomes regarding a complaint are made available to the affected person, subject to statutory provisions;
- Be accessible and simple to understand. The process facilitates feedback from the community in a form that encourages participation.

3.1 PRINCIPLES

Mareeba Shire Council (Council) will endeavour to ensure that:

- All complaints are treated with appropriate respect for the confidentiality and privacy of the parties involved;
- Any affected person who is dissatisfied with a decision or action of Council can easily lodge a complaint;
- Complainants are provided with information on the complaints process via the Council website
 including information about how to make a complaint and how complaints are managed;
- All complainants will be offered assistance in lodging a complaint;
- Each complaint is recorded and initially assessed in terms of its priority, complexity and degree of urgency;
- Complaints will be responded to as quickly as possible and in accordance with the timeframes set out in the administrative action complaints process;
- Complainants will be informed of the complaint outcome, decision and reasons for the decision. The
 complainant will also be provided information about available review options.
- Complainants will not suffer any reprisal from Council;
- Complaints are monitored adequately toward continuous improvement of Council services and processes.

Mareeba Shire Council is committed to managing all complaints quickly and efficiently; the objectives being

- Ensure the complaint management process is fair, objective, transparent and consistent;
- Facilitate the use of information obtained from the complaints management process to improve overall service delivery; and
- Ensure that complaints are responded to in a timely manner.

Council will not tolerate abusive or disrespectful behaviour towards Council employees from any person involved in the complaint management process. Similarly, Council will not tolerate unreasonable complainant

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conduct where such conduct impacts adversely upon Council's ability to effectively and efficiently perform its functions. Unreasonable complainant conduct as defined will be handled under a separate policy.²

3.2 MAKING A COMPLAINT

A complaint may be made:

- In person to a Customer Service Officer located at one of Council's Customer Service Centres
- By telephone to Council's general service number: 1300 308 461
- In writing by letter to: Chief Executive Officer Mareeba Shire Council PO Box 154 MAREEBA QLD 4880
- · By email to: info@msc.qld.gov.au

All complaints will be lodged in Council's Complaints Management System at the time of receipt and, for complaints received in writing or via email, an acknowledgement will be sent within five (5) working days of receiving the complaint.

Council acknowledges that in certain circumstances, a person may prefer to remain anonymous when making a complaint. While anonymously lodged complaints may compromise the quality of the investigation, Council respects this right and will investigate all complaints received in accordance with this policy.

3.3 LANGUAGE ASSISTANCE

If language assistance is required to communicate with Council, support is available for people from non-English speaking backgrounds by calling the National Translating and Interpreting Service (NTIS) on 13 14 50. Advise the NTIS of the preferred language and ask to speak with Mareeba Shire Council on 1300 308 461.

3.4 LODGING A COMPLAINT ON BEHALF OF ANOTHER PERSON

Suppose an affected person is unable to lodge a complaint personally, due to poor health, distance, language, legal or other reasons. In that case, the complaint may be lodged by another person or agent on their behalf.

An officer who receives a complaint will take all reasonable steps to confirm that the person claiming to act on behalf of the affected person has the appropriate authority to do so. Written authorisation by the affected person must be provided for more serious complaints or matters that may involve disclosing personal information.

Suppose a complaint is formally lodged by an authorised agent, such as a solicitor or accountant acting on behalf of the affected person. In that case, responses will be provided directly to that agent.

3.5 ACCESS TO COMPLAINTS INFORMATION

Once finalised, summary records of complaints that have not been assessed as being about a frivolous matter or as having been made vexatiously and that would not be governed by the *Public*

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² See Council's *Unreasonable Complainant Conduct Policy* and associated procedure instruments.

Interest Disclosure Act 2010 (Qld). Access to information will be governed by the Right to information Act 2009 (Qld) and the Information Privacy Act 2009 (Qld) and will not be attributable to specific individuals or prejudice an individual's right to privacy. The information will be available:

- at Council service centres;
- on Council's web site.

3.6 RESPONSIBLE PERSONS

Managers and relevant employees will receive training on how to handle complaints that they may receive. More detailed training, such as training in ethical decision-making, investigations/interviewing techniques, and Council's complaint management process, will be provided to employees expected to play a more active role in resolving complaints. This Policy will be published on Council's website.

4. REPORTING

The Manager Development and Governance will provide regular performance reporting to Council's Executive Management Team (EMT) as part of its Continuous Improvement Program.

The following information will be provided to EMT on a quarterly basis:

- · number of complaints per month and year;
- time taken to complete complaints;
- · trends and significant outcomes.

In addition, the following information will be provided in Council's Annual Report:

- · Council's commitment to dealing fairly with complaints;
- a statement about how Council has implemented its complaints management process, including an
 assessment of its performance in resolving complaints;
- · the number of complaints made in the financial year;
- · the number of complaints resolved in the financial year;
- · the number of complaints not resolved in the financial year;
- the number of complaints not resolved in the financial year that were made in the previous financial year.³

DEFINITIONS

Administrative action complaint is a complaint that:

- (a) is about an administrative action of a local government, including the following,
 - a decision, or a failure to make a decision, including a failure to provide a written Notice of Outcome (statement of reasons) for a decision;
 - ii. an act, or a failure to do an act;
 - iii. the formulation of a proposal or intention;
 - iv. the making of a recommendation; and
- (b) is made by an affected person.

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³ See Local Government Regulation 2012 (Qld) s 187.

Affected person is a person who is apparently directly affected by an administrative action of Council.⁴

Competitive neutrality complaint is a complaint that:

- (a) relates to the failure of a local government to conduct a business activity in accordance with the competitive neutrality principle; and
- (b) is made by an affected person.⁵

Complaint is an expression of dissatisfaction, orally or in writing, by a person who is directly affected by an administrative action of Council or its employees (including contractors and volunteers), including a failure to take action.

Enquiry is a request for clarification, advice, information or further information about Council services, policies or procedures. Enquiries can usually be resolved in a one-off communication.

Frivolous complaint shall mean a complaint that is considered either minor, lacking in substance or without merit and therefore not worthy of any further action.

Inappropriate conduct is conduct that is not appropriate for a representative of a local government but is not misconduct. Types of conduct that comprise inappropriate conduct include:

- failing to comply with Council's Employee Code of Conduct;
- not following procedures and/or behaving in an offensive or disorderly manner.

Misconduct is conduct that affects the performance of a person's duties. It represents a breach of trust, misuse of information or a failure to comply with the principles of the Local Government Act 2009 (Qld).

Misconduct is the conduct of a person that meets any of the following criteria:

- 1. adversely affects the honest and impartial performance of the individual's responsibilities;
- 2. is a breach of the trust placed in the person;
- is a misuse of information or material acquired by the individual whether for personal benefit or the benefit of someone else;
- 4. is a repeat case of inappropriate conduct;
- 5. in the case of a councillor, involves a failure by the councillor to notify Council of alleged misconduct, material personal interest or conflict of interest of another councillor.

Official misconduct is conduct that could, if proved, be:

- 1. a criminal offence; or
- 2. serious enough to justify the dismissal of the person from their position.

Procedural fairness is concerned with the procedures used by a decision-maker rather than the actual outcome reached. It requires that a fair and proper procedure be used when making a decision. A decision-maker who follows a fair procedure is more likely to reach a fair and correct decision.

The rules of procedural fairness require:

- (a) a hearing appropriate to the circumstances;
- (b) lack of bias;
- (c) evidence to support a decision; and
- (d) inquiry into matters in dispute.

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⁴ See Local Government Act 2009 (Qld) ss 268(1)-(3).

⁵ See Local Government Act 2009 (Qld) s 48. See also Council's Competitive Neutrality Complaint Management Policy.

Queensland Ombudsman is an independent complaint investigation agency.

Regional Conduct Review Panel is a body, created under the Local Government Act 2009 (Qld), that is responsible for hearing and deciding a complaint of misconduct by a councillor.

Vexatious complaint shall mean a complaint, which is considered to be made maliciously, regardless of its merits, primarily to embarrass, annoy or place an unreasonable burden on a respondent, and therefore not worthy of any further action.

6. RELATED DOCUMENTS AND REFERENCES

- Administrative Action Complaint Management Procedure (MSC)
- Competitive Neutrality Complaint Management Policy (MSC)
- Councillor Code of Conduct (MSC)
- Crime and Corruption Act 2001 (Qld)
- Employee Code of Conduct (MSC)
- Local Government Act 2009 (Qld)
- Local Government Regulation 2012 (Qld)
- Public Interest Disclosure Act 2010 (Qld)
- Public Sector Ethics Act 1994 (Qld)
- Unreasonable Complainant Conduct Policy (MSC)
- Unreasonable Complainant Conduct Procedure (MSC)

7. REVIEW

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

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Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	XX/XX/2021
Review Officer:	Manager Development and Governance	Review Due:	XX/XX/2025
Author:	Manager Development and Governance	Commencement:	XX/XX/2021

1. PURPOSE

To provide a framework for investigation and resolve of competitive neutrality complaints received by Council in accordance with requirements under the *Local Government Act 2009* (Qld) (LGA) and *Local Government Regulation 2012* (Qld) (LGR).¹ This policy should be read in conjunction with Council's *Competitive Neutrality Complaint Management Process*.

2. SCOPE

This policy applies to competitive neutrality complaints regarding business activities undertaken by Council that are in direct competition or have the potential to be in competition, with the private sector.

The below complaint types will be managed separately from this policy:

- Corruption complaints that are required to be dealt with under the Crime and Corruption Act 2001 (Qld)
- Administrative Action Complaints
- Public Interest Disclosures (PIDS) made under the Public Interest Disclosure Act 2010 (QId)
- Internal complaints relating to staff conduct (i.e. Code of Conduct matters) will be referred to the relevant policies
- Social media comments
- Customer Requests

3. POLICY STATEMENT

3.1 PRINCIPLES

Council recognises that effective complaints management is integral to good customer service and therefore values all complaints. While Council encourages a proactive approach to complaints management, the competitive neutrality complaints process exists to ensure that Council is adhering to the competitive neutrality principles. Council is committed to a complaints management framework that ensures the transparent, effective and timely resolution of complaints, and that contributes to continuous improvement of Council's services.

The complaints management framework governed by this policy aims to:

 Be fair and objective. All complaints are considered on their merits and the principles of natural justice are observed

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¹ See Local Government Act 2009 (Qld) s 48. See also Local Government Regulation (Qld) ss 43-55A.

- Support continuous improvement. Where applicable, the outcomes from a complaints management
 process are applied to improve business operations, policies and procedures.
- Be open and accountable. The decisions and outcomes regarding a complaint are made available to the affected person, subject to statutory provisions.
- Be accessible and simple to understand. The process facilitates feedback from the community in a form that encourages participation.

3.2 MAKING A COMPLAINT

A competitive neutrality complaint must be made in writing to Council or to the competition authority and must contain certain information to be valid.²

A complaint may be made to Council:

- In writing by letter to: Chief Executive Officer Mareeba Shire Council PO Box 154 MAREEBA QLD 4880
- By email to: info@msc.qld.gov.au

A complaint may also be made to:

 Queensland Competition Authority PO Box 2257 BRISBANE QLD 4001

Council may provide assistance to persons seeking to make a competitive neutrality complaint and will handle receipt of all competitive neutrality complaints in accordance with the process set out in Council's *Competitive Neutrality Complaint Management Process*.

4. REPORTING

The Council will maintain a register of business activities to which the competitive neutrality principle applies that states:

- the business activities to which the Council has applied the competitive neutrality principle, and the date from which the competitive neutrality principle applied to each business activity;
- the business activities to which the code of competitive conduct applies, and the date from which the code applied to each business activity; and
- a list of
 - i. current investigation notices for competitive neutrality complaints; and
 - ii. the business activities to which the complaints relate; and

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² See Local Government Regulation 2012 (Qld) s 45.

iii. the Council's responses to the QPC's recommendations on the complaints.3

5. **DEFINITIONS**

The code of competitive conduct is the code declared in the Local Government Act 2009 (Qld) and described in detail within the Local Government Regulation 2012 (Qld).⁴

Competition Authority means the Queensland Competition Authority established under section 7 of the Queensland Competition Authority Act 1997 (Qld).

A competitive neutrality complaint is a complaint that:

- relates to the failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and
- is made by an affected person.5

An affected person is:-

- (a) a person who
 - i. competes with the local government in relation to the business activity; and
 - claims to be adversely affected by a competitive advantage that the person alleges is enjoyed by the local government; or
- (b) a person who
 - wants to compete with the local government in relation to the business activity;
 - ii. claims to be hindered from doing so by a competitive advantage that the person alleges is enjoyed by the local government.⁶

The **competitive neutrality principle** is used when Council applies the code of competitive conduct to its business activities. Council must apply the competitive neutrality principle to the business activity including by:

- removing any competitive advantage or competitive disadvantage, wherever possible and appropriate; and
- promoting efficient use of resources to ensure markets are not unnecessarily distorted.⁷

Significant business activity is a business activity of Council that—

- (a) is conducted in competition, or potential competition, with the private sector; and
- (b) meets the threshold prescribed under a regulation.

However, a significant business activity does not include a business activity that is—

- (a) a building certifying activity; or
- (b) a roads activity; or
- (c) related to the provision of library services.8

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³ See Local Government Regulation 2102 (Qld) s 56.

⁴ See Local Government Act 2009 (Qld) s 47. See also Local Government Regulation 2012 (Qld) ss 31-39.

⁵ See Local Government Act 2009 (Qld) s 48(2).

⁶ See Local Government Act 2009 (Qld) s 48(3).

⁷ See Local Government Regulation 2012 (Qld) s 33(1).

⁸ See Local Government Act 2009 (Qld) ss 43(4)-(5).

5.1 RELATED DOCUMENTS AND REFERENCES

- Competitive Neutrality Complaint Management Process (MSC)
- Local Government Act 2009 (Qld)
- Local Government Regulations 2012 (Qld)

6. REVIEW

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

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Policy Type	Governance Policy	Version:	4.0
Responsible Officer	Director Corporate and Community Services	Date Approved:	XX/XX/2021
Review Officer:	Director Corporate and Community Services	Review Due:	XX/XX/2024
Author:	Senior Compliance Officer	Commencement:	XX/XX/2021

PURPOSE

To inform employees of the levels of responsibility for signing of documents on behalf of Council.

SCOPE

This policy applies across Council.

3. POLICY STATEMENT

3.1 AUTHORITY

The Local Government Act 2009 (Qld) (LGA) relevantly provides the authority for the signing of local government documents as follows:

"236 Who is authorised to sign local government documents

- (1) The following persons may sign a document on behalf of a local government—
 - (a) the head of the local government;
 - (b) a delegate of the local government;¹
 - (c) a councillor or local government employee who is authorised by the head of the local government, in writing, to sign documents."

This Policy records authority from the Mayor and Chief Executive Officer to other Council officers to sign correspondence and documents on behalf of Council.

Officers have the responsibility of making decisions on behalf of Council. This means that decisions may be subject to appeal or to the making of administrative action complaints. Officers are therefore expected to exercise their discretion in accordance with the provisions of the law as it would have applied to Council were it making the decision.

In making decisions, officers should make themselves aware of any specific Council policies, decisions, local laws, etc, that may be relevant. This is a critical responsibility that forms an integral part of the authority to sign. This authority does not derogate from the power of Council or the Chief Executive Officer to act in any matter itself. Accordingly, decisions that appear to the officer to be of public interest, controversial, or to have some special importance, should be referred to the officer's supervisor for determination. In exercising this judgment, decisions should be referred if the officer has any doubts about the interest in or significance of the proposal.

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¹ See Local Government Act 2009 (Qld) s 257. Authority is commonly delegated by Council to the Chief Executive Officer.

Before signing any Council document, an officer must ensure that they have the delegated authority to do so.

Separate delegated authority may be given through other legislation, for example, under Instruments of Appointment and Instruments of Delegation. Some of Council's Local Laws also have provision for delegated authority.

Unless an officer has delegated authority, they cannot sign any document on behalf of Council.

3.2 GENERAL CORRESPONDENCE AND DOCUMENTATION

This Policy is to be applied by officers in dealings involving correspondence and documentation on behalf of Council under such a delegation. All officers to whom the duty and authority to sign outward correspondence and other documentation have been delegated have the following obligations:

- correspondence which appears to the officer to be potentially controversial or to have major policy ramifications, should be discussed with the Chief Executive Officer or the Director of the officer's department prior to signing; and
- to be aware of specific Statutes and Council policies, decisions, local-laws, etc, which relate to the matter under reply. This is a key responsibility which forms an integral part of the authority.

3.3 EXCEPTIONS

The following correspondence is expressly **excluded** from this Policy and requires the signature of the Chief Executive Officer:

- correspondence originating from or otherwise involving the Chief Executive Officer's direct interest;
- correspondence determined to be legally requiring signature by the Chief Executive Officer, that cannot be delegated;
- letters of legal action and or prosecution that have not been particularly described in a delegation;
- any other letter which the Director of the relevant Department feels, for reasons of protocol or importance, should be personally signed by the Chief Executive Officer.

