



AGENDA

Wednesday, 20 April 2022

Ordinary Council Meeting

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

Date: Wednesday, 20 April 2022

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 - 16 March 2022
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

8 CORPORATE AND COMMUNITY SERVICES

8.1 R & B TERRANOVA - RECONFIGURING A LOT - BOUNDARY REALIGNMENT & ACCESS EASEMENT - LOTS 1 & 2 ON RP745859 - 1506 MAREEBA DIMBULAH ROAD, ARRIGA - RAL/21/0021

Date Prepared: 9 March 2022

Author: Senior Planner

Attachments: 1. Proposal Plan
2. State Assessment and Referral Agency response dated 24 January 2022

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	R & B Terranova	ADDRESS	1506 Mareeba Dimbulah Road, Arriga
DATE LODGED	26 November 2021	RPD	Lots 1 & 2 on RP745859
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment and Access Easement		
FILE NO	RAL/21/0021	AREA	Lot 1 - 2.507 ha Lot 2 - 74,805 ha
LODGED BY	Freshwater Planning Pty Ltd	OWNER	R & B Terranova
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with certain purpose statements in the Rural zone code, as well as performance outcomes contained within the Reconfiguring a lot code which seeks to discourage the creation of any lot below 60 hectares within the Rural zone.

The Mareeba Shire Council Planning Scheme 2016 contains a hierarchy of assessment benchmarks. The Strategic Framework is the highest order assessment benchmark in the Planning Scheme and holds greater weight than the Rural zone code and Reconfiguring a Lot code. An officer assessment has determined that despite the identified conflicts with the lower order Rural zone code and

Reconfiguring a Lot code provisions mentioned above, the proposed boundary realignment meets the intent of the Strategic Framework.

The application proposes to reconfigure the two (2) allotments, by way of a boundary realignment only (no additional lot created) whereby the existing avocado farm and major sand extractive industry are contained entirely within separate lots. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The development will not further fragment, compromise or alienate productive agricultural land, nor will it compromise the extractive industry key resource area. By removing the vacant one-off subdivision lot, proposed Lot 12 (the extractive industry lot) acquires its use rights for the development of an additional dwelling house. As a result, the extractive industry operator can prevent likelihood of land use conflict by not exercising the use rights to build the additional dwelling house.

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	R & B Terranova	ADDRESS	1506 Mareeba Dimbulah Road, Arriga
DATE LODGED	26 November 2021	RPD	Lots 1 & 2 on RP745859
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment and Access Easement		

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 Reconfiguring a Lot - Boundary Realignment and Access Easement

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8555 Rev B	Plan of Lots 11 & 12 Cancelling Lot 1 & 2 on RP745859	Twine Surveys Pty Ltd	11.11.2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

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

- 3.7 Charges

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

- 4. Infrastructure Services and Standards

- 4.1 Access

The access handle for proposed Lot 12 must be constructed to minimum 150mm thickness compacted gravel standard, suitable for all weather, from the Mareeba Dimbulah Road access to the main body of proposed Lot 12, in accordance with the FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

- 4.2 Stormwater Drainage

- 4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

- 4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

- 4.3 On-site Wastewater Disposal

At the time of construction of a new dwelling on Lot 12, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

- 4.4 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to proposed Lot 11 in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

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

- 4.5 Telecommunications

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

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) 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.

(f) 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) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 24 January 2022.

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The subject site comprises land described as Lots 1 and 2 on RP745859, situated at 1506 Mareeba-Dimbulah Road, Arriga. The site is approximately 11km south-west of Mareeba.

The site has a combined area of 77.312 hectares with a total frontage of approximately 181 metres to Mareeba-Dimbulah Road. Access to the site is obtained directly off Mareeba-Dimbulah Road via an established access.

Mareeba-Dimbulah Road is a State controlled road which is constructed to a bitumen sealed width of approximately 6 metres for the frontage with the subject site.

An extractive industry (sand quarry) is established over the western portion of Lot 2 on RP745859. The eastern portion of Lot 2 and all of Lot 1 are developed as an avocado orchard. A farm residence and ancillary farm buildings are established on Lot 2.

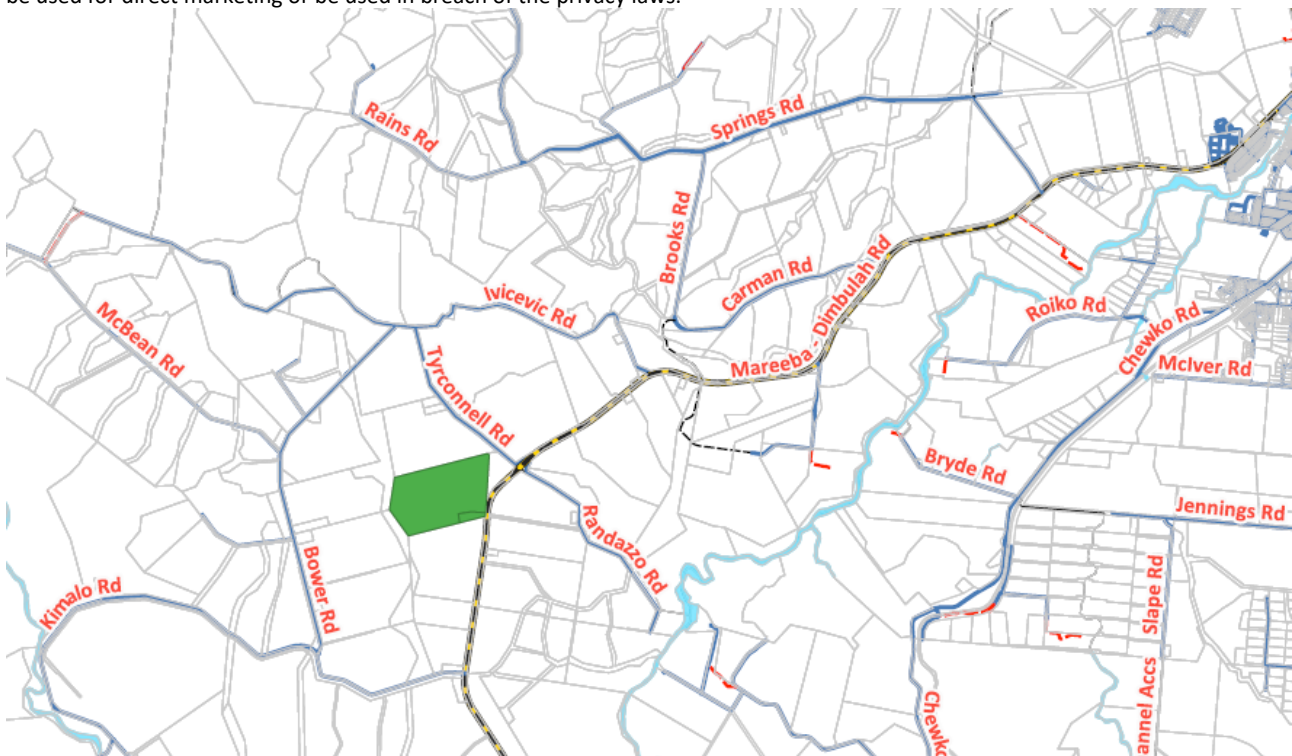
The subject site is located within the Rural zone and is surrounded by agricultural activities (primarily horticultural production) and extractive industries (sand). The site is located within the Queensland Key Resource Area 151 which reflect the State significant sand extraction activities that are conducted within the locality.

The site and surrounding areas are predominantly flat with minor undulations.



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 & APPROVALSDevelopment Approval MCU/17/0013

On 20 December 2017, Council under delegated authority, approved an application made by RPS Australia East Pty Ltd on behalf of Pioneer North QLD Pty Ltd for the issue of a development permit for Mareeba Change of Use - Extractive Industry (expansion) over land described as Lot 2 on RP745859 and Lot 12 on HG387, situated at 1506 & 1596 Mareeba-Dimbulah Road, Arriga.

The application was approved subject to conditions and the Decision Notice was issued on 22 December 2017.

The sand extraction authorised by MCU/17/0013 has commenced and is obvious on the 2021 aerial imagery.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Boundary Realignment and Access Easement in accordance with the plan shown in **Attachment 1**.

The boundary realignment proposes the following allotments:

- Proposed Lot 11 - 31.87 hectares, frontage of approximately 130 metres to Mareeba Dimbulah Road;
- Proposed Lot 12 - 45.44 hectares, frontage of approximately 50 metres to Mareeba Dimbulah Road via an 8 metre wide access handle.

An access easement is intended over the access handle of proposed Lot 12 to allow shared access with proposed Lot 11.

The site's existing dwelling, farm outbuildings and rural activity will be contained within proposed Lot 11. The extractive industry activity will be contained within proposed Lot 12. The conditions of the extractive industry development approval will continue to require all extractive industry traffic to enter and exit the site using the approved access through neighbouring Lot 12 on HG387, immediately to the south.

It is proposed to realign the common boundary between the two (2) lots to separate the rural activity (horticulture - avocado orchard) from the extractive industry activity. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The realignment will not change the existing rural and extractive industry activities and is considered to result in a more appropriate layout while ensuring that the existing nature, character and amenity of the immediate and surrounding environs is protected.

REGIONAL PLAN DESIGNATION

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

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • <i>Rural agricultural area</i> Natural Environment Elements <ul style="list-style-type: none"> • <i>Key resource area</i>
Zone:	Rural zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay Extractive resources overlay Transport infrastructure overlay

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement Pattern and built environment

3.3.1 Strategic outcomes

- (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 or fragments large land holdings. The valued, relaxed rural character and scenic qualities of the rural area 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

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

It is intended to realign the common boundary between the two (2) lots to separate the rural activity (horticulture - avocado orchard) from the extractive industry activity. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The development will not further fragment, compromise or alienate productive agricultural land, nor will it compromise the extractive industry key resource area. By removing the vacant one-off subdivision lot, proposed Lot 12 (the extractive industry lot) acquires its use rights for the development of an additional dwelling house. As a result, the extractive industry operator can prevent likelihood of land use conflict by not exercising the use rights to build the additional dwelling house.

All established land uses will continue unchanged, and the proposed development is considered to comply with Strategic outcome 5.

(6) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.*

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition.