3.4 DESIGNATED OFFICERS

Officers at Supervisor/Coordinator level may sign their own name on template letters including minor variations emanating from areas under their supervision but excluding correspondence under clause 3.3.

3.5 MANAGERS

Managers may sign in their own name routine correspondence emanating from areas under their control excluding correspondence under clause 3.3.

The Manager Organisational Development has the delegated authority to sign letters of appointment for internal transfers and appointments in accordance with an appropriately completed selection report and endorsement of the Executive Management Team.

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All standard letter templates should be reviewed by the Manager annually and approved by the Director. Any merge file letter template (including authority generated letters) must be appropriately profiled.

In special circumstances, the Chief Executive Officer may approve the delegation to sign standard correspondence to a specific position for a specified period, to a maximum period of three months. A copy of this delegation is to be placed on the officer's personnel file and recorded in the Delegations Register.

3.6 DIRECTORS

Directors may sign in their own name, correspondence concerning both routine and policy items excluding correspondence under clause 3.3.

3.7 CORRESPONDENCE RELEVANT TO APPROINTMENT AND DISCIPLINARY ACTION OF EMPLOYEES

The LGA provides that the Chief Executive Officer appoints the local government's employees (other than senior executive employees) and is the only person who may take disciplinary action against a local government employee.² The LGA permits the Chief Executive Officer to delegate the chief executive officer's powers.³

The Chief Executive Officer has delegated to the Directors the power to appoint a local government employee up to and excluding Contract Managers.

3.8 FORMAT OF SIGNATURE BLOCK

The signature block displayed upon correspondence between Council and other parties is to hold the following format:

Signature of Delegated Signatory
TYPED FIRST NAME AND SURNAME OF SIGNATORY
POSITION TITLE OF SIGNATORY

3.9 USE OF SCANNED SIGNATURES

The use of scanned signatures must have documented approval of the relevant authorised person.

3.10 AUTHORITY TO SIGN DOCUMENTS

Excluding those documents set out in section 3.3, the following table sets out those positions which are authorised to sign documents.

Authority No.	Description of Powers	Delegated Position
A1	Plans of Survey and other documentation relating to subdivisions of land and community management plans	

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² Ibid ss 196-197.

³ Ibid s 259.

Authority No.	Description of Powers	Delegated Position
		Manager Development and Governance (in the absence of the above)
A2	Deeds of indemnity, agreements and service level agreements relating to operational matters within their area of responsibility	CEO Directors
A3	Approve and issue variation for contracts/agreements (Subject to delegations from Council)	CEO Directors Authorised officers in accordance with Local Government Regulation 2012 (Qld) (LGR) and Procurement Policy
A4	Approve purchasing contract documentation and associated variations within the delegated purchasing authority	CEO Directors Authorised officers in accordance with LGR and Procurement Policy
A5	Agreements for professional services, copyrights, reproduction, indemnification, grants, etc.	CEO Directors
A6	Statutory and legal documents including: Licence Agreements Leases Employment contracts (CEO only for contract positions) Appointment of an employee not included in the organisational structure (with the exception of casual staff) Contracts for sale/purchase of major assets within the delegated purchasing authority Termination of staff	CEO Directors
A7	Statutory compliance reports and documentation	CEO Directors Authorised officers in accordance with the sub-delegation under the relevant legislation

4. REPORTING

No additional reporting is required

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Signing of Correspondence and Documents Policy

DEFINITIONS

Correspondence - means:

- letters compiled to manage the day-to-day administration relating to operational matters within the
 officer's area of responsibility;
- technical correspondence, standard and form letters relating to operational matters within the officer's area of responsibility;
- letters compiled to manage the day-to-day administration and operational requirements of Council within the Chief Executive Officer's or Director's area of responsibility.

Council – means: the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

Documents - include:

- plans of survey;
- deeds of indemnity;
- agreements;
- contracts;
- licences;
- variation orders for contracts;
- tenders;
- sponsorship and endorsements;
- leases;
- applications;
- memorandum of understanding
- Statutory compliance reports and documentation in accordance with delegation or sub-delegation under the relevant legislation.

Head of Local Government - means:

"(a) the mayor; or

(b) if all of the councillors have been suspended or the local government has been dissolved under section 123 and an interim administrator is appointed—the interim administrator; or

(c) if there are no councillors for any other reason and an interim administrator has not been appointed—the chief executive officer."⁴

6. RELATED DOCUMENTS AND REFERENCES

Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)

7. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every three (3) years or as required by Council.

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⁴ Ibid s 236(2).

Signing of Correspondence and Documents Policy

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Policy Type	Governance Policy	Version:	2.1
Responsible Officer	Manager Systems and Customer Service	Date Approved:	XX/XX/2021
Review Officer:	Director Corporate and Community Services	Review Due:	18/03/2024
Author:	Manager Systems and Customer Service	Commencement:	XX/XX/2021

PURPOSE

To set out the principles governing the establishment and management of Council's Closed-Circuit Television (CCTV) systems. This policy should be read in conjunction with Council's *Closed-Circuit Television (CCTV)* System Procedure.

2. SCOPE

This policy applies across Council:

- to any CCTV system installed and owned and operated by Mareeba Shire Council at any location
 within the Mareeba Shire Council local government jurisdiction, whether as one fully integrated
 system linking all towns across the shire or as separate individual stand-alone systems, and includes
 both mobile and fixed CCTV equipment, however does not apply to the operation and administration
 of:
 - o BWC (Body Worn Camera) systems;
 - covert camera surveillance devices deployed for investigative purposes, e.g., gathering of evidence for enforcement of a Local Law.

3. POLICY STATEMENT

3.1 OBJECTIVES

The objective of the CCTV System is to:

- Assist in the prevention of crime by acting as a possible deterrent to potential offenders.
- Assist in the prosecution of incidents of illegal and/or inappropriate behaviours/activities that occur
 within the Mareeba Shire Council local government jurisdiction by making it easier for Council and
 law enforcement agencies to identify perpetrators.
- Obtain reliable information that may be used as evidence in court proceedings.
- · Contribute to an integrated multi-agency approach to crime prevention and community safety.
- Obtain road/traffic data for use in future road network/traffic management planning.
- Obtain information in relation to road conditions, for example, the monitoring of water levels at river and creek crossings to determine if roads remain traversable.

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- Monitor water levels at dams for public safety purposes.
- Enable Council to manage security at remote locations or sites that are unmanned outside of normal business hours, for example, at landfills and transfer stations.

3.2 PARTNERSHIP APPROACH

Subject to discussion and negotiation with relevant Queensland Police Service (QPS) personnel at the time of installation of CCTV equipment within nominated Mareeba Shire towns, the partnership arrangement between Council and QPS may involve the housing of monitoring equipment at local Police Stations.

Any such arrangements entered into with QPS will be documented in a formal Memorandum of Understanding (MOU).

3.3 GENERAL PRINCIPLES

Data recorded on Council's CCTV system shall only be used for the purposes outlined in this policy and access to that information shall only take place in accordance with this policy.

Cameras will not be used to intentionally monitor adjacent or nearby premises or buildings, although it is acknowledged that data captured by the cameras will generally include some exterior vision of business or other premises.

Any person who uses the equipment for any reason other than as outlined in this policy will be subject to disciplinary and/or legal action.

The management and operation of the Mareeba Shire Council CCTV system will:

- Be undertaken by authorised and appropriately trained Council officers.
- Be in accordance with applicable privacy and recordkeeping legislation.¹
- Comply with the principles of impartiality and integrity and operational and procedural efficiency.²
- · Acknowledge that personal protection has priority over property protection.
- Have due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.³
- Ensure the disclosure of data is coordinated and controlled through a centralised point which accords
 with the provisions of current legislation⁴ and this policy.
- All data will be managed in accordance with relevant ICT information access instruments.

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¹ See especially Information Privacy Act 2009 (Qld), Right to Information Act 2009 (Qld), Public Records Act 2002 (Qld).

² See Local Government Act 2009 (Qld) s 13. See also Public Sector Ethics Act 1994 (Qld) ss 4-9.

³ See especially *Human Rights Act 2019* (Qld).

⁴ See especially Information Privacy Act 2009 (Qld), Right to Information Act 2009 (Qld).

 Upon activation of any new fixed CCTV device, Council will immediately update the schedule list of Council fixed CCTV sites appended to the related procedure document.⁵

3.4 PUBLIC TO BE NOTIFIED

Council will comply with privacy legislation⁶ with respect to making individuals generally aware of:

- the purpose for the collection of their personal information
- any lawful authority for the collection
- to whom Council may pass the information onto
- as appropriate, to whom the information may, in turn, be passed on to

3.5 MONITORING OF CAMERAS

Except where monitoring equipment associated with permanently fixed CCTV cameras is installed at a QPS facility under an MOU with QPS, such equipment will normally be installed at a secure Council administration centre or other available Council facility such as a library, depot or visitor information centre which meets the required security standards.

Where possible, mobile cameras (vehicle or trailer mounted) will be connected directly to their own NVR, which will be locked securely within the vehicle or in a lockable box attached permanently to the trailer.

Where data is being *recorded*,⁷ live monitoring of any installed CCTV system will not typically be undertaken by Council and, with the exception of data captured for road/traffic management and water level monitoring purposes, recorded data will only be viewed by Council in response to a valid disclosure application.⁸

Where monitoring equipment is installed at a QPS facility under an MOU between Council and QPS, it is acknowledged that authorised QPS officers may undertake live monitoring of cameras.

3.6 RETENTION OF CAMERA SURVEILLANCE DATA

Where possible, recording equipment attached to any Council CCTV system will be set to a maximum 30 day overwrite cycle, meaning that data recorded (the primary image) will be available for retrieval and viewing for a period of up to 30 days after it has been initially captured and after that period will then be overwritten (erased) by new data captured by the CCTV cameras. This period may be reduced, based on the capacity of the system's storage device. In some instances, this period may not be user configurable and will default to the setting defined by the system.

The exception to the above is:

 where the recorded data contains images relevant to an incident in respect of which a Police investigation has been, or is to be, undertaken and the surveillance data is, or may be, required for evidentiary purposes in a Court proceeding.

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⁵ See Closed-Circuit Television (CCTV) System Procedure (MSC).

 $^{^6}$ See Information Privacy Act 2009 (Qld) sch 3(2)—Information Privacy Principle 2.

⁷ As opposed to where data is not being recorded—where a CCTV device is being used to assist with performance of a work function only and where the device holds no capability to record data.

⁸ See Closed-Circuit Television (CCTV) System Procedure (MSC).

- where the recorded data contains images relevant to a breach of Council's local laws, or any
 other incident that requires further investigation, and Council may institute legal proceedings
 against the person/s who committed the breach.
- where a valid application has been received for disclosure of data that is still within the applicable
 retention period and additional time is required to process the application and/or having
 processed the application, it is deemed appropriate to disclose the requested data to the
 applicant.
- Where data captured for the purpose of road/traffic management is required for future planning and design of Council's road network and traffic management systems.
- Where Council has made the decision to disclose data to an external entity, such as the media.

Where data is required to be kept for the purposes outlined above, it will be transferred from the NVR onto Council's approved evidence management system or, should the data size exceed the practical capacity to transfer/store the data on this system, retained on an appropriately secured storage device, and thereafter dealt with in accordance with the relevant current retention and disposal schedule issued by the State Archivist.

Where practical and possible, data that is retained shall only include that section of the NVR recording which shows the incident occurring with only those images prior to and after the incident necessary to show the incident as a whole.

3.7 MANAGEMENT OF ACCESS TO RECORDED DATA

Persons involved in the operation of the CCTV system shall not use data from the system:

- for voyeuristic purposes
- to gain advantage for themselves or any other person or body
- · in ways which are inconsistent with their obligation to act impartially
- to improperly cause harm, detriment or embarrassment to any person, body or to Council
- to improperly influence others in the performance of their duties or functions

Data recorded on the NVRs and/or stored on other storage devices shall only be accessed by persons duly authorised by the CEO to do so. The recorded data is to be viewed in a controlled environment so that only authorised persons can see the images.

3.8 DISCLOSURE OF PERSONAL INFORMATION TO OTHER AGENCIES/LEGALLY AUTHORISED PARTIES

Other than where disclosure is required by law, on application and with the prior written approval of the CEO or an authorised delegate, Council may permit the controlled disclosure of CCTV data that contains personal information to relevant agencies or legally authorised parties for the purposes of:

- providing evidence in criminal proceedings
- providing evidence in civil proceedings
- the prevention of crime and disorder
- the investigation and detection of crime (includes identification of offenders)
- identification of witnesses
- research, or the compilation or analysis of statistics, in the public interest such as providing information on road usage data
- individual or public health, safety or welfare concerns

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the individual has expressly or impliedly agreed to the disclosure

3.9 SPECIFIC RESPONSIBILITIES - APPOINTED PERSONS

The following responsibilities have been assigned by Council's Chief Executive Officer in relation to the CCTV system:

3.9.1 CCTV system management—system integrity and statutory compliance

Council's Manager Systems and Customer Service is responsible for ensuring that at all times, the system is operated in accordance with this policy and relevant legislation and will be the initial point of contact for requests to access data captured by the system.

The Manager Systems and Customer Service will also be responsible for ensuring the integrity of the system and in this regard may request the services of an external agency to audit the application of this policy and operating procedures.

Council's Senior Compliance Officer will process and endorse any data for release as requested under the information privacy and access legislation. That endorsement will ensure that the provisions of the aforementioned Acts have been met.

Viewing of recorded data to locate requested data of a reported incident will initially be undertaken by an appropriately trained staff member, appointed by the Manager Systems and Customer Service with the approval of the CEO.

Any requests for access to data that do not fall within the principles outlined in this policy will be referred to Council's legal advisers.

Record keeping associated with the operation of the CCTV system will be the responsibility of the authorised operational staff under the supervision of the Manager Systems and Customer Service to ensure that at all times, the requirements of the current recordkeeping legislation and associated standards are complied with.⁹

3.9.2 Technical Support Services

The Manager Systems and Customer Service is the person appointed to assume responsibility for inhouse technical support to the CCTV system.

3.9.3 System Maintenance

Maintenance of the CCTV system network will be the responsibility of an appointed external contractor with the required technical qualifications and knowledge of CCTV systems. In general, this will be the contractor who supplied and installed the CCTV equipment.

3.10 COMPLAINTS

All complaints in relation to the CCTV system will be dealt with through the Council's adopted complaints management policy and investigated by the delegated Complaints Officer.

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⁹ See especially Public Records Act 2002 (Qld); Records Governance Policy v1.0.1 (QSA).

4. REPORTING

Nil additional reporting required

5. DEFINITIONS

Camera Surveillance – includes any *equipment* used to observe and record images, such as closed circuit television (CCTV), temporary or fixed cameras (such as automatic number plate recognition cameras), bodyworn video and unmanned aerial vehicles.

CCTV System – means the totality of arrangements for closed-circuit television including, but not limited to, the technological system, staff and operational procedures.

Council – means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

NVR (Network Video Recorder) and DVR (Digital Video Recorder) – are interchangeable and relate to the storage device utilised by the relevant CCTV system.

6. RELATED DOCUMENTS AND REFERENCES

Employee Code of Conduct (MSC)

Code of Conduct for Councillors (MSC)

Administrative Action Complaints Management Policy (MSC)

Administrative Access Scheme Policy (MSC)

Closed-Circuit Television (CCTV) System Procedure (MSC)

Evidence Act 1977 (Qld)

Human Rights Act 2019 (Qld)

Information Privacy Act 2009 (Qld)

Local Government Act 2009 (Qld)

Public Sector Ethics Act 1994 (Qld)

Right to Information Act 2009 (Qld)

7. REVIEW

It is the responsibility of the Manager Systems and Customer Service to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required from time to time.

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8.7 ASSIGNMENT OF INTEREST - LEASE M - JRM BRAES ROAD, MAREEBA AERODROME

Date Prepared: 29 October 2021

Author: Manager Development and Governance

Attachments: Nil

EXECUTIVE SUMMARY

This report seeks Council consent for the assignment of all interests in Lease M in Lot 20 RP748320 on SP171528 located at JRM Braes Road, western end of Mareeba Aerodrome. GBR Helicopters Pty Ltd currently holds lease M.

RECOMMENDATION

That Council consents to the assignment of all interests in Lease M located at Mareeba Aerodrome held by GBR Helicopters Pty Ltd, as assignor, Dealing Number 710791538 being Lease M in Lot 20 RP748320 on SP171528, to Daniel Graham Cook and Rona Marie Cook as Trustees for the Heli Services NQ Property Trust, as assignees, conditional upon:

- a) Full payment of all amounts of lease rental and rates, fees and charges due as at the date of the assignment being effected, including any outstanding amounts;
- b) Cost of all legal fees associated with lease interest assignment and lodgement of necessary legal instruments with Titles Queensland to effect the assignment being borne by the assignor. This includes any legal fees, reasonably incurred by Council, to achieve this outcome; and
- c) Full adherence by the assignor and assignee to the conditions contained in Clause 2.08.1 and all sub-clauses relevant thereto, as contained in the Lease.