It is intended to realign the common boundary between the two (2) lots to separate the rural activity (horticulture - avocado orchard) from the extractive industry activity. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The development will not further fragment, compromise or alienate productive agricultural land, nor will it compromise the extractive industry key resource area. By removing the vacant one-off subdivision lot, proposed Lot 12 (the extractive industry lot) acquires its use rights for the development of an additional dwelling house. As a result, the extractive industry operator can prevent likelihood of land use conflict by not exercising the use rights to build the additional dwelling house.

All established land uses will continue unchanged, and the proposed development is considered to comply with Strategic outcome 6.

3.3.11 Element - Rural areas

3.3.11.1 Specific outcomes

- (2) *Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition.

It is intended to realign the common boundary between the two (2) lots to separate the rural activity (horticulture - avocado orchard) from the extractive industry activity. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The development will not further fragment, compromise or alienate productive agricultural land, nor will it compromise the extractive industry key resource area. By removing the vacant one-off subdivision lot, proposed Lot 12 (the extractive industry lot) acquires its use rights for the development of an additional dwelling house. As a result, the extractive industry operator can prevent likelihood of land use conflict by not exercising the use rights to build the additional dwelling house.

All established land uses will continue unchanged, and the proposed development is considered to satisfy Specific Outcome 2.

- (3) *Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.*

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition.

It is intended to realign the common boundary between the two (2) lots to separate the rural activity (horticulture - avocado orchard) from the extractive industry activity. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The development will not further fragment, compromise or alienate productive agricultural land, nor will it compromise the extractive industry key resource area. By removing the vacant one-off subdivision lot, proposed Lot 12 (the extractive industry lot) acquires its use rights for the development of an additional dwelling house. As a result, the extractive industry operator can

prevent likelihood of land use conflict by not exercising the use rights to build the additional dwelling house.

All established land uses will continue unchanged, and the proposed development is considered to satisfy Specific Outcome 3.

3.6 *Transport and infrastructure*

3.6.1 *Strategic outcomes*

- (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 the 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. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.*

Comment

The proposed development is for a "boundary realignment" only, so it does not constitute a "subdivision" by definition.

No additional title will be created, and the Mareeba Dimbulah Road access will be upgraded in accordance with the Department of Transport and Main Roads requirements.

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

The proposed development does not detrimentally impact on the existing extractive industry activity or the key resource area in general.

Instead, the boundary realignment removes the potential for land use conflict arising from any future development of the historic one-off subdivision lot.

Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.5 Extractive resources overlay code
- 9.4.2 Landscaping code

- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application would conflict with assessment benchmarks contained in the Rural zone code and Reconfiguring a lot code as a result of Temporary Local Planning Instrument No. 01 of 2019 (Subdivision in Rural zone). Despite the identified conflicts, it is considered that the proposed development will comply with the higher order strategic/specific outcomes contained within the Planning Scheme Strategic Framework.

Relevant Codes	Comments
Rural zone code	<p>The application conflicts with 6.2.9.2 Purpose (3) (a) of the code as proposed Lots 11 and 12 will be under 60 ha in size.</p> <p>Despite this conflict, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
Agricultural land overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Extractive resources overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	<p>The application conflicts with the following performance outcomes:</p> <ul style="list-style-type: none"> • PO1.1 • PO1.2 <p>Despite conflicting with the abovementioned performance outcomes, it is considered that the proposed development complies with the higher order strategic/specific outcomes</p>

	contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(E) Adopted Infrastructure Charges Notice

The application is for a boundary realignment only. No additional vacant lot will be created.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency (CairnsSARA - State transport infrastructure) as a Referral Agency.

That Department advised in a letter dated 24 January 2022 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Nil

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 9 February 2022 to 4 March 2022. The applicant submitted the notice of compliance on 7 February 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Non-compliance with assessment benchmarks contained within the Rural zone code and Reconfiguring a lot code are discussed below:

6.2.9 Rural zone code (as amended by the TLPI)

6.2.9.2 Purpose

- (3) (a) *Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.*

Comment

Table 9.4.4.3B dictates a minimum reconfiguring lot size of 60 hectares for land within the Rural zone. Realigned Lot 11 and 12 would have an area of 31.87 hectares and 45.44 hectares respectively.

It is intended to realign the common boundary between the two (2) lots to separate the rural activity (horticulture - avocado orchard) from the extractive industry activity. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The development will not further fragment, compromise or alienate productive agricultural land, nor will it compromise the extractive industry key resource area. By removing the vacant one-off subdivision lot, proposed Lot 12 (the extractive industry lot) acquires its use rights for the development of an additional dwelling house. As a result, the extractive industry operator can prevent likelihood of land use conflict by not exercising the use rights to build the additional dwelling house.

Land presently use for primary production and extractive industry is conserved and the potential for land use conflict is significantly reduced.

9.4.4 Reconfiguring a lot code (as amended by the TLPI)***Area and frontage of lots - Rural zone******PO1.1***

No lots are created with an area of less than 60 ha

Note: This also applies to applications for boundary realignment

AO1.1

No acceptable outcome is provided.

Comment

Realigned Lot 11 and 12 would have an area of 31.87 hectares and 45.44 hectares respectively.

It is intended to realign the common boundary between the two (2) lots to separate the rural activity (horticulture - avocado orchard) from the extractive industry activity. In doing so, the realignment extinguishes the historic one-off subdivision lot (existing Lot 1 on RP745859) which would otherwise represent an ongoing threat of significant land use conflict if it were to be developed with a dwelling house and used for rural living purposes.

The development will not further fragment, compromise or alienate productive agricultural land, nor will it compromise the extractive industry key resource area. By removing the vacant one-off subdivision lot, proposed Lot 12 (the extractive industry lot) acquires its use rights for the development of an additional dwelling house. As a result, the extractive industry operator can prevent likelihood of land use conflict by not exercising the use rights to build the additional dwelling house.

Land presently use for primary production and extractive industry is conserved and the potential for land use conflict is significantly reduced.

PO1.2

No lots are created with a frontage less than 400m

Note: This also applies to applications for boundary realignment.

AO1.2

No acceptable outcome is provided.

Comment

Both existing lots have a frontage well below 400 metres.

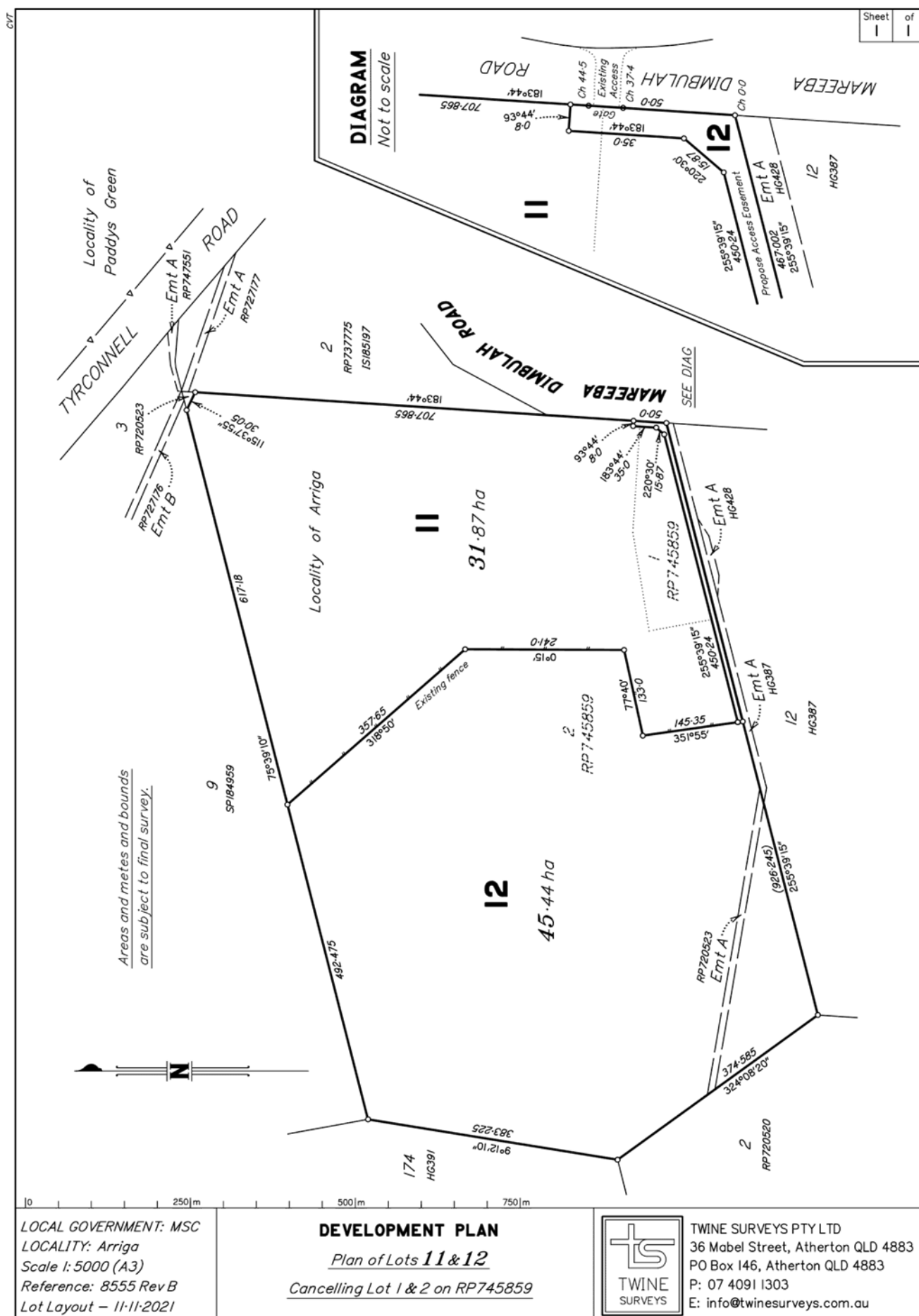
Currently, the frontage to the Mareeba-Dimbulah Road is split between the two lots as follows:

- Lot 1 - 40 metres
- Lot 2 - 141 metres

The boundary realignment will provide for the following new frontages:

- Lot 11 - 131 metres
- Lot 12 -- 50 metres

The proposed frontages are generally consistent with the frontages of the existing lots and will result in lots which satisfy Overall Outcomes (b) and (c) of the Reconfiguring a Lot Code.



RA6-N



SARA reference: 2112-26329 SRA
Council reference: RAL/21/0021
Applicant reference: F21/29

24 January 2022

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

Attention: Brian Millard

Dear Sir/Madam

SARA response—Boundary Realignment and Access Easement at 1506 Mareeba Dimbulah Road, Arriga

(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 (SARA) on 7 December 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	24 January 2022
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 Reconfiguring a Lot - Boundary Realignment (2 Lots into 2 Lots) and Access Easement
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-

Page 1 of 7

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

2112-26329 SRA

controlled road

SARA reference: 2112-26329 SRA
Assessment Manager: Mareeba Shire Council
Street address: 1506 Mareeba Dimbulah Road, Arriga
Real property description: Lots 1 and 2 on RP745859
Applicant name: Remo Giuseppe & Berniece Terranova
Applicant contact details: C/- Freshwater Planning Pty Ltd
17 Barron View Drive
Freshwater QLD 4870
freshwaterplanning@outlook.com

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:

- Approved
- Reference: TMR21-034977 (500-1187)
- Date: 12 January 2021

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

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 Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Remo Giuseppe & Berniece Terranova C/- Freshwater Planning Pty Ltd, freshwaterplanning@outlook.com

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

2112-26329 SRA

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
Reconfiguring a Lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> 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(s):		
1.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (642 – 53.68km), prepared by Queensland Government Transport and Main Roads, dated 31/08/2021, Reference TMR21-33766 (500-1595), Issue A.</p> <p>(b) Road access works comprising of a sealed 'Type B' rural property vehicular access must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with TMR Standard Rural Property Access Drawing, Sheets 1 & 2, Drawing No. 1807, Type B – Rural Property Access, dated 07/2020, and Revision A.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey to the local government for approval.</p>

2112-26329 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

2112-26329 SRA

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA decision are:

- The premises has road frontage and an existing unsealed shared access to Mareeba Dimbulah Road, a state-controlled road.
- Existing buildings, to be contained in proposed Lot 11, are located approximately 400m from Mareeba Dimbulah Road.
- Upgrading and sealing of the existing shared access to Mareeba Dimbulah Road, to be used for proposed Lots 11 and 12, will ensure that operating conditions and safety on the state-controlled road is maintained.
- The proposal is considered to not be a significant traffic generator and any network impacts from the proposed development will be minimal.
- Haulage vehicles associated with the approved extractive activities on proposed Lot 22 are restricted to using the southernmost access point on adjacent Lot 12 on HG387.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Mareeba Dimbulah Road
- The proposed development, with conditions, complies with the relevant provisions of State code 1: Development in a state-controlled road environment.

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)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

2112-26329 SRA

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

State Assessment and Referral Agency

Page 6 of 7

2112-26329 SRA

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

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.

¹ Pursuant to Section 68 of the *Planning Act 2016*

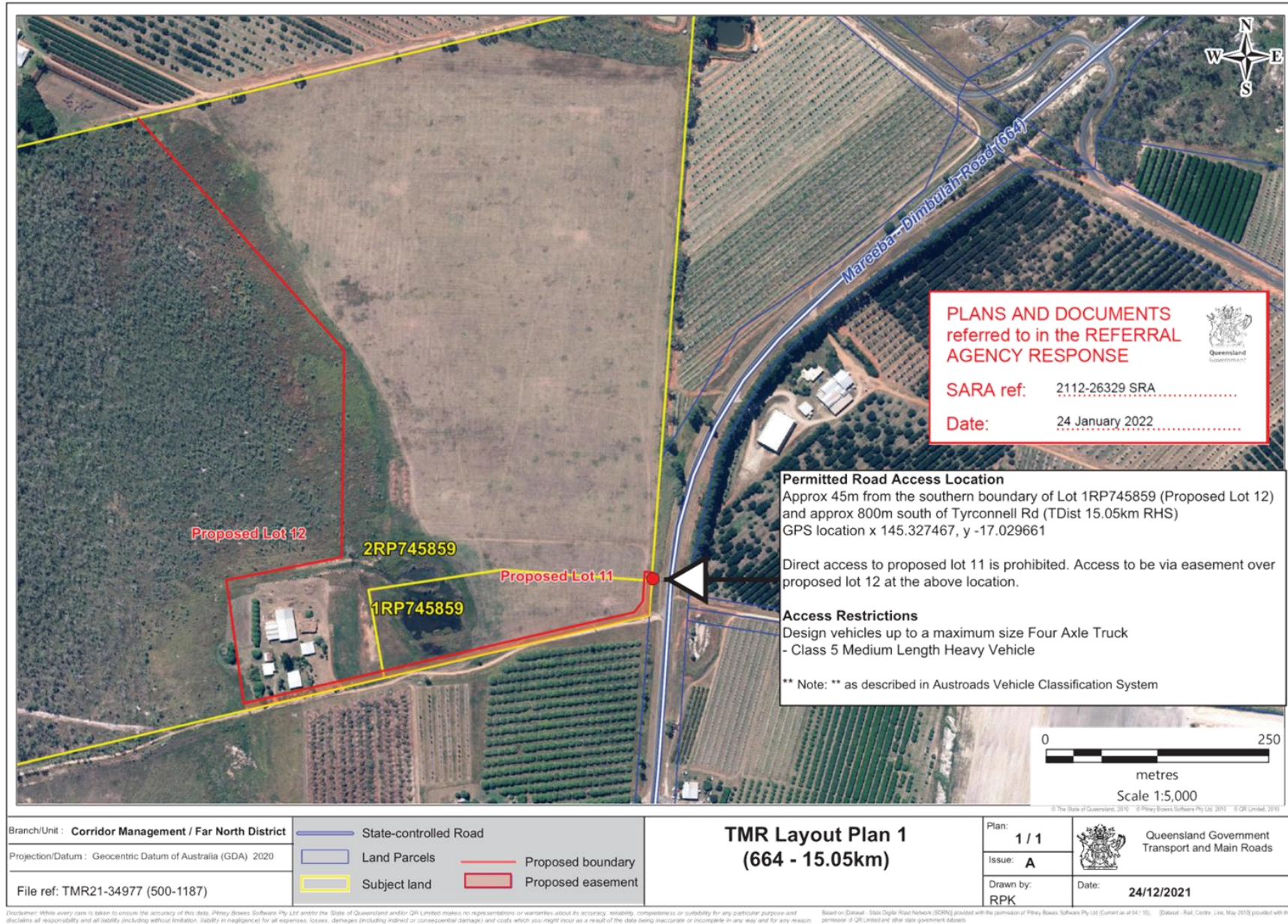
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