BACKGROUND

GBR Helicopters Pty Ltd (GBR) currently hold Lease M located on JRM Braes Road at the western end of the Mareeba Aerodrome. Lease M has an aircraft hangar constructed upon it. Council has received contact from lawyers acting on behalf of GBR advising that their client has entered into a contract to sell their hangar and their interest in Lease M conditional upon Council's consent of the assignment. The proposed assignee is Daniel Graham Cook and Rona Marie Cook as Trustees for the Heli Services NQ Property Trust (Heli Services).

Clause 2.08.1 of the Lease provides for Council to approve the assignment (of the Lease) subject to Council being satisfied that the proposed assignee is a person (or entity) that is respectable, responsible, and financially capable of meeting all obligations as defined under the Lease. The proposed assignee already holds Lease T at Mareeba Aerodrome and has done so since 2011.

A check of the respective rates and debtor records for the proposed assignee reveals that this entity is up-to-date with no outstanding amounts owing to Council for their existing Lease T. Historically, there have been no instances of the proposed assignee not meeting their financial or other obligations to Council with regard to their Lease T.

Lease M has a term of 30 years from 1 February 2007 with no further options thereafter. The Lease provides for all costs reasonably incurred by Council, as Lessor, to be reimbursed by the assignor as part of the assignment process. In addition, the Lease also contains a provision for a Deed to be

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prepared that requires the assignee to observe all covenants, conditions and stipulations as contained in the Lease. It will be necessary for appropriate legal instruments to be prepared by the assignor for execution by Council and subsequent lodgement, by the assignor, on Title.

Assessment

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

There are appropriate mechanisms within the Lease and in law to protect Council's interests with regard to the financial and other responsibilities of an entity who seeks to take up a lease at the Mareeba Aerodrome.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Compliance with the terms of the lease relevant to clause 2.08.1 as relates to assignment of a lease interest.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Resolution outcome to be communicated to the assignor.

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8.8 MOUNT MOLLOY RSL SUB BRANCH TO MANAGE THE MEMORIAL HALL

Date Prepared: 26 October 2021

Author: Manager Development and Governance

Attachments: Nil

EXECUTIVE SUMMARY

This report seeks approval for the issue of an appropriate tenure instrument between Mareeba Shire Council and Mount Molloy RSL Sub Branch.

RECOMMENDATION

That Council approve the issue of a Management Agreement to the Mount Molloy RSL Sub Branch for non-exclusive use of the Mount Molloy Memorial Hall facility located upon Lot 1 MPH34385, 29 Main Street Mount Molloy.

BACKGROUND

Council is in receipt of correspondence dated 11 May 2021 from Mount Molloy RSL Sub Branch outlining the organisation's objectives and expressing an interest in acquiring a form of tenure over the Mount Molloy Memorial Hall upon Lot 1 MPH34385, 29 Main Street Mount Molloy.

Council is the freehold owner of the land. The facility does not currently have a formal tenure arrangement in place and multiple community groups use it. Bookings vary but regularly consist of Church Markets, Qld Park Rangers meetings, Playgroups, and community funeral receptions.

Mount Molloy RSL Sub Branch has noted that the small town of Mount Molloy has grown in population and the requirement to serve resident veterans and their families to include travellers passing through the town. The Mount Molloy RSL Sub Branch is seeking a community facility to better service veterans and their families through conduct of meetings and events, such as ANZAC Day and Remembrance Day. The Mount Molloy RSL Sub Branch additionally seeks to utilise the space to display a collection of historical military items and increase general use of the facility by the local community.

Currently the community use of the facility is shared by Council and the community group Julatten and Molloy Association of Ratepayers and Residents (JAMARR). Hall Hire forms are submitted to Council and access to keys and the facility are facilitated through JAMARR. Under a tenure arrangement, the Mount Molloy RSL Sub Branch would assume the lead administrative role currently undertaken by Council and continue with a shared responsibility for facility maintenance and service costs.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

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LINK TO CORPORATE PLAN

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

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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

IMPLEMENTATION/COMMUNICATION

Mount Molloy Sub Branch to be notified of resolution and provided with draft Management Agreement instrument as required.

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8.9 FREW STREET - LOT 67 SP136294

Date Prepared: 2 November 2021

Author: Manager Development and Governance

Attachments: 1. Campervan & Motorhome Club of Australia Expression of Interest -

Confidential

EXECUTIVE SUMMARY

This report seeks approval to enter into a tenure arrangement with Campervan & Motorhome Club of Australia Limited (CMCA) to utilise Lot 67 SP136294 for a 14 night maximum stay recreational vehicle (RV) Park. The disposal is in accordance with *Local Government Regulation 2012* (Qld) (LGR). As Council called for expression of interests in 2019, with no successful candidates being identified, Council can negotiate and enter into an agreement for this site.

RECOMMENDATION

That Council delegates the Chief Executive Officer to negotiate and execute a tenure arrangement for 5 Frew Street, Lot 67 SP136294 to Campervan & Motorhome Club of Australia Limited.

BACKGROUND

Council in late 2017 acquired Lot 67 SP136294 from the Queensland State Government. In early 2019 Council advertised for expressions of interest to lease the site for any purpose. Council was not successful in securing an interest in the lot.

Council has recently been approached by CMCA, who have provided an expression of interest (attached) to utilise 5 Frew Street, Lot 67 SP136294 for a self-contained short stay RV park.

The RV Park model proposed by CMCA provides a basic facility for fully self-contained recreational vehicles (RVs). The differentiation of this model from traditional caravan parks is the lack of infrastructure provided on-site, with reliance on the park guest to provide their own toilet, shower, cooking, washing, and sleeping facilities on board. There is a significant and growing demographic of road-based travellers who have invested in a vehicle that allows them to be off-grid for a period. Because of these factors, this model also provides significant local economic benefits with an average spend of \$150.00 in the local community per night accommodation.

CMCA has extensive experience in running facilities like this, with multiple sites across Australia, Queensland, and the closest being Innisfail. Furthermore, the CMCA has the financial capacity to implement and develop the site appropriately.

The site is currently zoned Community Facilities in the 2016 MSC Planning Scheme. CMCA will be required to submit an impact assessable development application before operations can begin.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

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Operating

Nil

LINK TO CORPORATE PLAN

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

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

Nil

Item 8.9 Page 194

8.10 ISSUE OF LICENCE TO WYLANDRA HOLDINGS PTY LTD OVER PART OF LOT 211 SP129906

Date Prepared: 3 November 2021

Author: Manager Development and Governance

Attachments: 1. Aerial view of the proposed Licence Area J

EXECUTIVE SUMMARY

This report seeks Council consent to issue a suitable licence instrument over part of Lot 211 SP129906 to Wylandra Holdings Pty Ltd to formalise the use of a portion of former railway corridor land for existing infrastructure marking the entrance point to a residential estate (the "licence area").

RECOMMENDATION

That Council approve the issue of a licence instrument to Wylandra Holdings Pty Ltd for use of part of Lot 211 SP129906 for existing structures conditional upon:

- 1. Council securing necessary consent from the State as head lease holder; and
- 2. All costs of effecting the licence instrument payable by Wylandra Holdings Pty Ltd.

BACKGROUND

On behalf of Wylandra Holdings Pty Ltd, Domenic Gallo has approached Council seeking to formalise existing constructed features located within part of Lot 211 SP129906. Lot 211 is part of the former rail corridor that Council holds under a sub-lease from the Department of Transport and Main Roads (DTMR). These features include an 'entrance statement sign' and landscaping/vegetation plantings in proximity to where Gallo Drive intersects lot 211.

Previously A & M Developments Pty Ltd held an Access Licence issued by DTMR, which had a five-year term from May 2014. With the issue of the sub-lease between DTMR and Council in 2016 for the majority of the former railway corridor between the aerodrome and Mareeba, which includes Lot 211 SP129906, the Access Licence was not renewed.

Wylandra Holdings is also in the process of effecting a new Road Corridor Permit through DTMR to formalise landscaping that extends beyond Lot 211 into the dedicated road corridor, which is the entrance from Kennedy Highway into Gallo Drive.

Existing Infrastructure

The extent of infrastructure contained within Lot 211 includes part of the entrance statement sign, which consists of large concrete blocks positioned off the northern side of Gallo Drive with the wording 'WYLANDRA estate' and complementary vegetation plantings on both sides of Gallo Drive. There also exists a 'land sale advertising/promotion sign' on the southern side of Gallo Drive. This sign is faded and its usefulness in promoting land sales is questionable and deemed detrimental to the overall entrance appearance to the development. Wylandra Holdings has given a written undertaking to remove this sign in its entirety at their expense. They have also suggested the possible addition, at a later stage, of additional complementary infrastructure within the proposed licence area, such as a shade structure. Should development of the rail trail concept proceed and if

Council is amenable to the idea, it would be done with consideration to any plans that may exist at that time.

Currently, all landscaping both within the proposed licence area and that contained within the DTMR Road Corridor Permit area are watered and maintained by Wylandra Holdings at their own expense. Should Council decide to grant Wylandra Holdings a licence area, they have committed to continue with this arrangement for maintaining the area as they see it as a positive affirmation of the lifestyle lots they have already sold and wish to continue selling at that location. See attachment detailing the extent of the proposed licence area and existing infrastructure located therein.

Licence instrument

Under clauses 12.2 of the extant sub-lease Council is obliged to seek the consent of the State as head lease holder prior to the granting of any licence instrument over any part of Lot 201. Clause 12.2 further sets out the conditions to be imposed upon the granting of any licence. Conditional upon receipt of formal consent from the State, a suitable licence instrument can be drafted for the non-exclusive use of the licence area to include additional contextual obligations upon the licensee for ongoing maintenance of the licence area, immediate removal of any existing dilapidated structures from the licence area and removal of all structures from the licence area following expiry, surrender or cancellation of the licence instrument.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Wylandra Holdings to be notified of resolution and conditions.

WYLANDRA ESTATE ENTRANCE FEATURES AND IDENTIFICATION OF PROPOSED LICENCE AREA





Dilapidated advertising sign to be removed



WYLANDRA estate entrance sign

8.11 VALUELESS LAND TO ACQUIRE

Date Prepared: 13 October 2021
Author: Manager Finance

Attachments: 1. Schedule Of Properties to Acquire U

EXECUTIVE SUMMARY

The purpose of this report is to inform Council that there are seven (7) properties currently on Council's rating system that are now considered valueless land due to the total amount of the overdue rates or charges being more than the value of the land.

RECOMMENDATION

That Council:

- 1. acquires the lands in the Schedule below in accordance with Section 149(1) of the *Local Government Regulation 2012* as it considers that the value of the lands if they were sold would in each case be less than the total amount of the overdue rates [and charges];
- delegates authority to the Chief Executive Officer to sign a notice of intention to acquire the lands to be given to all interested parties and to take all further steps necessary to complete the acquisition process in accordance with Sections 150 and 151 of the Local Government Regulation 2012.

BACKGROUND

As identified in the Financial Statements period ending 31 October 2021 Council report, there are 10 properties that are listed under Valueless Land. Seven (7) of those properties have now reached the thresholds as outlined in section 148 of the *Local Government Regulation 2012* and are contained within this report and the remaining three (3) will be acquired in the coming years.

The seven (7) properties where the rates in arrears are currently higher than the valuation, the land is considered to be valueless or of so little value that, if it were sold, the proceeds of the sale would be less than the amount of the overdue rates and charges.

All these properties have been recognised under GenCatN - Unused Land and have continued to be rated every six (6) months. The current registered owners of these properties abandoned them over a century ago and are presumed deceased.

The process involved in this acquisition is directed by legislation and will be subject to professional legal advice as required.

Section 148 of the *Local Government Regulation 2012* identifies thresholds that need to be satisfied for acquisition to commence.

Once these properties have been acquired by Council, further discussions will be held to determine future plans for these parcels of land.

RISK IMPLICATIONS

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The properties mentioned in the schedule need to be considered under Section 149(1) of the *Local Government Regulation 2012* as the value of the lands if they were sold would in each case be less than the total amount of the overdue rates [and charges].

In accordance with Sections 150 and 151 of the *Local Government Regulation 2012*, the Council can hereby direct the Chief Executive Officer to sign a notice of intention to acquire the lands to be given to all interested parties and to take all further steps necessary to complete the acquisition process.

POLICY IMPLICATIONS

Debt Recovery Policy 2021/22 Revenue Policy 2021/22

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Update Council Asset register should Council proceed to acquire the land and consider expenditure in future capital budgets for legal costs and fees incurred with the acquisitions.

Operating

Council will need to consider expenditure in future operational budgets for the payment of both the Waste Management levies and Emergency Management levies on all these properties should Council proceed with the acquisitions.

*Is the expenditure noted above included in the current budget?*No

If not, you must recommend how the budget can be amended to accommodate the expenditure

The overall budget impact of Council acquiring this land is minimal with the majority of the expenditure being absorbed internally within Council than outsourcing the process. The current predicted costs will be the submissions of forms to the Queensland Land Registry, Department of Natural Resources and also any advertising costs with newspapers. It is assumed that the budget impact will be over two (2) financial years 2021/2022 and 2022/2023 with any material financial impact assessments forwarded to the Manager Finance.

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Nil

				Sc	hedule	of prop	erties to acquire							
Property ID	Registered Owners	Location	Descritpion of Land	Land Area	Valuation	Period which rates unpaid	Rate at which interest is accruing	Oustan a 31 Dec	nt	due to	est Owing o overdue as at 31 ober 2021	Ro Inte	al Overdue ates and erest as at December 2021	Address
10576	Neil McLean	Watsonville	Lot 116 W 2631 Lot 117 W 2631	1,012 sq m 1,012 sq m	\$ 37,500.00	13.02.2018 - 31.12.2021	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/06/2021 8.03% pa from 01/07/2021 - 30/06/2022	\$ 63	1,022.35	\$	17,495.75	\$	78,518.10	1086 Herberton - Petford Road WATSONVILLE QLD 4887
10577	Neil McLean	Watsonville	Lot 219 W 2631 Lot 220 W 2631	1,012 sq m 1,012 sq m	\$ 37,500.00	13.02.2018 - 31.12.2021	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/06/2021 8.03% pa from 01/07/2021 - 30/06/2022	\$ 60	0,370.55	\$	17,399.57	\$	77,770.12	Agnes Street WATSONMLLE QLD 4887
10604	Colin Douglas & William H Stansfield	Watsonville	Lot 111 W 2631	1,012 sq m	\$ 30,000.00	22.11.2018 - 31.12.2021	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/06/2021 8.03% pa from 01/07/2021 - 30/06/2022	\$ 33	3,658.95	\$	8,162.41	\$	41,821.36	Ann Street WATSONMLLE QLD 4887
10612	Neil McLean	Watsonville	Lot 801 W 2631	986 sq m	\$ 30,000.00	13.02.2018 - 31.12.2021	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/06/2021 8.03% pa from 01/07/2021 - 30/06/2022	\$ 41	8,900.25	\$	13,931.81	\$	62,832.06	Charles Street WATSONVILLE QLD 4887
10653	Neil McLean	Watsonville	Lot 519 W 2631	1,012 sq m	\$ 30,000.00	13.02.2018 - 31.12.2021	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/06/2021 8.03% pa from 01/07/2021 - 30/06/2022	\$ 48	8,900.25	\$	13,953.81	\$	62,854.06	James Street WATSONVILLE QLD 4887
14928	Francis K Blackmore	Thornborough	Lot 3 HG 679	1,214 sq m	\$ 2,000.00	22.11.2018 - 31.12.2021	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/06/2021 8.03% pa from 01/07/2021 - 30/06/2022	\$ 5	5,378.95	\$	844.87	\$	6,223.82	Braund Road THORNBOROUGH QLD 4872
20227	Jack and Newell Limited	Dimbulah	Lot 304 M 6494	1,012 sq m	\$ 6,000.00	22.11.2018 - 31.12.2021	11% pa from 01/01/2014 - 30/6/2019 9.83% pa from 1/07/2019 - 30/06/2020 8.53% pa from 01/07/2020 - 30/06/2021 8.03% pa from 01/07/2021 - 30/06/2022	\$ 5	9,418.95	\$	1,877.50	\$	11,296.45	Mount Mulligan Road DIMBULAH QLD 4872
								\$ 267	7,650.25	\$	73,665.72	\$	341,315.97	

8.12 FINANCIAL STATEMENTS PERIOD ENDING 31 OCTOBER 2021

Date Prepared: 1 November 2021
Author: Manager Finance

Attachments: 1. Budgeted Income Statement by Fund 2021/22 &

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2021 to 31 October 2021.