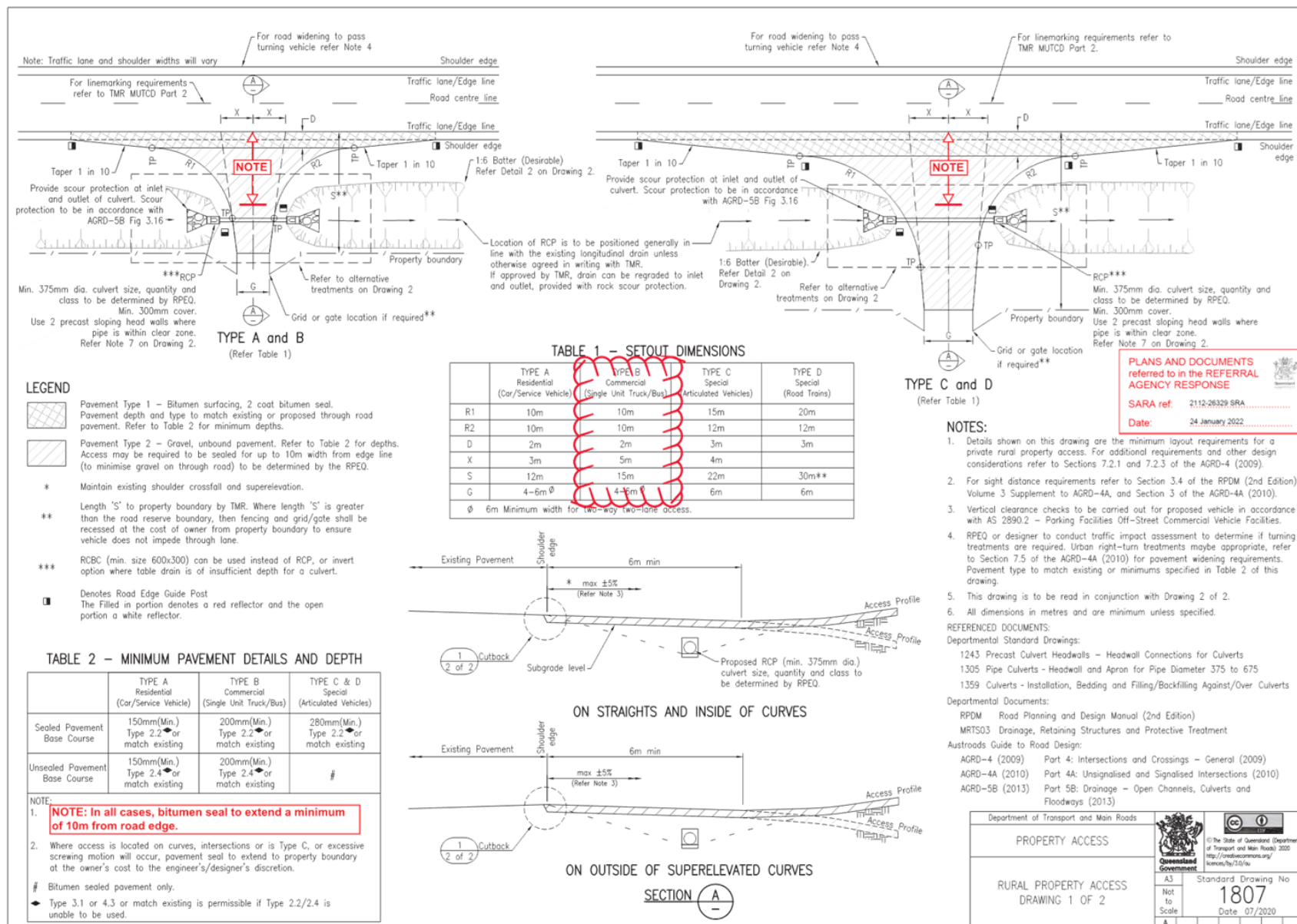
Part 7: Miscellaneous

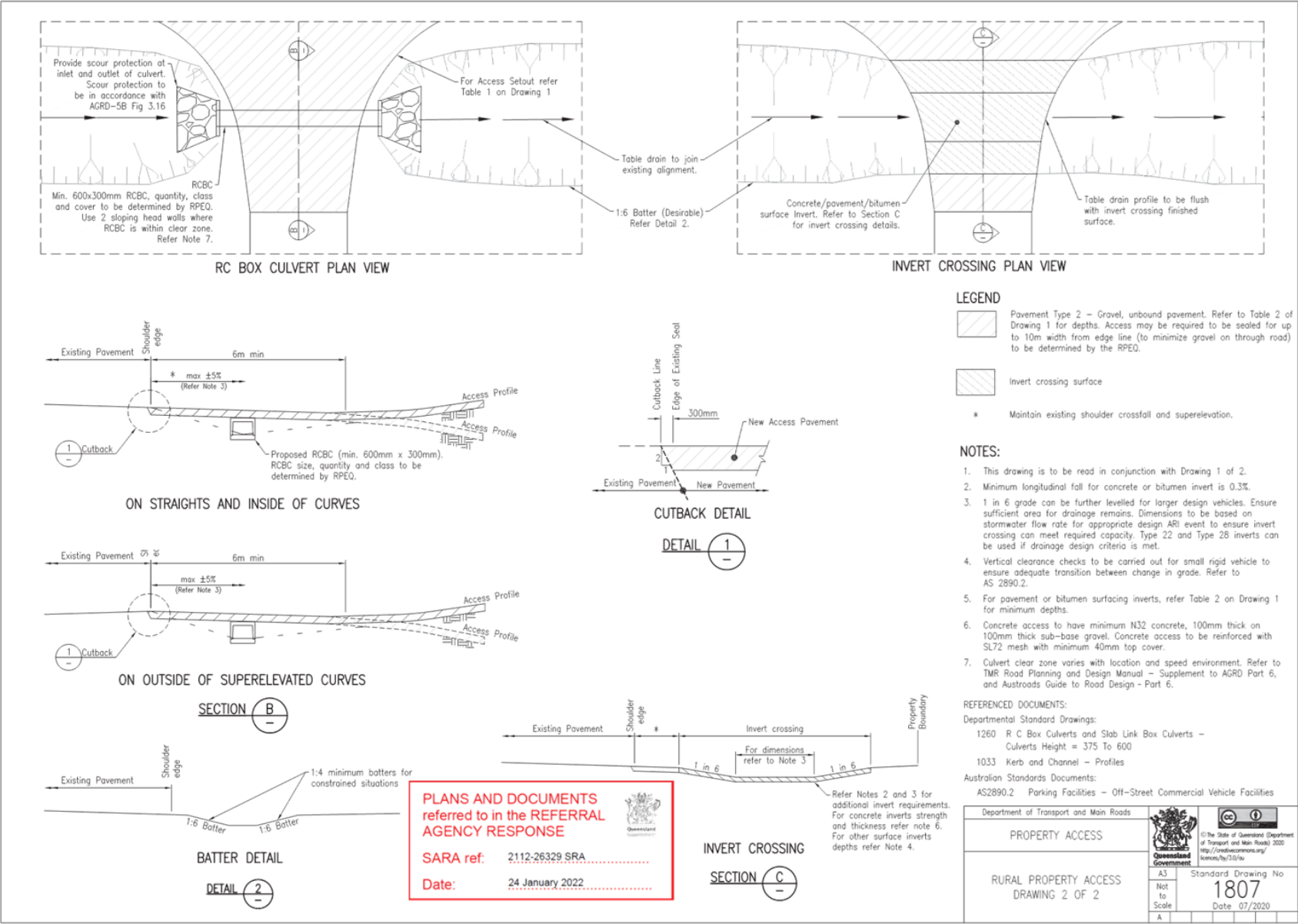
30 Representations about a referral agency response

- 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

³ 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.







8.2	NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES NOTICE - MATERIAL CHANGE OF USE - EDUCATIONAL ESTABLISHMENT (EXTENSION TO EXISTING EDUCATIONAL & CULTURAL USES BUILDING) - LOT 311 ON M3563 - 108 WALSH STREET, MAREEBA - MCU/21/0023
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Date Prepared: 4 April 2022

Author: Senior Planner

Attachments:

1. Adopted Infrastructure Charges Notice dated 20 January 2022
2. Applicants Request for Negotiated Adopted Infrastructure Charges Notice dated 9 March 2022

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Mareeba Islamic Society	ADDRESS	108 Walsh Street, Mareeba
DATE REQUEST FOR NAICN LODGED	10 March 2022	RPD	Lot 311 on M3563
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Educational Establishment (Extension to Existing Educational & Cultural Uses Building)		
FILE NO	MCU/21/0023	AREA	1,012m ²
LODGED BY	Freshwater Planning Pty Ltd	OWNER	A Kochi, S Latif & S Murat
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Centre Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting held on 19 January 2022, subject to conditions. The Decision Notice was issued on 20 January 2022 as well as the Adopted Infrastructure Charges Notice requiring the applicant/developer to pay an infrastructure charge of \$15,680.00 at the commencement of the use.

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

Freshwater Planning Pty Ltd, on behalf of the applicant has subsequently made written representations to Council requesting that the infrastructure charge be waived or reduced. The basis for the request is that, at this stage, the site will be used only temporarily as a school until a larger facility is established elsewhere, and that the Mareeba Islamic Society (the applicants) are a not-for-profit organisation which relies solely on donations from its members to operate.

Providing a reduction or waiver of the infrastructure charges for this development would be inequitable to other developers in the Shire who have previously paid or are required to pay

infrastructure charges once their developments are complete and further, would undermine the ongoing implementation of Council's Local Government Infrastructure Plan (LGIP). The charge applied was based on the gross floor area of the school facility and is not considered an onerous charge for what was approved. For this reason, the request to waive or reduce the infrastructure charges payable is not supported by Council officers.

It is recommended that the request for a Negotiated Adopted Infrastructure Charges Notice be refused.

OFFICER'S RECOMMENDATION

It is recommended that:

1. "In relation to the written representations made by Freshwater Planning Pty Ltd on behalf of the Mareeba Islamic Society regarding the Adopted Infrastructure Charges Notice of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Mareeba Islamic Society	ADDRESS	108 Walsh Street, Mareeba
DATE REQUEST FOR NAICN LODGED	10 March 2022	RPD	Lot 311 on M3563
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Educational Establishment (Extension to Existing Educational & Cultural Uses Building)		

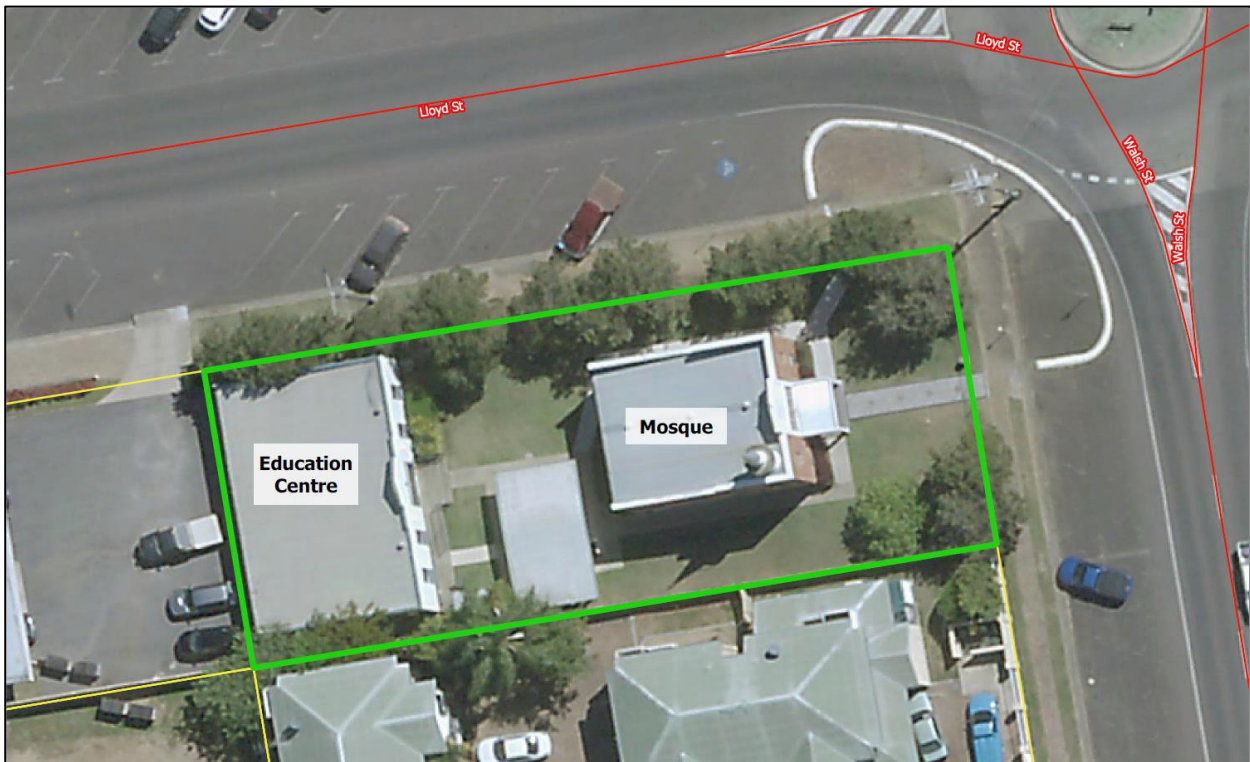
and in accordance with the Planning Act 2016, the following

- (a) The request for a negotiated adopted infrastructure charges notice be refused and the Adopted Infrastructure Charges Notice issued on 20 January 2022 be maintained.

Reasons for refusal

Providing a reduction or waiver of the infrastructure charges for this development would be inequitable to other developers in the Shire who have previously paid or are required to pay infrastructure charges once their developments are complete and further, would undermine the ongoing implementation of Council's Local Government Infrastructure Plan (LGIP).

2. The Applicant be advised of Council's decision."

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

THE SITE

The subject site is situated on the corner of Walsh Street and Lloyd Street at 108 Walsh Street, Mareeba and is described as Lot 311 on M3563. The site is regular in shape with an area of 1,012m² and is zoned Centre under the Mareeba Shire Council Planning Scheme 2016. Walsh Street and Lloyd Street are constructed to bitumen/asphalt sealed standard.

The site contains the long-established Mareeba Mosque, built in 1970, constructed at the eastern end of the site facing Walsh Street. An ablutions block is situated behind the Mosque as well as the Islamic Education Centre Hall at the rear of the site. This hall is the subject of this application with a second storey proposed to be constructed on it. The remainder of the site is grassed and landscaped with gardens and mature trees. The site is connected to all urban services. No carparking is provided on-site with visitors to the Mosque and Education Centre using line marked on-street parking.

All immediate surrounding lots are zoned Centre. A medical centre is established on the adjoining allotment to the west while high density public housing units are located on the adjoining lot to the south. Most lots to the north and east contain dwellings with the newly constructed Mareeba Ambulance Station situated diagonally opposite the site.

BACKGROUND AND CONTEXT

Council approved a development application described in the above application details at its Ordinary Meeting held on 19 January 2022, subject to conditions. The Decision Notice was issued on 20 January 2022 as well as the Adopted Infrastructure Charges Notice requiring the applicant/developer to pay an infrastructure charge of \$15,680.00 prior to the commencement of the use (**Attachment 1**).

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

Freshwater Planning Pty Ltd, on behalf of the applicant has subsequently made written representations to Council requesting that the infrastructure charge be waived or reduced (**Attachment 2**). The basis for the request is that, at this stage, the site will be used only temporarily as a school until a larger facility is established elsewhere, and that the Mareeba Islamic Society (the applicants) are a not-for-profit organisation which relies solely on donations from its members to operate. It is understood that construction will commence on the building extension in mid 2022.

APPLICANT'S REPRESENTATIONS

Adopted Infrastructure Charges Notice

On 20 January 2022, an adopted infrastructure charges notice was issued for development approval MCU/21/0023 (**Attachment 2**).

The applicable infrastructure charges for the development are as follows:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per m2 GFA	GFA (m2)			
Educational Establishment	\$98	160	\$15,680.00	Nil	\$15,680.00
TOTAL CURRENT AMOUNT OF CHARGE					\$15,680.00

Also including in the adopted infrastructure charges notice was details regarding when the payment was due as follows:

Payment date pursuant to section 122 of the Planning Act 2016	The levied charge here applies for material change of use. As such the levied charge becomes payable when the change happens.
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Representation by Applicant

Freshwater Planning Pty Ltd, on behalf of the Mareeba Islamic Society (the applicants) submits the following representations (full representations and supporting letter from the Mareeba Islamic Society is included in Attachment 2):

I refer to the Mareeba Shire Council's Adopted Infrastructure Charges Decision Notice (Council's Ref: MCU/21/0023) dated 20 January, 2022 and the Request to Suspend the Applicant's Appeal Period email dated 16 February, 2022. This letter offers Representations for a Negotiated Infrastructure Charges Decision Notice – Approval under Subdivision 5 Section 125 of the Planning Act, 2016.

The Decision Notice – Approval for a Material Change of Use – Educational Establishment (Extension to Existing Educational & Cultural Uses Building) over the site was provided along with an Approved Adopted Infrastructure Charges Decision Notice. This Infrastructure Charges Decision Notice requires that the applicants pay a charge of \$15,680.00 in relation to the proposed Extension to the Educational Establishment. While the Infrastructure Charges are understood to be required to cater for the extra demand placed on the Council's Infrastructure, in this instance these Charges are considered to be onerous by the applicants for the Approved Development. Attached to this Request is a Letter from the Mareeba Islamic Society's Treasurer and Imam, Mr Benjamin Murat which provides the request for the waiving of Infrastructure Charges or the reduction of the Charges.

The Letter outlines that the proponents, being the Mareeba Islamic Society are a Community Group stating that 'Our Society is a Not-For-Profit Organisation and is registered with the ACNC and relies solely on donations from its members to operate.' The Letter further notes that the 'proposed school only envisages having up to 35 pupils and your charge represents \$448 per pupil – quite a hefty charge'. This considered hefty charge is requested for the Development Approval which is to 'facilitate the establishment of their school for the short term (up to 2 years) until they could organise permanent approved facilities'.

The proponents of the Development Approval, whilst appreciative of the Approval for the abovementioned Development Application, believe that the requested Infrastructure Charges Notice of \$15,680.00 is excessive for the proposed temporary Use and requests that Council and the Councillor's waive or reduce the Infrastructure Charges within the Adopted Infrastructure Charges Notice. The reasons for support of the waiving or reduction of the Infrastructure Charges for the Not-For-Profit Mareeba Islamic Society is provide within the aforementioned attached Letter.

Response

The subject land is within the Priority Infrastructure Area as identified in the Mareeba Shire Council Local Government Infrastructure Plan.

The Adopted Infrastructure Charges were based on Mareeba Shire Council's Adopted Infrastructure Charges Resolution (No. 1) 2021 (AICR) which took effect on 1 July 2021. The charge rate for an

educational establishment is \$98 per m², and the development will have a gross floor area of 160m². The current charge of \$15,680.00 is therefore consistent with the current (AICR).

Providing a reduction or waiver of the infrastructure charges for this development would be inequitable to other developers in the Shire who have previously paid or are required to pay infrastructure charges once their developments are complete and further, would undermine the ongoing implementation of Council's Local Government Infrastructure Plan (LGIP).

The charge applied was based on the gross floor area of the school facility and is not considered an onerous charge for what was proposed. For this reason, the request to waive or reduce the infrastructure charges payable is not supported by Council officers.

It is recommended that the request for a Negotiated Adopted Infrastructure Charges Notice be refused.

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657
F: 07 4092 3323

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

20 January 2022

Council Ref: MCU/21/0023

Our Ref: BM:CE:nj

Your Ref: F21/33

Mareeba Islamic Society
C/- Freshwater Planning Pty Ltd
17 Barronview Drive
FRESHWATER QLD 4870

Dear Applicant/s

Adopted Infrastructure Charges Notice

Planning Act 2016

I wish to advise that the attached Infrastructure Charges Notice for the above approved development has been issued by Council.

APPLICATION DETAILS

Application No:	MCU/21/0023
Street Address:	108 Walsh Street, Mareeba
Real Property Description:	Lot 311 on M3563
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Educational Establishment (Extension to Existing Educational & Cultural Uses Building)
Date of Decision:	19 January 2022

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding the issue of this Notice.

Should you require any further information, please contact Council's **Senior Planner, Brian Millard**, on the above telephone number.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

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

Document Set ID: 4047736
Version: 1, Version Date: 20/01/2022



PO Box 154
Mareeba QLD 4880

65 Rankin Street
Mareeba QLD 4880

Adopted Infrastructure Charges Notice

To: Mareeba Islamic Society

Date of Issue: 19 January 2022

Application Number: MCU/21/0023

Type of Approval: Development Permit for Material Change of Use - Educational Establishment (Extension to Existing Educational & Cultural Uses Building)

This infrastructure charges notice is levied by Mareeba Shire Council.

The charge levied under this infrastructure charges notice has been worked out by applying the Adopted Infrastructure Charges Resolution (No. 1) 2021 which took effect on 1 July 2021. The charge was calculated as follows:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per m2 GFA	GFA (m2)			
Educational Establishment	\$98	160	\$15,680.00	Nil	\$15,680.00
TOTAL CURRENT AMOUNT OF CHARGE					\$15,680.00

Enquiries regarding this infrastructure charges notice can be made by contacting Council's Senior Planner on (07) 4086 4657.

Land to which the levied charge applies	Site Address	108 Walsh Street, Mareeba
	Real Property Description	Lot 311 on M3563

Current amount of the levied charge	Total adopted infrastructure charge	\$15,680.00
--	--	--------------------

Automatic increase provision	The amount of the levied charge will be escalated from the date of the notice to the payment date in accordance with the Adopted Infrastructure Charges Resolution No. 1 of 2021 which took effect on 1 July 2021.
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Payment date pursuant to section 122 of the Planning Act 2016	The levied charge here applies for material change of use. As such the levied charge becomes payable when the change happens.
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Offset/refund	Not applicable
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Information Notice

In accordance with section 121 of the *Planning Act 2016*, the following is the information notice about the Council's decision to give this infrastructure charges notice.

A development approval has been given in relation to the land the subject of this infrastructure charges notice, for which an adopted charge applies for providing the trunk infrastructure for the development. Council is entitled to levy a charge and has decided to do so here as there will be additional demand placed upon the trunk infrastructure that will be generated by the development.

Planning Act 2016

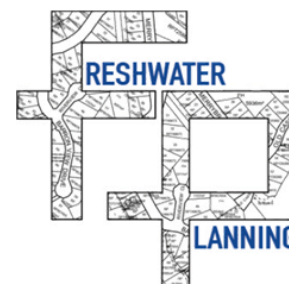
Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states-
 - (a) matters that may be appealed to-
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person-
 - (i) who may appeal a matter (the **appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is-
 - (a) for an appeal by a building advisory agency-10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal-at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice-20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given-30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal-20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note- See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution

Your Ref: MCU/21/0023
Our Ref: F21/33



09 March, 2022

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

Attention: Carl Ewin
Regional Land Use Planning Group

Dear Sir,

**RE: DEVELOPMENT APPLICATION MCU/21/0023
REQUEST FOR A NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES DECISION NOTICE
APPLICATION FOR A MATERIAL CHANGE OF USE – EXTENSION TO EXISTING EDUCATIONAL
ESTABLISHMENT. LOT 311 ON M3563, 108 WALSH STREET, MAREEBA.**

I refer to the Mareeba Shire Council's Adopted Infrastructure Charges Decision Notice (Council's Ref: MCU/21/0023) dated 20 January, 2022 and the Request to Suspend the Applicant's Appeal Period email dated 16 February, 2022. This letter offers Representations for a Negotiated Infrastructure Charges Decision Notice – Approval under Subdivision 5 Section 125 of the Planning Act, 2016.