RECOMMENDATION

That Council receives the Financial Report for the period ending 31 October 2021.

BACKGROUND

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the month ending 31 October 2021, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2021/22 Budget as adopted by Council at the 16 June 2021 meeting.

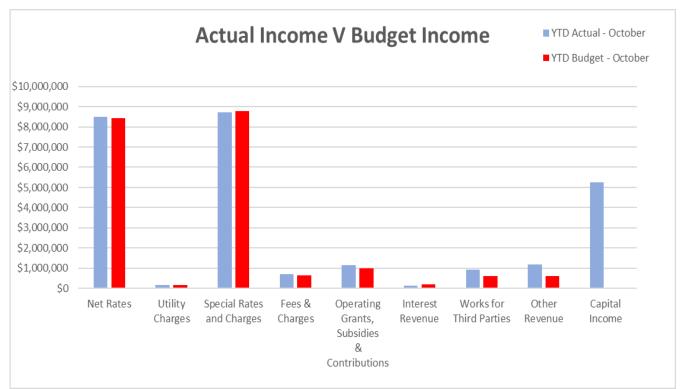
There are no issues or concerns to discuss or highlight at this stage. The surplus shown below is due to the rates notices being issued in August 2021, which represents 50% of annual rate levies.

October 2021 - Snapshot	
Total Operating Income	\$ 21,520,842
Total Operating Expenditure	\$ 17,569,203
Operating Surplus/(Deficit)	\$ 3,951,639
Total Capital Income (grants, developer contributions)	\$ 5,238,045
Net Result - Surplus/(Deficit)	\$ 9,189,684

Income Analysis

Total income (including capital income of \$5,238,045) for the period ending 31 October 2021 is \$26,758,887 compared to the YTD budget of \$20,418,914.

The graph below shows actual income against budget for the period ending 31 October 2021.



	Actual YTD	Budget YTD	Note
Net Rates	8,489,569	8,424,797	
Utility Charges	179,654	158,884	
Special Rates and Charges	8,732,097	8,777,204	
Fees & Charges	707,313	644,207	1
Operating Grants, Subsidies & Contributions	1,167,486	1,003,900	
Interest Received	130,035	193,500	2
Works for Third Parties	918,170	615,894	3
Other Revenue	1,196,518	600,526	4
Capital Income	5,238,045	-	5

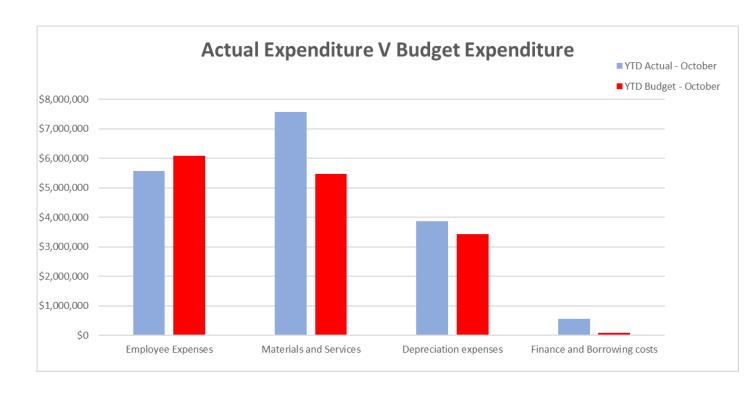
Notes:

- 1. The favourable variance is relating to a timing difference between actual animal registrations and fines and the budget allocation.
- 2. Interest revenue received is below budget due to the current low interest rates.
- 3. The Road Maintenance Performance Contract (RMPC) invoices for July, August and September have all been raised in October. The claim for October will be submitted in November to the Department of Main Roads. The favourable variance relates to how the budget has been allocated for RMPC works, which is equally apportioned over 12 periods however actual works does not reflect this same trend.
- 4. Favourable variance relates to a timing issue with budget being apportioned over 12 months. A number of annual invoices have been raised which is creating this variance. A significant portion of this variance is rental from Community Housing which was not budgeted for but has been received.
- 5. Council has received \$5M in capital grants towards Works for Queensland COVID Round and Round 4, Transport Infrastructure Development Scheme (TIDS) and Local Roads & Community Infrastructure Program Round 2 and a further \$135k towards capital contributions.

Expenditure Analysis

Total expenses for the period ending 31 October 2021 is \$17,569,203 compared to the YTD budget of \$15,053,921.

The graph below shows actual expenditure against budget for the period ending 31 October 2021.



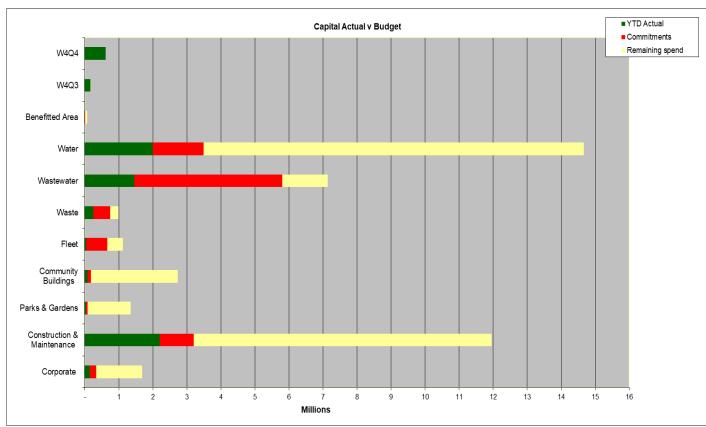
	Actual YTD	Budget YTD	Note
Employee expenses	5,576,698	6,085,457	
Materials & Services	7,569,622	5,466,247	1
Depreciation expenses	3,886,983	3,428,760	
Finance & Borrowing costs	555,900	73,457	2

Notes:

- 1. The variance relates to the expenditure for RMPC and Council road maintenance, which is allocated equally over 12 periods however actual works does follow same trend. There has also been additional 3rd party works which was not budgeted for however there will be income to offset this expense.
- 2. The large variance in Finance and Borrowing costs in comparison to budget is due to the valueless land acquired from the November 2020 Council report. A total of eight (8) properties have been acquired and recognised as Council assets and the associated rates and charges associated have been written off.

Capital Expenditure

Total capital expenditure of \$15,293,094 (including commitments) has been spent for the period ending 31 October 2021 against the 2021/22 adjusted annual capital budget of \$42,486,870. This budget figure now includes carry overs from 2020/21 of \$9,938,178 and new and additional funds required for 2020/21 capital projects of \$819,365.



Loan Borrowings

Council's loan balance is as follows:

QTC Loans \$7,543,481

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 October 2021 are \$2,432,920 which is broken down as follows:

	31 October 2021		31 October 2020	
Status	No. of properties	Amount	No. of properties	Amount
Valueless land	10	380,052	18	748,649
Payment Arrangement	191	280,320	177	226,554
Collection House	457	1,438,103	485	1,147,593
Exhausted – awaiting sale of land	9	209,490	7	151,778
Sale of Land	-	-	11	153,526
Other (includes current rate notices) *	305	124,955	247	216,025
TOTAL	972	2,432,920	945	2,644,125

^{*}Of this amount, 117 properties have a balance less than \$20

The Rate Notices for the period ending 31 December 2021 was issued on 10 August 2021 with the discount due date being 10 September 2021. Total Gross Rates and Charges levied for the six (6) months totalled \$19,296,164.

As per Council Debt Recovery Policy, a total of 697 second reminder notices were sent on the 5 October, for a total value of \$828,857. These reminder notices provide an additional 14 days to pay the outstanding amount, due on the 20 October 2021.

A total of 147 supplementary rates notices were issued in October. These notices were raised due to changes from building finals, new bins, new and cancelled valuations from property developments or sales.

Collection House collected \$96,312 for the month of October 2021.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 October 2021 is \$587,855 which is made up of the following:

Current	30 days	60 days	90 + days
\$424,538	\$146,256	\$1,059	\$16,002
72%	25%	0%	3%

Procurement

There were no emergency orders for the month.

RISK IMPLICATIONS

Nil

Legal/Compliance/Policy Implications

Section 204 of the *Local Government Regulation 2012* requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Nil

Budgeted Income Statement by Fund 2021/22 Budget					
Consolidated					
	Actual YTD	Budget YTD	2021/22		
Revenue					
Rates and utility charges	18,396,591	18,393,103	36,787,376		
Less Discounts and Pensioner Remissions	(995,270)	(1,032,217)	(2,064,435		
Net Rates and Utility Charges	17,401,320	17,360,885	34,722,941		
Fees and Charges	707,313	644,207	1,511,931		
Operating Grants and Subsidies	1,104,188	1,003,900	8,067,552		
Operating Contributions	63,298	-	46,300		
Interest Revenue	130,035	193,500	435,500		
Works for Third Parties	918,170	615,894	1,847,683		
Other Revenue	1,196,518	600,526	1,776,579		
Total Operating Revenue	21,520,842	20,418,914	48,408,486		
Expenditure					
Employee Expenses	5,576,698	6,085,457	18,569,830		
Materials and Services	7,569,622	5,466,247	13,339,658		
Depreciation expense	3,866,983	3,428,760	10,286,283		
Finance and Borrowing costs	555,900	73,457	267,094		
Total Operating Expenses	17,569,203	15,053,921	42,462,865		
Operating Surplus/(Deficit)	3,951,639	5,364,992	5,945,621		
Capital Income	101.700				
Capital Contributions	134,782	-	44.054.555		
Capital Grants and Subsidies	5,031,672	-	11,254,723		
Donated Assets	74.504	-	•		
Profit/(Loss) on Sale of Asset	71,591	-	44 254 722		
Total Capital Income	5,238,045	-	11,254,723		
Net Result	9,189,684	5,364,992	17,200,344		

Budgeted Income Statement by Fund 202	1/22 Budget		
General			
	Actual YTD	Budget YTD	2021/22
Revenue			
Rates and utility charges	9,606,242	9,556,925	19,113,851
Less Discounts and Pensioner Remissions	(995,271)	(1,032,217)	(2,064,435)
Net Rates and Utility Charges	8,610,971	8,524,708	17,049,416
Fees and Charges	627,591	556,349	1,248,356
Operating Grants and Subsidies	1,094,099	1,003,900	8,067,552
Operating Contributions	903	-	46,300
Interest Revenue	80,096	145,000	290,000
Works for Third Parties	888,584	615,894	1,847,683
Other Revenue	804,639	299,860	924,579
Total Operating Revenue	12,106,883	11,145,711	29,473,886
Expenditure			
Employee Expenses	5,116,749	5,550,590	16,902,503
Materials and Services	4,834,644	2,610,346	4,784,530
Depreciation expense	2,817,192	2,401,660	7,204,980
Finance and Borrowing costs	525,417	43,570	147,545
Total Operating Expenses	13,294,002	10,606,166	29,039,558
Operating Surplus/(Deficit)	(1,187,118)	539,545	434,328
Capital Income			
Capital Contributions	87,034	-	
Capital Grants and Subsidies	3,572,758	-	4,633,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	71,591	-	
Total Capital Income	3,731,383	-	4,633,000
Net Result	2,544,264	539,545	5,067,328

Budgeted Income Statement by Fund 2021/22 Budget Waste					
Revenue					
Rates and utility charges	2,094,093	2,077,657	4,155,314		
Less Discounts and Pensioner Remissions	-	-	-		
Net Rates and Utility Charges	2,094,093	2,077,657	4,155,314		
Fees and Charges	69,341	80,000	240,000		
Operating Grants and Subsidies	10,089	-	-		
Operating Contributions	20,000	-			
Interest Revenue	6,914	11,667	35,000		
Works for Third Parties	-	-	-		
Other Revenue	365,148	274,000	772,000		
Total Operating Revenue	2,545,585	2,443,324	5,202,314		
Expenditure					
Employee Expenses	136,482	118,036	390,466		
Materials and Services	1,338,071	1,395,921	4,174,64		
Depreciation expense	54,129	53,729	161,18		
Finance and Borrowing costs	-	-	-		
Total Operating Expenses	1,528,682	1,567,687	4,726,294		
Operating Surplus/(Deficit)	1,016,903	875,637	476,020		
Capital Income					
Capital Contributions	6,823	-	-		
Capital Grants and Subsidies	-	-	-		
Donated Assets	-	-	-		
Profit/(Loss) on Sale of Asset	-	-	-		
Total Capital Income	6,823	-	-		
Net Result	1,023,726	875,637	476,020		

Budgeted Income Statement by Fund 2021/22 Budget Wastewater				
Revenue				
Rates and utility charges	2,847,760	2,701,100	5,402,200	
Less Discounts and Pensioner Remissions	-	-	-	
Net Rates and Utility Charges	2,847,760	2,701,100	5,402,200	
Fees and Charges	10,380	7,858	23,575	
Operating Grants and Subsidies	-	-	-	
Operating Contributions	-	-	-	
Interest Revenue	20,435	28,333	85,000	
Works for Third Parties	3,194	-	-	
Other Revenue	-	14,000	42,000	
Total Operating Revenue	2,881,769	2,751,292	5,552,775	
Expenditure				
Employee Expenses	135,370	177,058	536,149	
Materials and Services	567,101	546,720	1,485,053	
Depreciation expense	524,438	511,307	1,533,920	
Finance and Borrowing costs	30,483	29,887	119,549	
Total Operating Expenses	1,257,392	1,264,972	3,674,671	
Operating Surplus/(Deficit)	1,624,377	1,486,320	1,878,104	
Capital Income				
Capital Contributions	21,160	-	-	
Capital Grants and Subsidies	1,162,262	-	-	
Donated Assets	, = = , = = =	-		
Profit/(Loss) on Sale of Asset	-	-	-	
Total Capital Income	1,183,422		-	
Net Result	2,807,799	1,486,320	1,878,104	

Budgeted Income Statement by Fund 2021/22 Budget Water				
Revenue				
Rates and utility charges	3,790,243	3,998,447	7,998,064	
Less Discounts and Pensioner Remissions	-	-	-	
Net Rates and Utility Charges	3,790,243	3,998,447	7,998,064	
Fees and Charges	-	-	-	
Operating Grants and Subsidies	-	-	-	
Operating Contributions	-	-	-	
Interest Revenue	13,576	8,333	25,000	
Works for Third Parties	26,392	-	-	
Other Revenue	26,731	12,667	38,000	
Total Operating Revenue	3,856,943	4,019,447	8,061,064	
Expenditure				
Employee Expenses	185,410	239,772	740,712	
Materials and Services	766,484	869,259	2,847,508	
Depreciation expense	447,816	439,198	1,317,594	
Finance and Borrowing costs	-	-	-	
Total Operating Expenses	1,399,710	1,548,229	4,905,814	
Operating Surplus/(Deficit)	2,457,233	2,471,218	3,155,250	
Capital Income				
Capital Contributions	19,764	-	-	
Capital Grants and Subsidies	296,652	-	6,621,723	
Donated Assets	-	-	-	
Profit/(Loss) on Sale of Asset	-	-		
Total Capital Income	316,416	-	6,621,723	
Net Result	2,773,649	2,471,218	9,776,973	

Budgeted Income Statement by Fund 2021/22 Budget Benefited Area				
Revenue				
Rates and utility charges	58,253	58,974	117,947	
Less Discounts and Pensioner Remissions	-	-	-	
Net Rates and Utility Charges	58,253	58,974	117,947	
Fees and Charges	-	-	-	
Operating Grants and Subsidies	-	-	-	
Operating Contributions	62,395	-		
Interest Revenue	9,014	167	500	
Works for Third Parties	-	-		
Other Revenue	-	-	-	
Total Operating Revenue	129,662	59,141	118,447	
Expenditure				
Employee Expenses	2,687	-	-	
Materials and Services	63,322	44,001	47,927	
Depreciation expense	23,408	22,867	68,601	
Finance and Borrowing costs	-	-	-	
Total Operating Expenses	89,418	66,868	116,528	
Operating Surplus/(Deficit)	40,244	(7,727)	1,919	
Capital Income				
Capital Contributions	-	-		
Capital Grants and Subsidies	-	-	-	
Donated Assets	-	-	-	
Profit/(Loss) on Sale of Asset	-	-		
Total Capital Income	-	-	-	
Net Result	40,244	(7,727)	1,919	

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - OCTOBER 2021

Date Prepared: 20 October 2021

Author: Director Infrastructure Services

Attachments: 1. Capital Works Highlights - October 2021 4

2. Capital Works Summary - October 2021 U

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on capital works projects undertaken by the Infrastructure Services Department during the month of October 2021.

RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of October 2021.

BACKGROUND

Council's Capital Works program is focussed on renewal and upgrade of Council infrastructure to achieve Council's corporate vision of "A growing, confident and sustainable Shire". The program is funded through a combination of Council's own funding and external grants and subsidies.