The Decision Notice – Approval for a Material Change of Use – Educational Establishment (Extension to Existing Educational & Cultural Uses Building) over the site was provided along with an Approved Adopted Infrastructure Charges Decision Notice. This Infrastructure Charges Decision Notice requires that the applicants pay a charge of \$15,680.00 in relation to the proposed Extension to the Educational Establishment. While the Infrastructure Charges are understood to be required to cater for the extra demand placed on the Council's Infrastructure, in this instance these Charges are considered to be onerous by the applicants for the Approved Development. Attached to this Request is a Letter from the Mareeba Islamic Society's Treasurer and Imam, Mr Benjamin Murat which provides the request for the waiving of Infrastructure Charges or the reduction of the Charges.

The Letter outlines that the proponents, being the Mareeba Islamic Society are a Community Group stating that *'Our Society is a Not-For-Profit Organisation and is registered with the ACNC and relies solely on donations from its members to operate.'* The Letter further notes that the *'proposed school only envisages having up to 35 pupils and your charge represents \$448 per pupil – quite a hefty charge'*. This considered hefty charge is requested for the Development Approval which is to *'facilitate the establishment of their school for the short term (up to 2 years) until they could organise permanent approved facilities'*.

The proponents of the Development Approval, whilst appreciative of the Approval for the abovementioned Development Application, believe that the requested Infrastructure Charges Notice of \$15,680.00 is excessive for the proposed temporary Use and requests that Council and the Councillor's waive or reduce the Infrastructure Charges within the Adopted Infrastructure Charges Notice. The reasons for support of the waiving or reduction of the Infrastructure Charges for the Not-For-Profit Mareeba Islamic Society is provide within the aforementioned attached Letter.

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

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

Document Set ID: 4076693
Version: 1, Version Date: 25/03/2022

NOTE: If the requested action above requires an Amendment to the Decision Notice or to the Conditions of the Approval, then please consider this Representation to achieve and request the appropriate alteration of the provided Decision Notice.

This completes this Request for a Negotiated Decision of the Development Approval. Please do not hesitate to [Page 2](#) contact me, in the first instance, should you require further information in relation to the matter.

Yours faithfully,



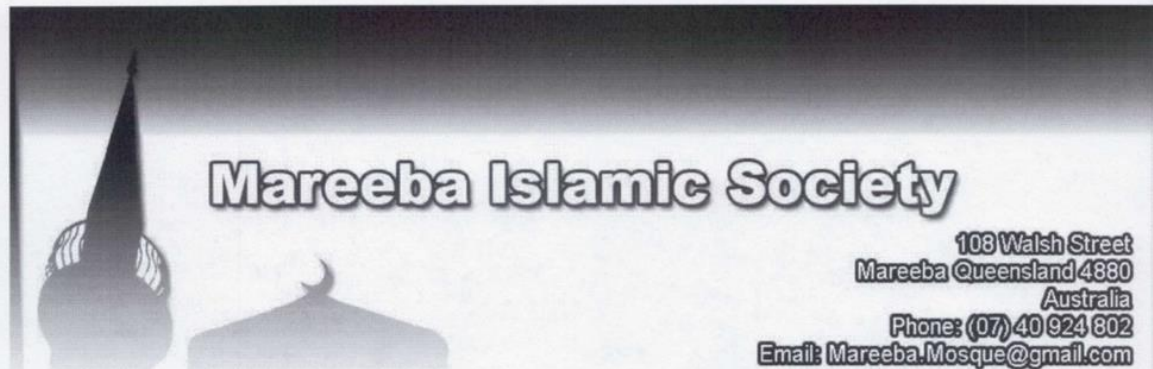
MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

P: 0402729004

E: FreshwaterPlanning@outlook.com

17 Barron View Drive, FRESHWATER QLD 4870



Mareeba Shire Council

PO Box 154

Mareeba, Qld. 4880

4 February 2022

Dear Respected Councillors,

RE Application – Development Permit for Material Change of Use

No. MCU/21/0023

We appreciate very much your approval of the abovementioned application. However, we note that as per the Adopted Infrastructure Charges Notice you have decided to impose an infrastructure charge of \$15680 on the proposed project. We request that you reconsider the imposition of this charge in view of the following:

1. The extension to our cultural and educational hall has been planned for some time to free up our hall for more of our cultural activities and allow the existing religious teaching activities to continue uninterrupted on the second floor.
2. Only in the last 12 months or so we were requested by the proponents of the permaculture school if they could use our hall, as it was, to facilitate the establishment of their school for the short term (up to 2 years) until they could organise permanent approved facilities.
3. We could not compromise our existing use of the hall as it stood but could accommodate their short- term needs in view of our plans for the second floor.

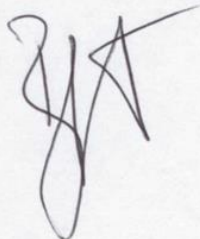
4. The proposed school only envisages having up to 35 pupils and your charge represents \$448 per pupil – quite a hefty charge. The number of attendants for existing religious classes, pupils and adults, amount to approximately 15 to 20. These existing classes are after 3.30pm and in the evenings on 3 to 4 days per week. Having a second floor would allow for these existing religious students to have a permanent place of keeping their material and aides without having to pack them up to allow for other cultural uses of the hall.

5. Our Society is a not-for-profit organisation and is registered with the ACNC and relies solely on donations from its members to operate. Your infrastructure charge will add 10% to the cost of the extensions. We are pleased to state that the Architect and the Structural Engineer have agreed to donate their services.

Given the above and the short-term nature of the use by the permaculture school, we again request that your infrastructure charge be waived.

Sincerely yours,

Benjamin Murat – Treasurer and Imam.

A handwritten signature in black ink, appearing to be 'BM' with a stylized flourish.

8.3 SIBI GIRGENTI HOLDINGS PTY LTD - MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME - USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY RESIDENTIAL ZONE AND A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 24 LOTS) - LOT 100 ON SP276719 - TILSE STREET AND MCIVER ROAD, MAREEBA - RAL/21/0024

Date Prepared: 29 March 2022

Author: Senior Planner

Attachments:

1. Proposal Plans
2. Submissions
3. Applicant's response to submissions

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Sibi Girgenti Holdings Pty Ltd	ADDRESS	Tilse Street and McIver Road, Mareeba
DATE LODGED	14 December 2021	RPD	Lot 100 on SP276719
TYPE OF APPROVAL	Preliminary Approval (Variation Request) and Development Permit		
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 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots)		
FILE NO	RAL/21/0024	AREA	4.32 hectares
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Sibi Girgenti Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Four (4)		

EXECUTIVE SUMMARY

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

The application is impact assessable and four (4) properly made submissions were received in response to public notification of the application.

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

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

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Sibi Girgenti Holdings Pty Ltd	ADDRESS	Tilse Street and McIver Road, Mareeba
DATE LODGED	14 December 2021	RPD	Lot 100 on SP276719
TYPE OF APPROVAL	Preliminary Approval (Variation Request) and Development Permit		
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 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots)		

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

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

And

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

(A) **APPROVED DEVELOPMENT:** Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1470 - SK01 Amdt C	General Arrangements and Lot Dimensions	Jim Papas Civil Engineering Designer Pty Ltd	10.04.22
1470 - SK03 Amdt B	Probable Earthworks, Roadworks and Stormwater Drainage Layout	Jim Papas Civil Engineering Designer Pty Ltd	10.04.22

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

(a) Development assessable against the Planning Scheme

1. Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016

1. The assessment manager has approved a variation to an applicable local planning instrument, being the Mareeba Shire Council Planning Scheme 2016.

Under the approved variation, all development on Lot 100 on SP276719 must be carried out in accordance with the Mareeba Shire Council Planning Scheme 2016 and the Low Density Residential zone.

The Emerging Community zone will not be applicable to any development on Lot 100 on SP276719.

2. Reconfiguring a Lot - Subdivision (1 lot into 24 lots)

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

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each stage of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. Staging of Development

- 3.1 The construction of this development may be staged in accordance with the stage numbering shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22 and as shown in **Table 1** below:

Table 1: Staging

Stage Number	Lots
Stage 1	Lots 17-20
Stage 2	Lots 12-16
Stage 3	Lots 21-24
Stage 4	Lots 9-12
Stage 5	Lots 1-4
Stage 6	Lots 5-8

A balance lot will be created up to the final stage.

- 3.2 Staged development may also be undertaken in any other sequence provided all infrastructure required to service the relevant stage is constructed.

- 3.3 The applicant/developer must comply with each condition of this development approval as it relates to each designated stage, unless otherwise stated in this approval.

4. General

- 4.1 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.
- 4.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
- 4.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 4.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 4.5 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.
- 4.6 Charges
- All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.
- 4.7 Bushfire Management
- A Bushfire hazard management plan for the subject land must be prepared by suitably qualified person to the satisfaction of Council's delegated officer.
- The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.

5. Infrastructure Services and Standards

5.1 Access

Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

5.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.
- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.
- (k) To complete the subject site's Tilse Street frontage to a reasonable standard to service the stormwater catchment, Council will credit the

cost difference for the additional design and construction of the following required works against infrastructure charges associated with the proposed development:

- (i) Fill the existing open drain with approved material, including compaction and testing, reprofiling and vegetation with suitable grass species
- (ii) Provide underground drainage in Tilse Street connecting the existing Council infrastructure in Mclver Road to an outlet in Tilse Street generally in accordance with layout shown on Drawing No. 1470 - SK03 Amendment B dated 10.04.22. The works shall include manholes, kerb inlet pits, headwall and wingwalls at outlet, outlet protection and any excavation required for any outlet drain together with revegetation of this drain.
- (iii) The design drawings for the above must be lodged with Council for approval, and once approved, included in the tender documentation under a separate scheduled item for cost identification purposes.

5.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the road reserves.

5.4 Roadworks - Internal

- (a) The new internal road is to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) A two (2) metre wide concrete footpath must be installed on at least one (1) side of the internal road. The horizontal alignment of the footpath is to be determined at operational works stage.

5.5 Roadworks - External

Mclver Road and Tilse Street must be upgraded for the full frontage of Lot 100 on SP276719 to the general extent shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22.

These works should generally include the following:

- The widening of the development side of Mclver Road and Tilse Street;
- the installation of kerb and channel on the development side of Mclver Road and Tilse Street for the full frontage of Lot 100 on SP276719; and
- All required underground stormwater infrastructure.

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

5.6 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

5.7 Sewerage Connection

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

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

5.8 Electricity provision/supply

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

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

5.9 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

5.10 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

5.11 Street Trees

One (1) street tree must be planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage.

All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

5.12 Agricultural Buffering

- 5.12.1 As part of Stage 1, a 10 metre wide vegetation buffer is to be planted within the proposed residential allotments along the alignment of

Mclver Road generally indicated on Drawing No. 1470 - SK01 Amendment C dated 10.04.22. The vegetation must have a minimum height at maturity of 4 metres. The plan depicting species and areas to be planted must be submitted to Council's delegated officer for approval prior to the issue of a development permit for operational works. The buffer must be planted in accordance with the approved plan.

5.12.2 As part of Stage 1, a colourbond fence of 1.8 metres in height shall be erected along the entire Mclver Road frontage on the southern side of the vegetation buffer required by Condition 5.12.1.

5.12.3 The vegetation buffer and fence must be maintained by the applicant and any subsequent owner of any part of the land affected by this condition. Statutory covenant/s must be created over vegetation buffer to ensure it is maintained by the applicant and any subsequent owner of respective allotment.

(D) ASSESSMENT MANAGER'S ADVICE

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

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

(c) Easement Documents

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

(d) Endorsement Fees

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

(e) Compliance with applicable codes/policies

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

(f) Notation on Rates Record

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

- a registered covenant
- conditions regarding bushfire management
- an approved bushfire management plan
- a registered easement over the subject site

(g) 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.

(h) Cultural Heritage

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

(E) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect).
- Reconfiguring a Lot – six (6) years (starting the day the approval takes effect).

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$19,764.00	24	\$474,336.00	1 (\$19,764.00)	\$454,572.00
TOTAL CURRENT AMOUNT OF CHARGE					\$454,572.00

THE SITE

The subject site is described as Lot 100 on SP276719, situated on the corner of Tilse Street and McIver Road, Mareeba.

The site is square in shape, having an area of 4.32 hectares with frontages of approximately 207 metres to both Tilse Street and McIver Road. Tilse Street and McIver Road are formed to bitumen sealed standard for their entire frontage with the subject land. Neither frontage has kerbing, with a large open table drain running along the entire Tilse Street frontage.

The site unimproved, being flat and largely cleared of native vegetation from past long term agricultural use.

The headwater of Basalt Gully is situated immediately to the east of the site. Lot 101 on SP276719, which adjoins the northern boundary and part of the eastern boundary, is a reserve for drainage purposes containing a section of Basalt Gully and a large Council drain which discharges stormwater from Tilse Street.

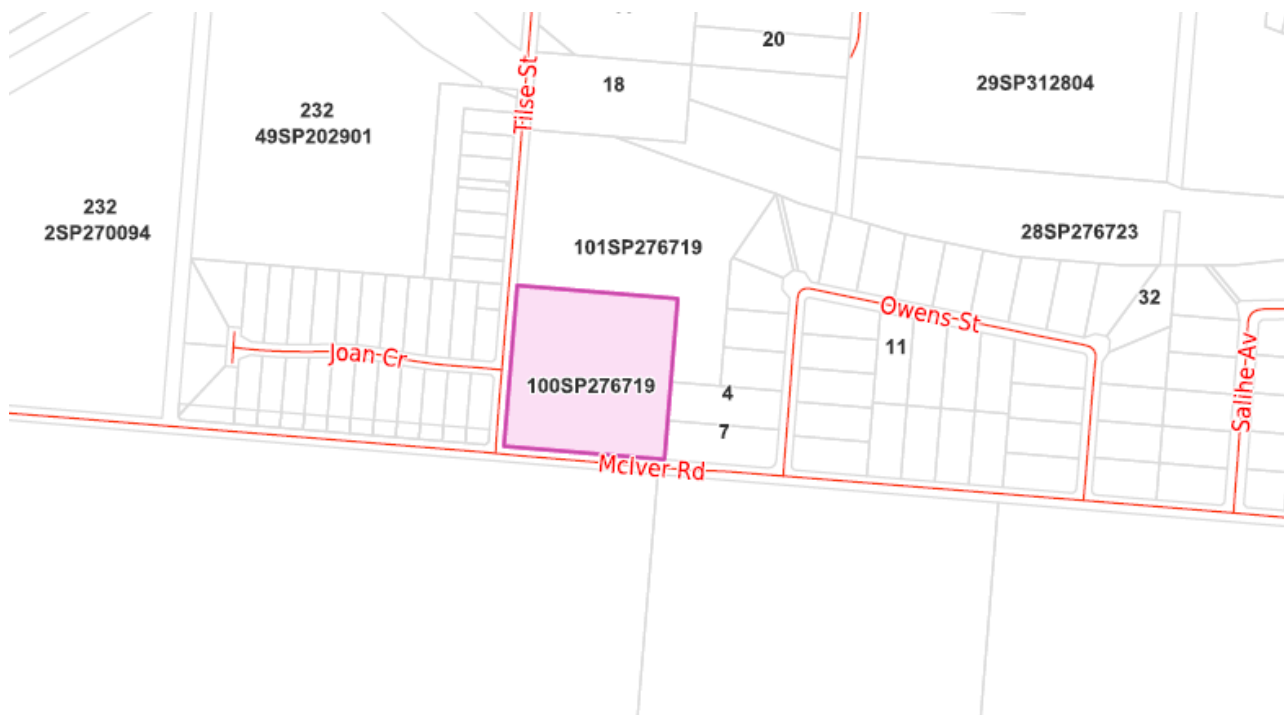
The subject site is able to be serviced by the Mareeba reticulated town water supply and sewer which already service Joan Crescent and Owens Street. Reticulated electricity and telecommunication infrastructure is also established in the immediate vicinity.

Land to the west and east is zoned Low Density Residential. Lot 100 on SP276719 (drainage reserve) is zoned Emerging Community.



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

From 2004 through to 30 June 2016, the subject land was zoned Residential under the Mareeba Shire Planning Scheme 2004.

The reconfiguring a lot component of this current application could have been undertaken as code assessable development if carried out under the Mareeba Shire Planning Scheme 2004.

From the commencement of the Mareeba Shire Council Planning Scheme 2016 on 1 July 2016, the zoning of the subject land became Emerging Community. The sole reason for this back zoning was that the subject land was unallocated State land at the time the new planning scheme was drafted.

The State subsequently sold the subject land to the applicant in 2021.

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks 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 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots) in accordance with the plans shown in **Attachment 1**.

The variation request is effectively a rezoning of the subject site from the Emerging Community zone to the Low Density Residential zone. The variation request will allow for the ongoing development of the subject site and subsequent lots for Low Density Residential purposes consistent with the established development in Joan Crescent, Tilse Street and Owens Street.

The second aspect of this application is the reconfiguration of the subject site into 24 lots. The proposed reconfiguration will result in lots of similar sizes to the existing allotments in the locality.

The proposed areas of the allotments are:

- Proposed Lot 1 - area of 1,845 m²
- Proposed Lot 2 - area of 1,621 m²
- Proposed Lot 3 - area of 1,621 m²
- Proposed Lot 4 - area of 1,621m²
- Proposed Lot 5 - area of 1,621 m²
- Proposed Lot 6 - area of 1,621 m²
- Proposed Lot 7 - area of 1,621 m²
- Proposed Lot 8 - area of 1,621 m²
- Proposed Lot 9 - area of 1,813 m²
- Proposed Lot 10 - area of 1,491 m²
- Proposed Lot 11 - area of 1,616 m²
- Proposed Lot 12 - area of 1,622 m²
- Proposed Lot 13 - area of 1,622 m²
- Proposed Lot 14 - area of 1,622 m²
- Proposed Lot 15 - area of 1,622 m²
- Proposed Lot 16 - area of 1,845 m²
- Proposed Lot 17 - area of 1,845 m²
- Proposed Lot 18 - area of 1,622 m²
- Proposed Lot 19 - area of 1,622 m²
- Proposed Lot 20 - area of 1,622 m²
- Proposed Lot 21 - area of 1,622 m²
- Proposed Lot 22 - area of 1,615 m²
- Proposed Lot 23 - area of 1,490 m²
- Proposed Lot 24 - area of 1,811 m²

The developer has requested the option of carrying out the development in up to six (6) stages of four lots each.

Access will be obtained via upgraded Tilse Street and Mclver Road frontages and via a new internal road built to FNQROC Development Manual standards.

All proposed lots will be connected to all typical urban services.

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' also identifies the site is:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Urban Expansion Area Transport Elements <ul style="list-style-type: none"> • Local Collector Road Natural Environment Elements <ul style="list-style-type: none"> • Biodiversity Areas
Zone:	Emerging Community zone
Mareeba Local Plan:	Precinct J - Mareeba South-western expansion
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Transport Infrastructure Overlay

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

The reconfiguring a lot aspect of the application has been assessed and is recommended for approval.

- (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 consistent with the planning scheme and the subject site's locality.

- (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

The variation request will apply Low Density Residential zone use rights over the subject site.

Development for most non-residential uses will continue to be impact assessable.

- (d) any other matter prescribed by regulation.

Comment

Refer to Planning Regulation 2017 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 and Schedule 12A

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

Schedule 12A Assessment benchmarks for particular reconfiguring a lot (Walkable Neighbourhoods)

4 Connectivity

The reconfiguration provides connectivity for pedestrians by-

- (a) ensuring that any roads constructed or extended in association with the reconfiguration are connected in a grid-like pattern that is responsive to topography and other physical constraints; and
- (b) ensuring that, to the extent topography and other physical constraints reasonably permit, any roads constructed or extended in association with the reconfiguration, or footpaths provided in relation to the reconfiguration-
 - (i) connect to roads and footpaths in surrounding areas; or
 - (ii) allow for connection to future roads and footpaths in surrounding areas.

Comment

The proposed lot layout responds to the topography and physical constraints. A footpath will be conditioned along the new internal road.

5 Maximum length of particular blocks

- (1) The reconfiguration provides for convenient pedestrian movement by ensuring the length of each boundary of a block for the reconfiguration does not exceed the lesser of-
 - (a) a maximum length for a boundary of a block stated in a local assessment benchmark for the reconfiguration; or
 - (b) 250m.
- (2) Subsection (1) does not apply in relation to a block for the reconfiguration that the development application for the reconfiguration states will be subdivided as part of a future stage of development.

Comment

The development complies.

6 Street trees

The reconfiguration provides shade for comfortable walking by-

- (a) if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark; or
- (b) otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.