RISK IMPLICATIONS

Financial

The capital works program is tracking within budget.

Infrastructure and Assets

Projects included in the current capital works program were identified through Council's Project Prioritisation Tool (PPT) which uses a risk-based, multi-criteria approach to rank projects in order of priority. The PPT is aligned with Council's Long-Term Financial Plan and Asset Management sub-plans, which focus of renewal of existing assets.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2021/22 Capital Works Program.

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

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Infrastructure Services Capital Works Report Project Highlights - October 2021



Project Name: Kuranda Waste Transfer Station Weighbridge Project

Program: Waste

Background

As part of the ongoing implementation of Council's Waste Management Services Strategy, a new weighbridge and gatehouse are being installed at the Kuranda Waste Transfer Station. The project will improve access to the facility for users and assist Council in providing a more efficient waste management service.

Scope of Works

The scope of works includes supply, installation and commissioning of a single deck steel weighbridge, associated hardware, and construction of a new gatehouse.

Progress Update

The site works which include construction of concrete support plinths, approach ramps, electrical conduit installation and instrument connectivity conduits were mostly completed in October.

The works involved site fence extensions to accommodate the new weighbridge, civil works and concrete plinth works and running of electrical and communication lines and sealing of roadway.



Weighbridge construction works



Project Name: Chillagoe Water Main Pipeline and Bore Project

Program: Water

Background

The purpose of this project is to support the continuity of water supply and increased pressure required to fight fire-fighting activities for the township of Chillagoe by providing a more reliable raw water supply to the Chillagoe Water Treatment Plant.

These works are part of Council's water strategy to address critical water issues across the Shire over the next 10 years. The project is fully grant funded under the Local Economic Recovery Program, which is jointly funded by the Australian and Queensland governments, and the Australian Government's Local Roads and Community Infrastructure Program.

Scope of Works

A new 4-kilometre 150mm supermain (PVC) pipeline has been installed from the newly established Bore through to Frew Street Chillagoe to service the Chillagoe Water Treatment Plant. The project includes all associated pipe work, electrical, telemetry and new bore connections.

Progress Update

Works completed in October:

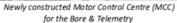
- · Bore pump has been delivered to Chillagoe
- · Switch board and generator have been delivered and installed to site
- The telemetry poles have been installed and connected
- All electrical runs have been installed
- Instruments have been installed and checked

Works planned for November

- · Bore pump to be installed
- Final connections made to board
- · Commissioning of the pump to be undertaken

Final completion of the project is dependent on installation and commissioning of new mains power by Ergon.







Newly installed standby generator for the Bore & Telemetry



Project Name: Mareeba North AC Pipe Renewal Water Main Upgrade Project

Program: Water

Background

An allocation has been provided in the 2021/22 Capital Works Program to replace the failed existing asbestos cement (AC) water main, along the Mulligan Highway Mareeba to maintain on-going water supply for properties.

This section of water main was identified for replacement following the numerous main breaks occurring in the past few years and are part of Council's strategy to address critical water issues across the Shire over the next 10 years.

Scope of Works

The scope of works includes replacement of the existing water main with 150mm PVC Supermain, in addition to new service connections, valving and hydrants. The section of water main currently underway at present is along Tobiano Street between Blacks Road and Debel Close.

Progress Update

Works commenced mid-October with an estimated four (4) month works program, weather permitting. Currently works are concentrated along Tobiano Street, Mareeba.



Laying and installation of the new 150mm diameter PVC Supermain water main



Project Name: Kuranda - Barang Street AC Pipe Renewal Water Main Upgrade Project

Program: Water

Background

An allocation has been provided in the 2021/22 Capital Works Program to replace the failed existing asbestos cement (AC) water main, along the length of Barang Street, Kuranda. The works are from new main connections at Rob Veivers Drive to Arara Street to maintain ongoing water supply for properties.

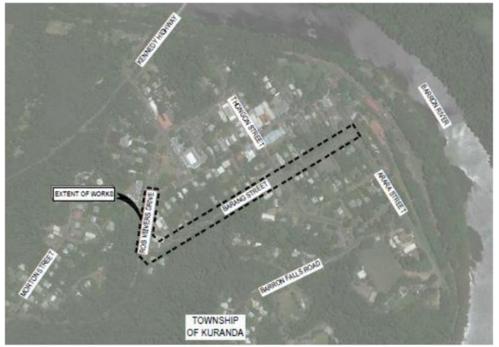
This section of water main was identified for replacement following the numerous main breaks occurring in the past few years, extreme difficulty for QRES to access fire hydrants that are currently located on undulating terrain conditions at some sections. This project is part of Council's strategy to address critical water issues across the Shire over the next 10 years.

Scope of Works

The scope of works includes replacement of the existing water main with a mixture of ductile iron 150mm pipe and 150mm PVC Supermain, in addition to new service connections, valving and hydrants.

Progress Update

Works commenced mid-October with an estimated four (4) month weather dependent construction program.



Map with extent of works area



Project Name: Springmount Road Ch 7.55 - Ch 9.0 Rehabilitate and Widen

Program: Rural Roads

Background

Council has been undertaking progressive widening of Springmount Road to cater for increasing heavy traffic and to address ongoing defects, edge wear and edge drop. The widened road will provide a safer and more efficient route for road users.

Springmount Road is a Local Road of Regional Significance (LRRS) and the project is jointly funded by the Queensland Government through the Transport Infrastructure Development Scheme and Mareeba Shire Council.

Scope of Works

The scope of works includes the widening and sealing of Springmount Road to 8 metres sealed width between the Walsh River and Middle Creek Road. Within this section, concrete culverts were removed and replaced, extended or removed completely. Stankovich Road and Middle Creek Road intersections was also upgraded.

Progress Update

The project was bitumen sealed in late September and the line marking was completed in late October.



Ch 7580 - Before



Ch 7580 - After



Ch 8220 - Before



Ch 8220 - After



Project Name: Bower Road Ch 1.44 - Ch 4.34 Widen Road and Causeway

Program: Rural Roads

Background

Much of Bower Road, Arriga is single lane width bitumen seal and is prone to edge wear and edge drop. The widened road will provide a safer and more efficient route for the increased volume of traffic in the area.

Bower Road is a Local Road of Regional Significance (LRRS) and the project is jointly funded by the Queensland Government through the Transport Infrastructure Development Scheme and Mareeba Shire Council.

Scope of Works

The scope of works included the widening and sealing of Bower Road to 7 metres between the Bower Road intersection and the Stanton Road intersection. The causeway at Ch 3.60km on Bower Road was also widened to as part of the project.

Progress Update

Works progressed well throughout October and the final bitumen seal was applied 28 October after which the road furniture was reinstated. The line marking will be undertaken later in November.



First Application of C320 Bitumen



Spreading 16mm Aggregate



Completed Two Coat Seal



Completed Two Coat Seal



Project Name: 2021/22 Reseal and Asphalt Overlay Program

Program: Rural and Urban Roads

Background

Council undertakes an annual bitumen reseal and asphalt program in order to maintain its road network to a suitable standard. Bitumen resealing and asphalt resurfacing prevents moisture from penetrating through deteriorated bitumen and asphalt seals into the underlying pavement, protecting Council's roads from damage such as rutting and potholes.

Scope of Works

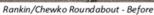
The scope of works includes bitumen reseals and asphalt overlays on a number of roads across Mareeba Shire to extend the useful life of the existing pavement.

Progress Update

The existing seal on the roundabout at the intersection of Rankin Street and Chewko Road, near the Mareeba High School, was a mixture of old, cracked and deformed asphalt and clay pavers.

During the September/October School holidays the pavers were removed and replaced with Type 2.1 Road Base and the existing asphalt was profiled out and the roundabout sealed with a 40mm layer of DG14 asphalt.







Rankin/Chewko Roundabout - After



Project Name: Euluma Creek Road Julatten, Rehabilitate and Widen

Program: Rural Roads

Background

Euluma Creek Road is classed as a Local Road of Regional Significance (LRRS) under the Roads and Transport Alliance and is eligible for a maximum of 50% funding from the Transport and Infrastructure Development Scheme (TIDS).

Several projects are currently listed in the FNQROC TIDS Program for the widening of sections of Euluma Creek Road between Black Mountain Road and McLeans Bridge Road to cater for increasing heavy traffic and to address ongoing defects, edge wear and edge drop.

Scope of Works

The first of these projects is the widening of the existing 3.9m bitumen sealed road to 8m including the replacement and extension of existing culverts from chainage 5550 to chainage 6330.

Progress Update

Project construction was programmed to take place either side of the 2020/2021 wet season with the drainage establishment and replacement and extensions of existing culverts to be completed prior to the 2020 Christmas close down. The pavement rehabilitation and widening activities commenced in October 2021.

Wet weather has hampered the progress of the widening activities, however it is anticipated that the milling, gravel overlay and stabilising components of the project can recommence in the second week of November.



Milling Operation



Geofabric put in place due to unsuitable subgrade



Project Name: Kanervo Road - Davies Creek Bridge Replacement

Program: Bridges

Background

In August 2019, Council secured a grant under the Australian Government's Bridges Renewal Program towards upgrade of the existing bridge over Davies Creek on Kanervo Road.

A Level 3 engineering inspection and load assessment was undertaken on bridge in 2015 which identified significant deterioration of some of the timber girders and a load limit of 14 tonnes was imposed on the bridge. The purpose of this project is to restore the bridge to its original intended load limit and provide accessibility for heavy vehicles.

Scope of Works

The scope of works includes replacing the existing timber girders and deck of the bridge over Davies Creek on Kanervo Road with concrete precast deck units and a concrete deck.

Progress Update

At the time of reporting, 12 of the required 24 deck units had been fabricated at council's casting slab at the Kowa Street Depot. Site works will commence as soon as practicable after the 2021/22 wet season.



Girder Reinforcement



Pouring Concrete Girder



Concrete Finishing



Completed Girders



Project Name: Toilet Facility Refurbishments

Program: Community Buildings

Background

Council is undertaking upgrades to the existing toilet facilities at 10 Acre Park - Chillagoe; Mareeba Heritage Centre; Tennis Courts - Dimbulah as part of an improvement programme over several years to update public restroom facilities throughout the Shire.

Scope of Works

The scope of works includes upgrading/replacing fixtures, installation of new flooring, painting walls both internal and external and other improvements required.

Progress Update

Initial works at 10 Acre Park, Chillagoe are completed, with some minor rectification works still to be completed. Mareeba Heritage Centre Toilets have been refurbished, with new vanities, partitions and flooring painted internally (before and after photos below). Refurbishment of the Dimbulah toilets will be programmed for the new year.





Mareeba Heritage Toilets (100 Park) - Before





Mareeba Heritage Toilets (100 Park) - After

Program: 01 Rural and Urban Roads Reseal Program (Rene	ewal)	
2021/22 Reseal & Asphalt Program	Procurement	Rankin/Chewko Street roundabout resurfacing completed i October. John Doyle Bridge asphalt repairs are programme for 19/20 November. Bitumen reseals will commence early April, weather permitting.
RD-05 Betterment Co-Contribution	Not Commenced	Funding set aside for potential betterment projects arising from 2021/22 DRFA events and as complementary expenditure for approved REPA projects.
Program: 02 Gravel Resheet		
2021/22 Gravel Resheet Program	Construction	During October, sections of Tyrconnell Road were re-sheeted using material reclaimed from the Bower Road capital project. Various sections of Grievson Road, Rasmussen Road and Black Mountain Road will be re-sheeted in conjunction with the Palm Valley and Euluma Creek Roads capital projects using re-claimed material from the milling process.
Program: 03 Urban Streets	Docina	Programmed for January/Eshavary 2022, Water main
R2R Reynolds Street, Mareeba - Replace Kerb and Channel	Design	Programmed for January/February 2022. Water main renewal works to be undertaken prior to roadworks.
Program: 04 Rural Roads TIDS Bower Road, Arriga - Widen and Seal Ch 1.447-4.317	Construction	Final seal completed 28 October 2021. Line marking
		programmed for late November.
NDS Euluma Creek Road, Julatten Ch 7.01-9.325 Rehabilitate and Widen 3 sections within chainage	Construction	Clearing and grubbing complete. Culverts and headwalls delivered to site late October.
TIDS Euluma Creek Road, Julatten Ch 9.350-10.130	Design	Funding no longer split over two (2) financial years. Project
rehabilitate and widen 3 sections within chainage FIDS Springmount Road, Arriga - Rehabilitation Ch 7.55-	Completed	will be delivered as part of 2022/23 Capital Works Program Project completed October 2021.
9.00		
R2R Wolfram Road, Dimbulah Priority Sections Stage 2	Design	Programmed for construction February to April 2022.
RD-14 R2R Palm Valley Road, Koah - Widen and Seal h 0.00-1.30	Construction	Project brought forward with works scheduled to commen early November 2021.
RD-60 Borzi Road, Mareeba - Widen and Seal Ch 0.03-0.67	Design	Project in design phase. Currently programmed for construction July to October 2022.
NDS Euluma Creek Road, Julatten Ch 5.565-6.343 Rehabilitate and Widen	Construction	Drainage completed late 2020. Works re-commenced mid-October 2021. Wet weather is hindering progress and is anticipated that pavement milling and overlaying can commence mid-November.
DRFA Betterment Co-contribution	Construction	Fossilbrook Road Lynd R. Causeway: Contractor mobilised to site on 13 October 2021 with completion scheduled for late November 2021.
Fallon Road, Kuranda - Rehabilitate Pavement Ch 0.874 - 0.948	Planning	On hold. Two (2) sites submitted to QRA for funding consideration. Awaiting advice from QRA.
Program: 05 Bridges		
Granite Creek, Mareeba - Replace Footbridge Deck Eales Park)	Planning	Quotations to be invited for design in November.
Palm Close, Mareeba - Replace Footbridge Boards	Planning	Quotations to be invited for design in November.
Bicentennial Lakes Footbridge Safety Upgrade	Not Commenced	Project on hold - potential for the full area to be upgraded under Parks & Open Spaces Strategy.
Kanervo Road, Replace Timber Bridge over Davies Creek	Construction	Girder fabrication commenced 14 October 2021. To date 1 of the 24 girders have been poured.
Davies Creek Road Bridge Replacement	Design	Project is in design phase. Programmed for construction April/May 2022.
Hales Siding Road - Timber Bridge Replacement	Not Commenced	On hold pending discussions with funding body regarding potential deferral of project.
Program: 06 Drainage		
2021/22 Minor Culvert and Causeways Renewal	Construction	Mareeba Cemetery access culvert complete. RCP renewal of Springs Road to be programmed.
Amaroo Mareeba - Drainage Upgrade Stage 2 of 3	Design	Stage 2 section has been cleared and is currently being surveyed for design. Construction currently programmed for June / July 2022.
Program: 08 Parking		
Borzi Park, Mareeba - Carparking Masterplan	Not Commenced	Design programmed to start in early 2022.
Program: 09 Footpaths	Net Comment	Tabanananad
2021/22 Footpath Renewal Program Basalt Gully Stewart Street, Mareeba Footpath Renewal	Not Commenced Design	To be programmed. Quotations closed and awarded. Footpath sections of Bicentennial Lakes will be completed prior to Christmas. Th switchback link to Stewart Street is awaiting survey and design.

Project Stage Progress Comment Quotations Goode and awarded. Footpath from Byrnes Byrnes Program. J Parks and Gardean			
Mareeba vReynown Park, Mareeba - Replace Exercise Procurement Static exercise equipment has been ordered. Latest advice from Proludic indicates installation will commence 17 January 2022 and take approximately 1 week. Should the equipment arrive in Brisbane earlier than expected the installation may be brough froward subject to contractor availability.		Project Stage Design	Street to Abbott Street programmed for completion by
State cerecise equipment has been ordered. Latest advice projument of the project	Program: 10 Parks and Gardens		Christmas 2021.
Dimbulah Parks Irrigation Upgrades Procurement Materials ordered, waiting on pipe and timers. Irrigation upgrade will be completed with not woeks of supply.	Mary Andrews Park, Mareeba - Replace Exercise Equipment		from Proludic indicates installation will commence 17 January 2022 and take approximately 1 week. Should the equipment arrive in Brisbane earlier than expected the installation may be brought forward subject to contractor availability.
upgrade will be complete within two weeks of supply. Shire Beautification Program Construction Procurement Construction Program and for early November 2021. Potential for a portion of the remaining balance of funds to be used to upgrade by programmed for early November 2021. Potential for a portion of the remaining balance of funds to be used to upgrade by programmed for early November 2021. Program: 11 Water LER / LERIP2 Chillagoe Bore & Water Main Construction Ryola Road, Kuranda - Reservoir Flow Meter Myola Sarang Street, Kuranda - Water Main Upgrade Construction Myola Sarang Street, Kuranda - Water Main Upgrade Construction Myola Sarang Street, Kuranda - Water Main Upgrade Construction Myola Road, Event Main Upgrade Construction Mareeba Transfer Holding Lagoon New Spare Pump Mareeba Transfer Holding Lagoon New Spare Pump Mareeba Transfer Holding Lagoon New Spare Pump Mareeba Myola Replacement Program (Reticulation) Mareeba Water Telemetry/SCADA Upgrades Planning Planning Planning Planning Planning with Council's SCADA Officer and external liaising with IT for server upgrades. Planning with Council's SCADA Officer and external contractor delivered section of project. Tenders closed for contractor-delivered section of project with report for tender approval to Council 17 November. 2021/22 Valve Replacement Program (Reticulation) Mareeba Water Treatment Plant - SML Reservoir Roof Replacement with a sunderway. Some internal liaising with IT for server upgrades. Mareeba Water Treatment Plant Filtration Upgrade Mareeba Water Treatment Plant Filtration Upgra			
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pumps upgrade some delays with this due to Covid travel restrictions though it will be completed prior to the end of the financial year. Mareeba, Kuranda and Dimbulah - Replace Chlorine Completed Analysers installed and commissioned early September. Analysers Mareeba Water Treatment Plant - filter 3 Install dedicated backwash pumps and reconfigure wash water feed pipes Mareeba Water Treatment Plant - Optimise clarifier Design Report on project received from City Water Technologies	Warril Drive, Kuranda - Water Main Replacement	Construction	New booster station has been commissioned and Council officers are gradually adjusting pressure pump set to required water pressure standards, feedback from residents
Analysers Mareeba Water Treatment Plant - filter 3 Install dedicated backwash pumps and reconfigure wash water feed pipes Mareeba Water Treatment Plant - Optimise clarifier Design Project on hold pending outcome of grant application for new filter block. Report on project received from City Water Technologies		Design	some delays with this due to Covid travel restrictions though
Mareeba Water Treatment Plant - filter 3 Install dedicated backwash pumps and reconfigure wash water feed pipes Mareeba Water Treatment Plant - Optimise clarifier Design Project on hold pending outcome of grant application for new filter block. Report on project received from City Water Technologies		Completed	Analysers installed and commissioned early September.
Mareeba Water Treatment Plant - Optimise clarifier Design Report on project received from City Water Technologies	Mareeba Water Treatment Plant - filter 3 Install dedicated	Not Commenced	
		Design	

Project Description Mareeba Water Treatment Plant - Backwash operation	Project Stage Not Commenced	Progress Comment Project pending outcome of grant application for new filter
renewal	Not commenced	block. Working with City Water Technology for the implementation of this project, in conjunction with the new backwash system they are designing if grant funding is not successful.
Chillagoe Water Treatment Plant Filter Cell	Construction	Works to continue in November and December.
Program: 12 Wastewater		
Kuranda Wastewater Treatment Plant - Replace Sludge Conveyor Belts	Procurement	Quotes on new belts being sourced, once received they will be acquired and installed.
Telemetry/SCADA Upgrades	Planning	Project works being identified and planned with council's SCADA officer and external contractor. With two sewerage pump stations having the communication networks upgraded, currently working on two pump stations.
New Sewer Pump Station Standby Generators x2	Procurement	New generators on order with very long lead times for delivery. Once received they will be installed and commissioned.
2021/22 Mareeba Sewer CCTV & Relining Program	Procurement	Project awarded and expected to commence November 2021 with Relining Solutions.
2021/22 Mareeba Wastewater Treatment Plant Component Renewals	Procurement	Purchase orders issued for quoted goods. Potential long lea times on delivery of some items.
Granite Creek, Mareeba Sewerage Pump Station Refurbishment	Procurement	Project pre-start meeting held with Re-Pump Australia. The intend to mobilise to site in December and commence work January 2022.
2021/22 Mareeba Pump Station Magflow Install Program	Planning	Prioritising pump stations for flow meter requirements.
2021/22 Mareeba Wastewater Reticulation Pump Renewal	Planning	Currently assessing which SPS pumps require replacement,
		with one pump being replaced to date.
Minor Sewerage Pump Stations H2S protection and refurbishment	Construction	Tender awarded to Re-Pump Australia with pre-start meeting held and contractor advising materials for project currently being sourced.
Minor Sewerage Station H2S Protection	Construction	Preliminary works to commence prior to Christmas with the remainder of the works to be completed in the early 2022.
Mareeba Wastewater Treatment Plant - Aeration diffusers replacement (every 5 years)	Construction	Equipment has arrived and arrangements will be made for installation.
Mareeba Gravity Sewer Main installation from Cedric Davies to Lifestyle Sewerage Pump Station	Construction	Project works were initially anticipated for commencement late October / early November; Contractor has since advise that works will now get underway in December 2021.
Program: 13 Waste		
Mareeba Waste Facility Weighbridge Data Recording System	Construction	Software supplier selected and Council officers working wit SUEZ toward getting data from existing software platform and setting up of new format for data reporting ahead of th anticipated 21 November change over date for software.
Kuranda Waste Transfer Station Weighbridge & Gatehouse	Construction	Major component of civil works completed, DHL Logistics have advised that key equipment has not left the Port of Singapore and there are delays getting this equipment to site which will see a rescheduled completion date for the weighbridge installation.
2021/22 Mareeba Waste Facility - Leachate Pump Station Pump Replacement	Construction	Works are underway and there is a need to rectify a concrete pit and replace some of the leachate lines due to deterioration.
2021/22 Mareeba Waste Facility - Leachate Sump Pump Replacement	Construction	Works are underway and there is a need to replace some o the leachate lines due to deterioration as part of the projec
Mareeba Waste Facility - Buy Back Shop Construction	Procurement	Development application submitted with relevant state boo and Council. New shed for Buy Back Shop to be constructed prior to Christmas break subject to planning approval.
Mareeba Waste Facility - Design for New Landfill Cells	Procurement	New cell design underway, consultant working in conjunction with Council officers and work expected to take three to four months.
Program: 15 Fleet		
Fleet Replacement #1336 - LLOs Dual Cab Ute	Procurement	Purchase Order raised 10 September 2021; anticipated delivery December 2021.
Fleet Replacement #676 - Civil Works Truck	Procurement	Purchase Order raised 4 August 2021; anticipated delivery November/December 2021.
Fleet Replacement #1317 - Western Roads Landcruiser	Procurement	Purchase Order raised 4 August 2021; anticipated delivery November / December 2021.
Fleet Replacement #4009 Toro 72" Mower	Procurement	Purchase Order raised 23 August 2021; anticipated delivery November 2021.
Fleet Replacement #509 Backhoe	Procurement	Purchase Order raised 19 August 2021; anticipated delivery January 2022.

Project Description	Project Stage	Progress Comment
Fleet Replacement #1250 - Water and Waste Hilux	Procurement	Purchase Order raised 4 August 2021; anticipated delivery November 2021.
Fleet Replacement #1251 - Water and Waste Hilux	Procurement	Purchase Order raised 4 August 2021; delivery anticipated November/December 2021.
Fleet Replacement #4055 - Kubota 72" Front Deck	Procurement	Purchase order raised 21 July 2021; anticipated delivery December 2021.
Fleet Replacement #4053 - Husqvarna Zero Turn	Procurement	Purchase Order raised 26 October 2021; anticipated delivery January 2022.
Fleet Refurbishment #400 - Cat Excavator (Track)	Procurement	Purchase Order being raised; work will be completed over Christmas period shutdown.
Fleet Refurbishment Truck Mounted Water Tank	Planning	Work programmed for December / January during wet season.
Fleet Replacement #1239/1300 with 1x Pool Vehicle	Procurement	Purchased Order raised 4 August 2021; anticipated delivery November/December 2021.
GPS Vehicle Management System	Planning	Potential system and fleet to be fitted under assessment.
Replace Unit 5432 Sewerage Jet Rodder trailer with a hydro vac truck	Procurement	Monitoring auctions and will procure when suitable plant identified.
Fleet Purchase 3 x Portable Traffic Lights	Procurement	Investigating options to procure Portable Traffic Lights as a response to the changing Traffic Management Regulations being implemented Nationally from December.
Program: 16 Depots and Council Offices		
Kowa Street, MSC Depot - Air conditioning Replacement	Procurement	Contract awarded. Works to commence during Council's Christmas break.
Rankin Street, MSC Office - External Refurbishment	Planning	Scope of works being prepared, anticipate calling of tenders late 2021, early 2022.
Rankin Street, MSC Office - Air conditioning and General Roof Covers	Planning	Scope of works under consideration with quotations and implementation to be undertaken in conjunction with the External Refurbishment project.
Rankin Street, MSC Office - Town Planning Foyer Reconfiguration	Procurement	Tenders to be called 4 November 2021.
Kowa Street, MSC Depot - Emergency Generator	Planning	Project scope under review.
Program: 17 Community Buildings		
Dimbulah / Mareeba / Kuranda Pools Chlorine Dosing Improvements	Planning	Works to be progressed first half of 2022.
Mareeba Leagues Club Grandstand Refurbishment	Procurement	No tender responses received for the works. Will require reprice in the new year.
Geraghty Park Hall, Julatten - Toilet Access Upgrade	Completed	New flooring laid early October, project now complete.
Mareeba PCYC Shire Hall Part Roof Replacement	Design	DES heritage exemption certificate received 1 November 2021; subject to conditions. The heritage exemption to be assessed and the scope of works adjusted accordingly prior to tender submissions being sought.
2021/22 Shire-wide Ablution Refurbishment Program	Construction	Mareeba Heritage centre toilet refurbishments works were completed late October 2021. Further works to be identified and approval sought for balance of funds.
Koah Tennis Court - Remove/replace the unstable timber light poles	Not Commenced	On hold - Seed funding for potential development by Koah Community Group.
Kuranda SES Facilities Upgrade	Construction	Works progressing well, approvals received for locating the sand box from QAS. SES have made preliminary arrangements for works to be done prior to Christmas.
Program: 18 Non-Infrastructure Items		
DRFA Flood Warning Infrastructure Network MbaSC.0016.1819E.FWI - River Gauge (Biboohra)	Design	Preliminary assessment of each site's environmental and cultural heritage compliance requirements being undertaken. Installation works are scheduled to commence in April 2022 and be completed by June 2022.
DRFA Flood Warning Infrastructure Network MbaSC.0018.1819E.FWI - Rain Gauge (7 locations)	Design	Preliminary assessment of each site's environmental and cultural heritage compliance requirements being undertaken. Installation works are scheduled to commence in April 2022 and be completed by June 2022.
Kuranda New Cemetery	Planning	Draft layout options received from consultant are currently being reviewed.
Replace GPS Base/Rover and Controller	Procurement	Equipment delivered late October 2021.
Program: 20 KIAC KIAC - New Wayfinding Signage	Construction	External advice sought on quality of product and options for

9.2 REPORT REGARDING RESIDENT PETITION - POOL SHADE AT KURANDA AQUATIC CENTRE

Date Prepared: 20 October 2021

Author: Manager Technical Services

Attachments: Nil

EXECUTIVE SUMMARY

At its meeting of 15 September 2021, a petition was received requesting shade over the main pool at Kuranda Aquatic Centre and referred to officers for a report.

It should be noted that the Kuranda and District Aquatic Centre Benefited Area, Special Charge ceased in July 2021. The Special Charge was levied as a contribution towards the capital cost for the initial construction of the Kuranda Aquatic Facility and did not provide for ongoing maintenance, or future improvements of the facility.

Given the low utilisation of the facility, the high operating costs and the ability of the community to fund additional improvements the recommendation is not to proceed at this stage. If however a community group is able to access a grant to fund this, Council would be supportive.

RECOMMENDATION

That Council does not install a shade cover at the Kuranda Aquatic Facility at this point in time, however:

- 1. Lists a project being a 'Retractable Shade Cover', within the Project Prioritisation Tool at a value of \$180,000, for consideration in future capital budget; and
- 2. If requested, provide in-principle support for community groups to source grant funding for the supply, installation and certification of a retractable shade cover at the Kuranda Aquatic Facility.

BACKGROUND

A petition was received by Council at its Ordinary Meeting of 15 September 2021, which sought the following;

"We, the citizens of Kuranda Pool petition to have a shade cloth over a third of the 25m pool.

There is nowhere shady to casually swim or to do learn to swim classes at the pool. When schools come over in the middle of the day, there is also a really big safety matter as everyone is out in the sun for an hour each class. A shade cloth should really be installed due to health and safety matters.

We demand action is taken urgently. The weather is only going to get more extreme therefore shade is needed even more. **WE ALSO PAY A FEE IN OUR RATES** FOR THE POOL SO WE DESERVE A SHADE SAIL!"

As an outcome of the petition, Council resolved;

"That Council receives the petition and a report be tabled to Council".

The petition focuses on two (2) matters, being;

- (a) The request for Shade Sail,
- (b) Reference to Special Charge within Rates

Request for Shade Sail

Council officers have undertaken a review of potential costs associated with the supply, installation and maintenance of the requested shade sail and advise that to ensure long term operational costs are efficiently managed, a retractable shade sail would provide the optimum solution compared with a fixed shade structure. Traditional shade sails are required to be taken down prior to significant weather events (at an annual cost of approximately \$3,000 - \$5,000), whereas a retractable sail can be cycled open and closed as required, at minimum cost.

As the shade sail component of the petition (if completed) will result in the creation of a new asset, assessment of the project would normally be undertaken with consideration to Council's Project Prioritisation Tools (PPT), multi-criteria assessment model. The PPT provides a process of assessing a project against various criteria specific for each asset class and ensures a transparent decision-making process.

For the design, engineering certification, supply and installation, a provisional budget of \$180,000 would be required. This proposal will be assessed using the Project Prioritisation Tool (PPT) and included for future consideration by Council during capital budget deliberations.

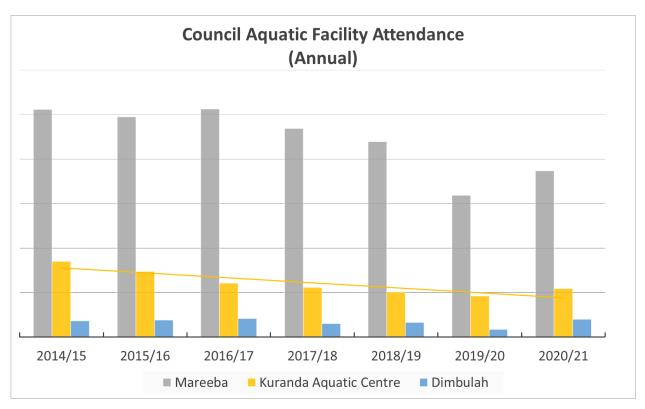
Reference to Special Charge within Rates

Reference is made in the petition to 'Rates' paid towards the pool, which is understood to be a direct reference to the Kuranda and District Aquatic Centre Benefited Area, Special Charge, which was levied from the financial year 2006/07 until 30 June 2021. The Special Charge was levied as a contribution towards the \$782,600 loan bearing interest at the rate of 6.5% over a 15-year period which was used for the initial construction of the Kuranda Aquatic Facility.

The Special Charge did not provide for ongoing maintenance, nor future improvements of the facility. No funds from this special charge are available for expenditure as they were used to fund the original construction.

Pool Attendance

A review of Council's three (3) aquatic facilities attendance data has been undertaken, as recorded against the previous seven (7) financial years is provided below.



The data generally indicates a declining attendance trend for all facilities, including Kuranda.

Reversing the apparent trend is a primary focus for both Council and new Lessee as it provides a metric by which to assess the communities ongoing interest in the facility as well as justify the significant ratepayer contribution to maintaining the facilities.

Operational Costs

A simple metric used to assess the ongoing operational efficiency of Council's Aquatic Centres, is the calculation of operational costs in terms of average cost per entry (\$/Entry). Please note this is the net cost to Council. By this metric, Council can undertake a month to month, year to year, comparison of cost of operations compared with utilisation. For the Kuranda and Mareeba Facilities, this is shown in the table below.

Financial Year	Mareeba Pool (\$/Entry)	Kuranda Aquatic (\$/Entry)
2014/2015	\$4.17	\$11.06
2015/2016	\$4.19	\$11.00
2016/2017	\$3.58	\$14.75
2017/2018	\$4.92	\$21.21
2018/2019	\$3.78	\$19.89
2019/2020	\$5.45	\$23.41
2020/2021	\$4.73	\$17.42
Seven (7) Year Average	\$4.40	\$16.96

Based on the operational cost to utilisation metric (seven-year average), the cost to ratepayers in providing the existing level of service at the Kuranda Aquatic Facility is approximately 3.8 times greater than at the Mareeba Pool.

With consideration to the metric provided above, and based on the 2020/2021 attendance figures, delivery of a Capital Project valued at \$180,000 for installation of a shade structure at Kuranda Aquatic Facility would represent an additional cost of approximately \$16.52 per entry.

RISK IMPLICATIONS

Financial

A project detailing the supply, installation and certification of a retractable shade sail, at a value of \$180,000, will be added to the Project Prioritisation Tool for future budgetary considerations.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

No funds currently exist to complete the requested project.

Is the expenditure noted above included in the current budget? No.

If not you must recommend how the budget can be amended to accommodate the expenditure Consideration in future works programs.

Operating

Ongoing maintenance costs would need to be provided for in future budgets, should the project be implemented.

Is the expenditure noted above included in the current budget? No.

LINK TO CORPORATE PLAN

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

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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

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

IMPLEMENTATION/COMMUNICATION

Council will list the project within its Project Prioritisation Tool for consideration in future budget deliberations, and Council will support Grant Applications sought by Community and/or Private businesses for the delivery of the project at their cost.

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - OCTOBER 2021

Date Prepared: 20 October 2021

Author: Manager Technical Services

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to outline Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of October 2021.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for October 2021.

BACKGROUND

Technical Services

Design, quality and investigations:

Investigation activities undertaken in October included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	71	59
Drainage Investigations	8	0
NHVR Permit Applications	0	15
Aerodrome Investigations	2	0
Traffic Count Surveys	0	14
Parks Investigations	2	1
Dial Before You Dig Requests	0	153

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The laboratory completed the following testing in the month of October:

Supplier	No. of Tests
Internal	94
External	133

Asset Inspections:

Scheduled inspections of Council's transport infrastructure assets have been undertaken during the month of October. Field inspections were directed towards culvert crossings of roads within the shire. In addition to these field inspections, work was completed towards improving data collected for the footpath, water, sewerage, roads and kerbs.

Inspections planned for November will continue to focus on the culvert crossings of roads, kerb and channelling, underground stormwater network as well as inspection of Council roads and other transport infrastructure.

Operational Works and Subdivisions

To ensure ongoing compliance with development conditions, both during construction and on-maintenance, Council undertakes routine inspection and monitoring of sites. The following developments remain current:

Locality	Subdivisions Name	Status
Mareeba	Kenneally Estate Stage 4	On-maintenance
Mareeba	The Edge Stage 3	Under construction
Mareeba	The Edge Stage 3A	Under construction
Mareeba	Amaroo Stage 11	On-maintenance
Mareeba	The Edge Stage 2B	On-maintenance
Mareeba	Mareeba Roadhouse and Accommodation Park, Williams Close	On-maintenance - Monitoring
Kuranda	72 - 76 Mason Road Stage 1	On-maintenance
Kuranda	112 Barnwell Road widening	Monitoring
Koah	123 Fantin Road (Two Chain Road)	Under construction

<u>Disaster Recovery Funding Arrangements (DRFA)</u>

The DRFA is jointly funded by the Commonwealth and Queensland governments to help alleviate the costs of relief and recovery activities undertaken in disaster-affected communities by delivering recovery activities to return affected eligible assets back to pre-event condition. The status of declared disaster events currently being managed are provided below:

Program	Status
2021 DRFA Program General	Mareeba Shire activated DRFA assistance measures linked to Tropical Cyclone Imogen and associated Low Pressure System that occurred 2- 12 January 2021. A consultant has been engaged to assist with delivery of the 2021 DRFA Program. Betterment projects are to be identified and submitted in future funding rounds.
2021 DRFA REPA Program	High priority sites have been awarded to successful contractors, following notification from QRA of eligible activities. A number of activities on Tinaroo Creek and Leafgold Weir Road were deemed ineligible by QRA, however, to ensure the integrity of the network, it is proposed to complete the original intended scope of works via complimentary Council funding.
	Tenders for the greater part of the REPA works, closed Monday 8 November and will be considered by Council at its next Ordinary Meeting, 15 December 2021. One remaining package of works, being the Culvert Restoration Program is to be submitted to QRA for assessment in December 2021.
2019 DRFA	Gamboola Crossing remains the only site not yet completed. Commencement occurred in late October, with completion expected prior to December 2021, weather dependant.

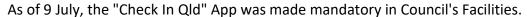
Program	Status								
2019	Fossilbrook	Crossing	remains	the	only	site	not	yet	completed.
Betterment	Commencen end of Nove				•	comp	letion	expe	cted prior to

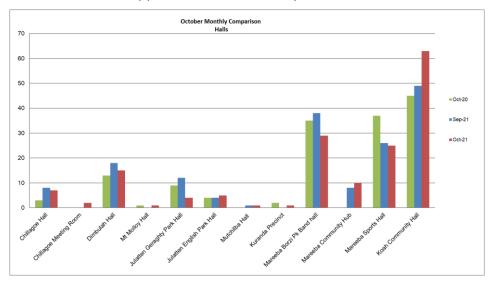
Facilities

Community Halls:

Maintaining safe and efficient access to Council Community Halls is recognised as an important aspect for the community's ongoing wellbeing. All facility users are required to comply with the conditions set out by the State Government's COVID-19 Restrictions Roadmap.

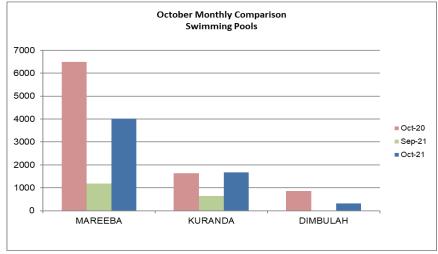
Generally, October hall hires remained steady across the portfolio, although Koah Hall provided a significant increase to utilisation. The Mareeba Cedric Davies Community Hub is still new to tracking, however interest continues to improve in its access.



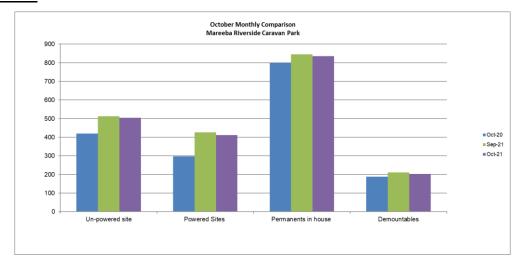


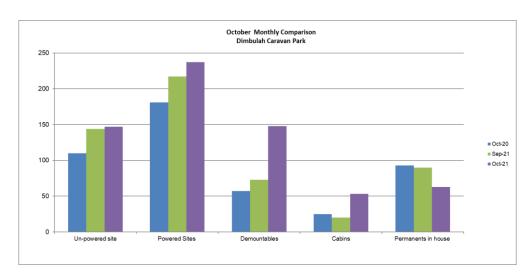
Swimming Pools

All Pools were open to the public with the new Managing Lessee undertaking a ground up review of practices at all facilities, which has (and will further) resulted in a number of changes, including gate entry practices at all facilities. School swimming lessons has commenced, and squad training is increasing at Mareeba and Kuranda Pool.



Caravan Parks:





Vandalism & Graffiti:

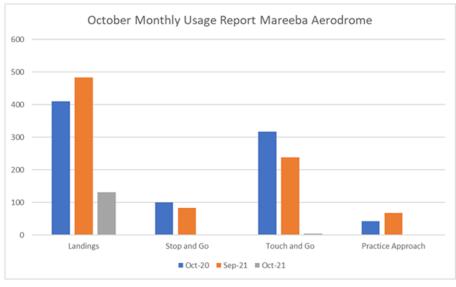
During October six, (6) reports of vandalism/graffiti were recorded for Council facilities, with annual costs provided below;

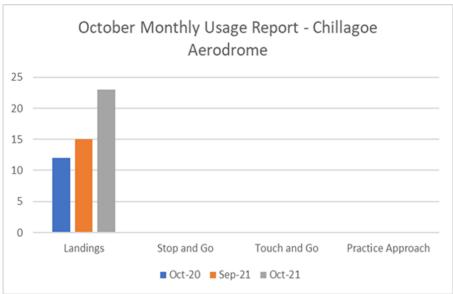
Financial Year	Actuals	Comments
2015/16	\$ 2,134.00	Mareeba Rankin Street - vandalism
2016/17	\$ 16,546.00	Mareeba Arnold Park toilets - graffiti
2017/18	\$ 23,948.00	Mareeba CWA Toilets - vandalism
2018/19	\$ 14,851.00	Mareeba Gymnastics Hall - vandalism and graffiti
2019/20	\$ 14,211.18	Mareeba Pool secret garden - graffiti
2020/21	\$ 62,199.62	Kuranda Centenary Park toilets - vandalism
2021/22	\$12,617.92	

Note - actuals for vandalism/graffiti do not reflect costs to repairs during that period. Incoming expenses for repairs carry over until works are completed.

Aerodromes

Mareeba Aerodrome recorded a reduction in activity for October, generally owing to the weather conditions. Chillagoe Aerodrome has only minor activity recorded for the period, however with consideration to month on month reporting, it has reflected significant growth.





LEGAL/COMPLIANCE/POLICY IMPLICATIONS

COVID-19 impacts in relation to closure and re-opening of facilities will be managed in line with Queensland Government requirements.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Additional costs associated with graffiti and vandalism is expected and will be accommodated within existing budget allocations.

LINK TO CORPORATE PLAN

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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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

9.4 60 BARRON FALLS ROAD KURANDA - REMOVAL FROM WATER BENEFITTED AREA

Date Prepared: 29 October 2021

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The property owner at 60 Barron Falls Road, Kuranda has requested the property be excluded from the Water Benefitted Area. Following a detailed investigation by Council officers it has been found that it would not be feasible for Council to extend its water infrastructure to enable them to connect. As a result, it is recommended that they be excluded from the Water Benefitted Area.

RECOMMENDATION

That Council excludes 60 Barron Falls Road, Kuranda from the Water Benefitted Area.

BACKGROUND

The property owner at 60 Barron Falls Road, Kuranda has requested the property be excluded from the Water Benefitted Area due to extreme undulating ground conditions and a creek creating difficulties to run necessary water infrastructure to the property dwelling on the property.

Council's reticulation water network adjoins 60 Barron Falls Road by way of an easement at the rear of the property. From the rear of the property the ground terrain is undulating at an inaccessible slope to allow for necessary water infrastructure to be extended to the property dwelling. There is also a creek crossing to encounter that runs through the property making it more difficult for the installation of the required water infrastructure to the dwelling.



Locality map - 60 Barron Falls Road, Kuranda

LINK TO CORPORATE PLAN

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Advise the property owner of decision outcome.

9.5 T-MSC2021-17 MAREEBA WATER MAIN UPGRADE - AC PIPE RENEWAL PROGRAM

Date Prepared: 3 November 2021

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2021-17 Mareeba Water Main Upgrade – AC Pipe Renewal Tender.

RECOMMENDATION

That Council awards Tender T-MSC2021-17 Mareeba Water Main Upgrade – AC Pipe Renewal Tender to Terranovus Civil T/A Northern Civil Earthworks Pty Ltd for the amount of \$895,323.00 excluding GST.

BACKGROUND

Tenders for T-MSC2021-17 Mareeba Watermain Upgrade - AC Pipe Renewal closed at 11:00am, Tuesday 19 October 2021. The scope of the works includes supply and installation of a new water main between Granite Creek and Debel Close, and adjoining streets on the western side of the Mulligan Highway. The existing water main is asbestos cement (AC) and will be decommissioned by grouting in situ. Council has advised tenderers that the works are required to be practically complete by September 2022.

Four (4) tenders were received as follows:

Tenderer	Tendered Price (GST excl)
Veolia ANZ	\$1,494,935.50
FGF Developments	\$1,941,026.47
GNM Group QLD	\$1,642,643.65
Terranovus Civil T/A Northern Civil Earthworks Pty Ltd	\$927,514.00

Tenders were reviewed in accordance with the evaluation criteria stated in the tender documentation, and as follows:

Criteria	Weighting
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
Total	100%

Tenders were assessed on conformance, price and non-price-based criteria.

The tender price is scored using a formula dependent on the tendered price and the median of all conforming tendered prices.

During the tender assessment process, clarifications were sought from tenderers to confirm pricing with the rates provided by the tenderers. Discrepancies in the priced tender schedules were identified and the tender price was adjusted for Veolia and Terranovus following tender clarifications.

Tenderer	Tender Price (GST excl)
Veolia ANZ	\$ 1,551,671.82
FGF Developments	\$ 1,941,026.47
GNM Group QLD	\$ 1,642,643.65
Terranovus Civil T/A Northern Civil Earthworks Pty Ltd	\$895,323.00

A summary of the tender assessment for each tender is summarised below.

Tenderer	Score	Rank
Veolia ANZ	81%	2
FGF Developments	79%	4
GNM Group QLD	78%	3
Terranovus Civil T/A Northern Civil Earthworks Pty Ltd	82%	1

RISK IMPLICATIONS

Financial

Council has allocated funding under the 2021/22 capital budget.

Infrastructure and Assets

The water infrastructure requires upgrading to ensure continuity of supply to customers.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Yes.

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Tenderers to be notified of the outcome of this report.

9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - OCTOBER 2021

Date Prepared: 20 October 2021

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Waste activities undertaken by the Infrastructure Services Department during the month of October 2021.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for October 2021.

BACKGROUND

Water and Wastewater Treatment:

All treatment plants are performing satisfactorily. Water demand was slightly higher across all schemes with higher than average consumption per connection, which may be attributed to the dry conditions currently being experienced.

Routine environmental monitoring did not detect any exceedances of environmental discharge limits. No anomalies or reportable notifications were reported in relation to routine water quality testing conducted during the month.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	9,959	1,433	434	480	112
Number of Connections	4,385	982	157	272	113
Average daily water consumption per connection (L)	2,271	1,459	2,764	1,765	991

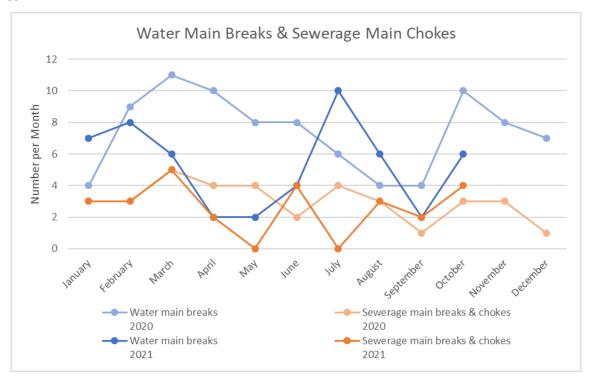
^{*} Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	2,021	229
Number of Connections	3,424	346
Average daily inflow per connection (L)	590	662

Water and Wastewater Reticulation:

Council's water reticulation crew attended to six (6) water main breaks and small water leaks and four (4) sewer main breaks this month, and average response times were within targets set out in Council's customer service standard for water services.

Monthly statistics are shown on the water reticulation main breaks and sewerage main breaks and chokes:



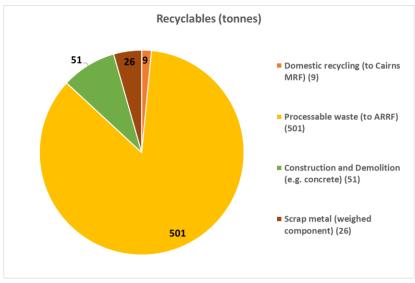
Waste Operations:

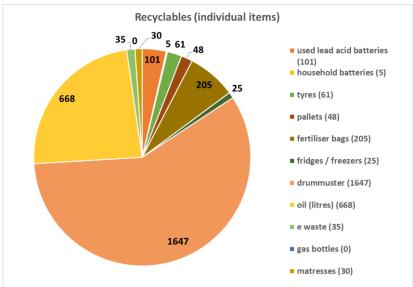
All transfer stations and Mareeba landfill are currently operational.

Recycling

Waste material collected at each of the waste transfer stations are either deposited directly to the Mareeba landfill, recycled or transported to the SUEZ Advanced Resource Recovery Facility (ARRF) in Cairns for processing.

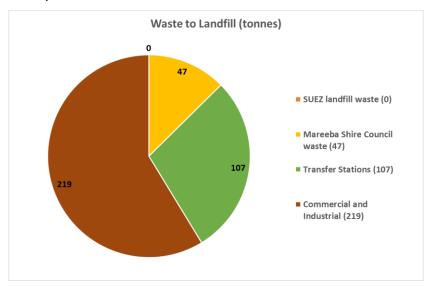






Waste to Mareeba Landfill

Mareeba Landfill is no longer receiving residual waste from the SUEZ Advanced Resource Recovery Facility (ARRF) plant in Cairns. Landfill waste in October includes minor quantities received from the waste transfer stations (Mareeba included), commercial and industrial waste, and waste that Mareeba Shire Council produces from its own activities.



Illegally Dumped Waste

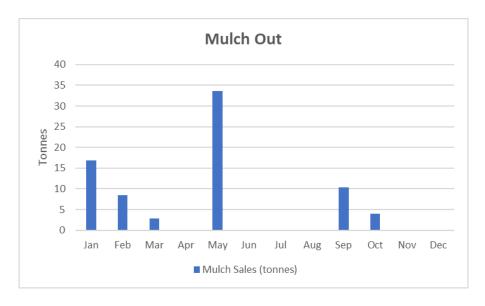
Council received three (3) illegally dumped tyres and one (1) illegally dumped vehicle and a fridge through Mareeba Waste Transfer Station during the month of October.



Green Waste

Council received a total of 105 tonnes of green waste in the month of October. Green waste was mulched in October, and there were 4 mulch sales. A Free Green Waste disposal day will be held on Saturday, 4 December 2021 and Sunday, 5 December 2021 for all transfer stations.





RISK IMPLICATIONS

Environmental

Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

9.7 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - OCTOBER 2021

Date Prepared: 8 November 2021

Author: Manager Works

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, and Bridge operational activities undertaken by Infrastructure Services during the month of October 2021.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of October 2021.

BACKGROUND

Transport Infrastructure

Road Maintenance Activities

Unsealed road maintenance grading continued within the Shire in September, with the following roads being graded.

Area					
Dimbulah/Western	Eastern				
Crystalbrook Road	Oak Forest Road				
Maniopota Road	Armstrong Road				
	Austin Road				
	Jeffery Road West				
	Mona Mona Road				
	Black Mountain Road				

During the month, other operational activities included:

- Cleaning of drains at the Mareeba Airport and installation of rock protection at drainage structures in the Mareeba area.
- Bitumen patching and isolated sealed pavement defect repairs in Mareeba and Kuranda areas.
- Gravel road patching on unsealed roads in the Kuranda area.
- A number of damaged signs were replaced, and 'No Camping' signs were installed at the John Doyle Bridge and the Brewery Hole in Mareeba.
- Vegetation management, slashing and herbicide spraying was carried out on rural roads in the Julatten, Mt Molloy and Kuranda areas; and
- Removal of the shade sail and fencing at the old Liberty Swing site in Centenary Park, Mareeba.

Customer Requests

Since the beginning of 2021, the Works Group has received 1,773 Customer Requests (CRs) with 1,731 of these requests resolved. The table below shows the number of requests lodged per month and the number of requests that were resolved.

Month	CRs Lodged	CRs Resolved
January 2021	269	197
February 2021	204	229
March 2021	196	195
April 2021	193	172
May 2021	167	177
June 2021	168	147
July 2021	144	154
August 2021	153	160
September 2021	154	190
October 2021	125	110
Total	1,773	1,731

At the time of reporting, the Works Group had 52 open (unresolved) requests.

Bridges and Major Culverts

Maintenance and inspections were carried out on the following bridges, causeways and major culverts during the month of October.

Location	Structure
Emerald Falls Road	Causeway
Sabin Road West	Causeway
Tinaroo Creek Road	Causeway
Wright Road	Causeway
Trimble Road	Causeway
Martin Avenue	Major Culvert
Kovacic Road	Bridge
Adil Road	Major Culvert
Seary Road	Major Culvert
Malone Road	Major Culvert
Henry Hannam Drive	Causeway
Emerald Falls Road	Causeway
Tinaroo Creek Road	Causeway
McIver Road	Causeway
Keeble Street	Major Culvert
Fichera Road	Bridge
Douglas Track East	Major Culvert
George Fabris Road	Causeway
Davies Creek Road	Causeway

The bridge crews have now commenced fabrication of the concrete girders for the Davies Creek Bridge Upgrade on Kanervo Road. It is anticipated that the fabrication process will take approximately five (5) weeks.

TMR Third Party Works

TMR Contract Number CN-14155: Burke Developmental Road Re-sheet Ch 440.42 to Ch 443 and Ch 448.99 to Ch 468.94

In March 2020, representatives of the Department of Transport and Main Roads (TMR) met with Council officers to discuss the re-sheeting of 22.53km of unsealed running surface on the Burke Developmental Road. Council's contract price was accepted in August 2020; however, a lack of construction water forced the project to be postponed until July 2021.

The project was completed mid-October and realised a total of 23,940m³ of road base carted, mixed, laid and compacted over a total distance of 19.57km. Included in these quantities is an additional 561.32m³ of road base to provide 300mm cover to existing culverts that occurred within the sections.



Table drain clearing and installation



Back watering operation



Completed running surface and table drain



Completed running surface

TMR Routine Maintenance Performance Contract (RMPC)

A medium formation grade was carried out between Almaden and Chillagoe in late October to coincide with the Chillagoe Rodeo. Approximately 700 tonnes of type 4.3 gravel was imported to cover exposed rock bars east of Chillagoe township on the Burke Developmental Road (BDR).

Medium formation grading commenced on unsealed sections of the BDR between Chillagoe and Ferguson's Crossing and this work is estimated to be completed during the second week of November.

Pipe and culvert inlet, outlet, headwall repairs and inspections have been completed on the Mareeba - Dimbulah Road, the Mulligan Highway and also the Herberton - Petford Road. Pipe inspections are continuing on the BDR.

Parks and Open Spaces

The Mareeba, Kuranda, Mt Molloy, Dimbulah and Chillagoe Parks and Gardens staff carried out regular programmed duties for the month of October. Mowing, slashing, irrigation repairs and cleaning making up the bulk of duties.

A full audit of public bins in the Mareeba township was undertaken during the month with findings and recommendations to be presented to Council in the future.

Land Protection

Parthenium Weed: Monthly inspections carried out on 12 sites. All landholders are complying with their biosecurity obligation. Council officers continue to monitor 11 of the sites every three (3) weeks.

Multi species weeds Emu Creek/Walsh River catchment: Work has continued along Emu Creek on the Walsh River catchment targeting two (2) Jatropha species, Rubber Vine and Siam Weed.

Amazon Frogbit: Land Protection staff are continuing to inspect our sentinel sites on the Mitchell River catchment and report that, to date, no Amazon Frogbit has been detected. Land Protection officers have been working with a local traditional owner organisation who are in the process of applying for grant funding to work on the Barron River catchment.

Pond Apple and Siam Weed: A joint taskforce of Mareeba Shire Council (MSC) and Tablelands Regional Council (TRC) are surveying and treating these two species that have been recently detected along Rocky Creek near the MSC/TRC boundary. Plants were found and treated in the MSC area and staff are hopeful the outbreak has not established into the Barron River. A follow up treatment will be necessary in the short term, working with TRC and State Government agencies.

Wild dogs: Baiting has been carried out on six (6) properties on the upper reaches of the Walsh and Lynd River catchments totalling 382,300 hectares of land.

Rabbits: Officers have undertaken two (2) releases of Calisivirus in October. One (1) at Mutchilba and one (1) at Irvinebank.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

COVID-19 impacts in relation to closure and re-opening of facilities will be managed in line with Queensland Government restrictions.

FINANCIAL AND RESOURCE IMPLICATIONS

Operating

All operational works are funded by the section specific 2021/22 maintenance budgets.

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Nil

10 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

10.1 Organisational Development Progress and Information Report

This matter is considered to be confidential under Section 275 - b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.

- 11 BUSINESS WITHOUT NOTICE
- 12 NEXT MEETING OF COUNCIL

13 FOR INFORMATION

13.1 AUDIT COMMITTEE MEETING MINUTES OCTOBER 2021

Date Prepared: 15 October 2021

Author: Director Corporate and Community Services

Attachments: 1. Meeting Minutes 5 October 2021 U.

Please see the following Minutes of the Audit Committee Meeting held on 5 October 2021



MINUTES

Tuesday, 5 October 2021 Audit Committee Meeting

Audit Committee Meeting Minutes

5 October 2021

MINUTES OF MAREEBA SHIRE COUNCIL AUDIT COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS ON TUESDAY, 5 OCTOBER 2021 AT 10.00AM

1 MEMBERS IN ATTENDANCE

Ms Ruth Faulkner, Cr Kevin Davies (via teleconference), Cr Mary Graham

2 OFFICERS IN ATTENDANCE

Jennifer McCarthy (Director Corporate and Community Services), Anthony Archie (Manager Development and Governance), Elisa Tatti (Manager Finance), Peter Franks (Chief Executive Officer), Mayor Angela Toppin, Andrew Cornes (Grant Thornton), Nicole Short (QAO - via teleconference),

Carolyn Eagle (Pacifica) arrived 10.07am

3 APOLOGIES

Nil

4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY AUDIT COMMITTEE AND OBSERVERS

Nil

5 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION 2021/15

Moved: Cr Kevin Davies Seconded: Cr Mary Graham

That the minutes of Audit Committee Meeting held on 11 August 2021 be confirmed.

CARRIED

- 6 FINANCIAL MANAGEMENT, REPORTING AND INTERNAL CONTROL
- 6.1 FINANCIAL STATEMENTS YEAR ENDING 30 JUNE 2021

COMMITTEE RESOLUTION 2021/16

Moved: Cr Kevin Davies Seconded: Cr Mary Graham

That the Audit Committee receive and note the report and recommend Council to adopt.

CARRIED

Page 2

Audit Committee Meeting Minutes

5 October 2021

6.2 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2021

COMMITTEE RESOLUTION 2021/17

Moved: Cr Mary Graham Seconded: Cr Kevin Davies

That the Audit Committee note the Financial Report for the period ending 31 August 2021.

CARRIED

7 INTERNAL AUDIT

7.1 INTERNAL AUDIT STATUS REPORT

COMMITTEE RESOLUTION 2021/18

Moved: Ms Ruth Faulkner Seconded: Cr Mary Graham That the Audit Committee:

- 1. Note the internal audit progress report and the internal audit matrix; and
- 2. Note and endorse the draft internal audit plan

CARRIED

8 EXTERNAL AUDIT

8.1 EXTERNAL AUDIT STATUS REPORT

COMMITTEE RESOLUTION 2021/19

Moved: Cr Mary Graham Seconded: Cr Kevin Davies

That the Audit Committee receive and note the attached reports.

CARRIED

9 LEGISLATIVE AND REGULATORY COMPLIANCE

9.1 PURCHASING REPORT SEPTEMBER 2021

COMMITTEE RESOLUTION 2021/20

Moved: Ms Ruth Faulkner

Page 3

Page 4

Audit C	ommittee Meeting Minutes	5 October 2021
Second	ed: Cr Mary Graham	
That th	e Audit Committee receive and note the report.	
		CARRIED
10	NOTIFICATION OF SIGNIFICANT LEGAL MATTERS - CEO	
MSC v (Augus	Richard Rudd - verbal update provided regarding outcome from St t 2021)	upreme Court hearing
11	MATTERS TO BE REPORTED TO COUNCIL	
Nil		
12	GENERAL BUSINESS	
12.1	2022 MEETING DATES	
Propos	ed Meeting dates accepted:	
8 Marc	h 2022	
16 Aug	ust 2022	
4 Octob	per 2022	
12.2	MEETING TO DISCUSS GRANT THORNTON/QAO INTERIM REPORT	
Set a m	eeting date for May based on QAO timelines to discuss Grant Thornto	n/QAO interim report.
12.3	WORKSHOP TO REVIEW DRAFT FINANCIAL STATEMENTS	
	nop to be held on 16 August for staff and Audit Committee including o draft financial statements.	observer Councillors to
13	CLOSED SESSION	
Nil		
The Me	eeting closed at 11.30am.	
		CHAIRPERSON

13.2 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF OCTOBER 2021

Date Prepared: 1 November 2021

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for October 2021

New Develo	New Development Applications				
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/21/0020	14/10/2021	D & D Chieffe C/- U&I Town Plan 18 Seary Road, Mareeba	Lot 26 on SP206329	MCU - Dual Occupancy & ROL (1 into 2 Lots)	Decision Notice issued 27/10/2021
RAL/21/0017	14/10/2021	Russell Napier C/- RPS Australia East Pty Ltd 27 Barron Falls Road, Kuranda	Lot 1 on RP726343	ROL (1 into 2 Lots)	In Decision Stage
RAL/21/0018	25/10/2021	Joshua Dilmetz C/- Kelly Reaston Development & Property Services 33 Querin Road and Bilwon Road, Biboohra	Lot 73 & 74 on N157410	ROL (Boundary Realignment)	In Public Notification Stage
OPW/21/0005	11/10/2021	lan Wallace C/- Kelly Reaston Development & Property Services 155 Hastie Road, Mareeba	Lot 2 on RP730887	Operational Works - for Development Permit RAL/21/0007	In Decision Stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/21/0020	26/10/2021	D & D Chieffe C/- U&I Town Plan	18 Seary Road, Mareeba	Lot 26 on SP206329	MCU - Dual Occupancy & ROL (1 into 2 Lots)

October 2021 (Regional Land Use Planning)

Negotiated Decision Notices issued under Delegated Authority							
Application # Date of Decision Notice Date of Decision Notice Applicant Address Property Description Application Type							
Nil	Nil						

Change to Existing Development Approval issued						
Application # Date of Decision Applicant Address Property Description Application Typ						
Nil .						

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/21/0030	12/10/2021	B Ciranni & T Newton	3 Parklands Circuit, Mareeba	Lot 10 on SP204554	Referral agency response (response before application) for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA Dispensation)
CAR/21/0031	13/10/2021	T & K Hales	1 Norman Street South, Mareeba	Lot 155 on SP237051	Referral agency response (response before application) for building work assessable against the Mareeba Shire Concell Planning Scheme 2016 (Class 10a Shed GFA Dispensation)
CAR/21/0032	8/10/2021	D & S Paton C/- Northern Building Approvals	17 Parklands Circuit, Mareeba	Lot 17 on SP204554	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a GFA Dispensation)
CAR/21/0033	19/10/2021	S & M Pinese C/- Emergent Building Approvals	2 Annie Court, Mareeba	Lot 17 on SP298320	Referral agency response for building work (class 10a shed) assessable against the Mareeba Shire Council Planning Scheme 2016

October 2021 (Regional Land Use Planning)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
RAL/17/0005	20/10/2021	Sue Morrow C/- Twine Surveys Pty Ltd	Hodzic Road, Biboohra	PLAN OF LOTS 150 & 154 ON SP325399 (CANCELLING LOT 150 ON SP311026)	1 New Lot
RAL/19/0014	13/10/2021	Robert Taylor	Tryconnell Road, Mareeba	PLAN OF LOTS 1- 3 ON SP323223 (CANCELLING LOT 135 ON SP284535)	2 New Lots
RC2005/35 (REC/09/0041)	19/10/2021	Peter O'Neil	Clohesy River Road, Koah	LOTS 500 & 508 ON SP320969 (CANCELLING LOT 500 ON SP320964)	1 New Lot
REC/07/0052	7/10/2021	Hockey Machinery Sales Pty Ltd C/- Twine Surveys Pty Ltd	Summer Street, Mareeba	LOTS 77, 83 & 100 ON SP325402 (CANCELLING LOT 100 ON SP325396)	2 New Lots

October 2021 (Regional Land Use Planning)

13.3 WASTE MANAGEMENT COMMITTEE MEETING MINUTES

Date Prepared: 9 November 2021

Author: Chief Executive Officer

Attachments: 1. Waste Management Committee Meeting Minutes &

Provided for information only.



MINUTES

Tuesday, 19 October 2021
Waste Management Committee Meeting

Waste Management Committee Meeting Minutes

19 October 2021

MINUTES OF MAREEBA SHIRE COUNCIL WASTE MANAGEMENT COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS ON TUESDAY, 19 OCTOBER 2021 AT 12:00PM

1 MEMBERS IN ATTENDANCE

Cr Lenore Wyatt, Cr Daniel (Danny) Bird, Cr Lachlan (Locky) Bensted

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

3 DECLARATION OF CONFLICTS OF INTEREST

Nil

4 CORPORATE AND COMMUNITY SERVICES

Nil

- 5 INFRASTRUCTURE SERVICES
- 9.1 TMSC2021-08 WASTE MANAGEMENT SERVICES TENDER ASSESSMENT

RECOMMENDATION

That the Council awards Tender T-MSC2021-08 Waste Management Services to Suez Recycling and Recovery (regional Queensland) Pty Ltd for the amount of \$1,587,627 excluding GST.

Based on the significant price differential between the SUEZ tender and the Evy Entertainment tender the Committee has decided to go against the officers recommendation.

MOTION

COMMITTEE RESOLUTION 2021/1

Moved: Cr Lachlan (Locky) Bensted Seconded: Cr Daniel (Danny) Bird

That the Council awards Tender T-MSC2021-08 Waste Management Services to Evy Entertainment Pty Ltd for the amount of \$1,202,767 excluding GST.

CARRIED

CR WYATT VOTED IN FAVOUR OF THE MOTION

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Waste	Management Committee Meeting Minutes	19 October 2021		
6	OFFICE OF THE CEO			
Nil				
7	CONFIDENTIAL REPORTS			
Nil				
There being no further business, the meeting closed at 12:06 pm.				
Cr Lenc	ore Wyatt			
Chairpe	erson			

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