Comment

The development will be conditioned to comply with the FNQROC Development Manual specification of one (1) tree at the centre of each lot. Planting a higher density of street trees will likely interfere/conflict with the future development of the proposed lots and would potentially see many of the trees left to die or deliberately damaged.

7 Footpaths

The reconfiguration provides for convenient and comfortable pedestrian movement by ensuring-

- (a) for a new road used mainly for providing direct access to a created lot - a footpath is constructed-
 - (i) if a local assessment benchmark for the reconfiguration requires the construction of a footpath on both sides of the new road—on both sides of the road; or
 - (ii) otherwise - on at least 1 side of the new road; or
- (b) for another new road - a footpath is constructed on both sides of the road.

Comment

The development will be conditioned to comply. A footpath will be required on one side of the new internal road.

8 Parks and other areas of open space

- (1) The reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public.
- (2) In this section - ***park*** includes -
 - (a) an existing park; and
 - (b) a park, to be provided under a development approval, if development of the park has started; and
 - (c) land identified as a park in a local planning instrument; and
 - (d) land identified in an LGIP for public park infrastructure.

Applicant's response

The site is within proximity to the large Drainage Reserve that is considered to be informal Open Space accessible to the public. However, it is noted that Council's current position is to take contributions in lieu of providing any additional Parks. Each proposed Residential Allotment is located within 400 metres of this informal Open Space. The Walkable Neighbourhoods note that '*the reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public.*' The adjoining Drainage Reserve is considered to be an acceptable area of open space accessible to the public. If required, a pathway can be provided to the adjoining Drainage Reserve. It is considered in this instance that

Council continues to take Open Space and Park Contributions looking to provide a future park that services the surrounding vicinity and not provided on the outskirts of the Mareeba Township Residential Area. The existing constraints of the site, surrounding Residential amenity, character and nature and its location leans to contributions as a more appropriate outcome for the Shire.

Advices provided from the State Government in relation to the Walkable Neighbourhoods Amended Regulation notes that:

The Planning Regulation 2017 (Planning Regulation) requires that new residential neighbourhoods are assessed against benchmarks for the provision of footpaths, street trees, connect street layout, shorter block lengths and proximity to parks. The assessment manager must assess the development application for the residential subdivision against the assessment benchmarks.

The assessment manager has discretion to determine the extent the benchmarks are relevant to an application. By doing so, the new assessment benchmarks have the flexibility that is required to deal with the many different circumstances encountered by the local government. A planning scheme may set benchmarks that achieve a higher standard than the Planning Regulation prescribes.

The Planning Act 2016 provides for how an assessment manager is to carry out the assessment of a development application. The assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.

In relation to the provision of Parks, the State's Advice noted in bolding that 'As discussed above, the assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.' It is considered that in this instance, given that the proposed Residential Development is on the outskirts of the Mareeba Residential Township, that the provision of Parkland, Footpaths and oversupply of Street Trees are not required. The proposal is in fitting within the existing Residential Amenity, nature and character of the adjacent Joan Crescent and Owen Street Residential Development. It is considered that Council has sufficient flexibility to allow for the proposed Residential Development without having to meet the extent of the benchmarks given the existing constraints of the site.

Comment

Council officers agree with the applicant's response to this particular benchmark and are not recommending that Council condition the provision of a park within this development.

Approximately 65 hectares (35 hectares owned by the current applicant) of Low Density Residential zoned land remains undeveloped in the immediate vicinity of the subject site. Undoubtedly, park areas will be established within these larger parcels when they developed. These larger parcels provide the opportunity to develop park areas with good accessibility, rather than an ad hoc park being conditioned in a residential cul-de-sac.

(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 proposed development supports this outcome.

- (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 proposed development supports this 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 proposed development will comply. The site is serviced by established urban infrastructure and its development for residential allotments represents logical infill development between established residential estates.

- (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 valued, relaxed rural lifestyle, character and scenic qualities of the *rural area* 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

Not applicable.

- (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

Part of the site is within a bushfire hazard area. Development of the site will reduce the fuel load and contain the bushfire hazard to the adjoining drainage reserve (Basalt Gully). Any future buildings on the site can reasonably respond to the remaining 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 development proposed by this application 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

Not applicable.

- (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

Not applicable.

- (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

Not applicable.

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

Comment

Not applicable.

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

Comment

Not applicable.

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 will support 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 is consistent with this outcome.

- (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) Bibbohra, 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

The proposed development is consistent with this outcome.

- (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

The proposed development is consistent with this outcome.

- (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.

Comment

The proposed development is consistent with this outcome.

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

Comment

The proposed development is consistent with this outcome.

- (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

The proposed development is consistent with this outcome.

3.3.8 Element—Urban expansion and investigation areas

3.3.8.1 Specific outcomes

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

Comment

The application proposes to bring forward the residential development of the subject land.

The residential development of the subject land is consistent with the preferred settlement pattern and established adjoining residential locality.

- (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

The proposed development is planned, a logical expansion and can be efficiently serviced by nearby existing infrastructure.

- (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

The larger area of each proposed lot will provide the opportunity for further subdivision at a later date. When re-subdivision ultimately occurs, the nominated density will be achieved.

- (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*.

Comment

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.

Comment

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

The proposed development can comply.

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

Comment

The proposed development can comply.

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

Comment

The proposed 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 affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

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 affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

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 affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

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 affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

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 proposed development will not adversely impact on natural resources and environment.

- (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

Not applicable.

- (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

The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

- (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*.

Comment

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 development will be conditioned to comply at the operational works stage.

- (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

Not applicable.

- (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

The development can be conditioned to comply.

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

Comment

The development can be conditioned to comply at the operational works stage.

3.4.4 Element—Biodiversity areas

3.4.4.1 Specific outcomes

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

Comment

The development will not adversely impact on Basalt Gully.

- (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 development will be conditioned to comply.

- (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 development will be conditioned to comply.

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

Comment

The development 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.

Comment

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 required setback (to Basalt Gully) is provided within adjoining Lot 101 on SP276719.

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.

Comment

The 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

The 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

The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

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

Comment

Not applicable.

- (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.

Comment

Not applicable.

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

Comment

The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

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.

Comment

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

Not applicable.

- (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

The variation request does make provision for possible health care services.

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

The development will comply.

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

Comment

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 re-used 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.

Comment

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

Not applicable.

- (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

Not applicable.

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

The variation request does make provision for possible health care services.

- (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

The development can be conditioned to comply.

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

Comment

The 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

The development can be conditioned to comply.

- (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

The development can 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

The development can be conditioned to comply.

- (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.

Comment

Not applicable.

- (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

The development can 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

The development can be conditioned to comply.

- (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

The 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.

Comment

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 can be conditioned to comply.

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

Comment

The development can be conditioned to comply.

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

Comment

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

The 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

The 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

Not applicable.

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

The development can be conditioned to comply.

- (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.

Comment

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

The 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

Not applicable.

- (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

Not applicable.

- (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

The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

- (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

The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

- (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

Not applicable.

- (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

Not applicable.

- (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

Not applicable.

- (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

The 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

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

- 6.2.4 Emerging community zone code
- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code

- 8.2.4 Environmental significance overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Emerging community zone code	Approval of the variation request (use rights in accordance with Low Density Residential zone will not compromise underlying intent for land in the Emerging Community zone.
Low density residential zone code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Mareeba local plan code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Airport environs overlay code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Bushfire hazard overlay code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Environmental significance overlay code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Landscaping code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Parking and access code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Reconfiguring a lot code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes

	where no acceptable outcome is proposed) contained within the code.
Works, services and infrastructure code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.

(C) 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 any development works be designed and constructed in accordance with FNQROC Development Manual standards.

(D) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 01) of 2021, a levied charge of \$19,764.00 will apply to each additional residential allotment created.

The application proposes the creation of 23 additional residential allotments. Water and sewerage rates are levied on the existing allotment; therefore, a credit is applicable for the 24th allotment.

\$19,764.00 x 23 (lot) = **\$454,572.00**

REFERRAL AGENCY

The application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 19 January 2022 to 4 March 2022. The applicant submitted the notice of compliance on 7 March 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Four (4) properly made submissions were received.

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

Grounds for objection /support	Comment
Development should be required to comply with Planning Regulation - Schedule 12A Walkable Neighbourhoods (ie footpaths, street trees and parks).	Schedule 12A has been considered during the assessment of the development application and the development has been conditioned to comply.

Some form of buffer (in covenant) and 1.8m high colourbond fence should be provided along McIver Road frontage to protect farming activities to the south of McIver Road.	The development has been conditioned to require a buffer and fence.
Submitter is concerned that development may make existing stormwater problems worse.	The development will be conditioned to comply with FNQROC Development Manual standards, including appropriate management of stormwater.
Submitter is concerned that development may reduce water pressure.	The development will be conditioned to comply with FNQROC Development Manual standards for water reticulation.
Submitter is concerned that development may impact on electricity networks	Ergon will specify any necessary upgrades to maintain electricity network reliability.
Submitter is concerned about multiple new driveways impact on traffic safety.	Noted. This is a low speed environment and the proposed driveway arrangement is found throughout Mareeba. Neither frontage road is a collector road and there is no need to limit access.
Will Tilse Street be widened with kerb?	Yes. Both frontage roads will be widened with kerbing.
Will there be a dedicated concrete footpath for pedestrian use?	A concrete footpath will be conditioned for the new internal road only.
Will McIver Road speed limit be changed to default 50km/h?	Speed limits are not conditioned as part of development approvals. Separate mechanisms are available to review speed limits if and when the need arises.
How will telecommunication services be provided to new estate?	The development will be conditioned to require each lot to be serviced with access to the NBN network.
Will a park be provided?	<p>Council officers are not recommending that Council condition the provision of a park within this development.</p> <p>Approximately 65 hectares (35 hectares owned by the current applicant) of Low Density Residential zoned land remains undeveloped in the immediate vicinity of the subject site. Undoubtably, park areas will be established within these larger parcels when they developed. These larger parcels provide the opportunity to develop park areas with good accessibility, rather than an ad hoc park being conditioned in a residential cul-de-sac.</p>

Will street lighting be required?	Yes. Street lighting will be required throughout the proposed development in accordance with the FNQROC Development Manual standards.
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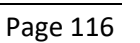
The applicant's response to the submissions is provided as **Attachment 3**.

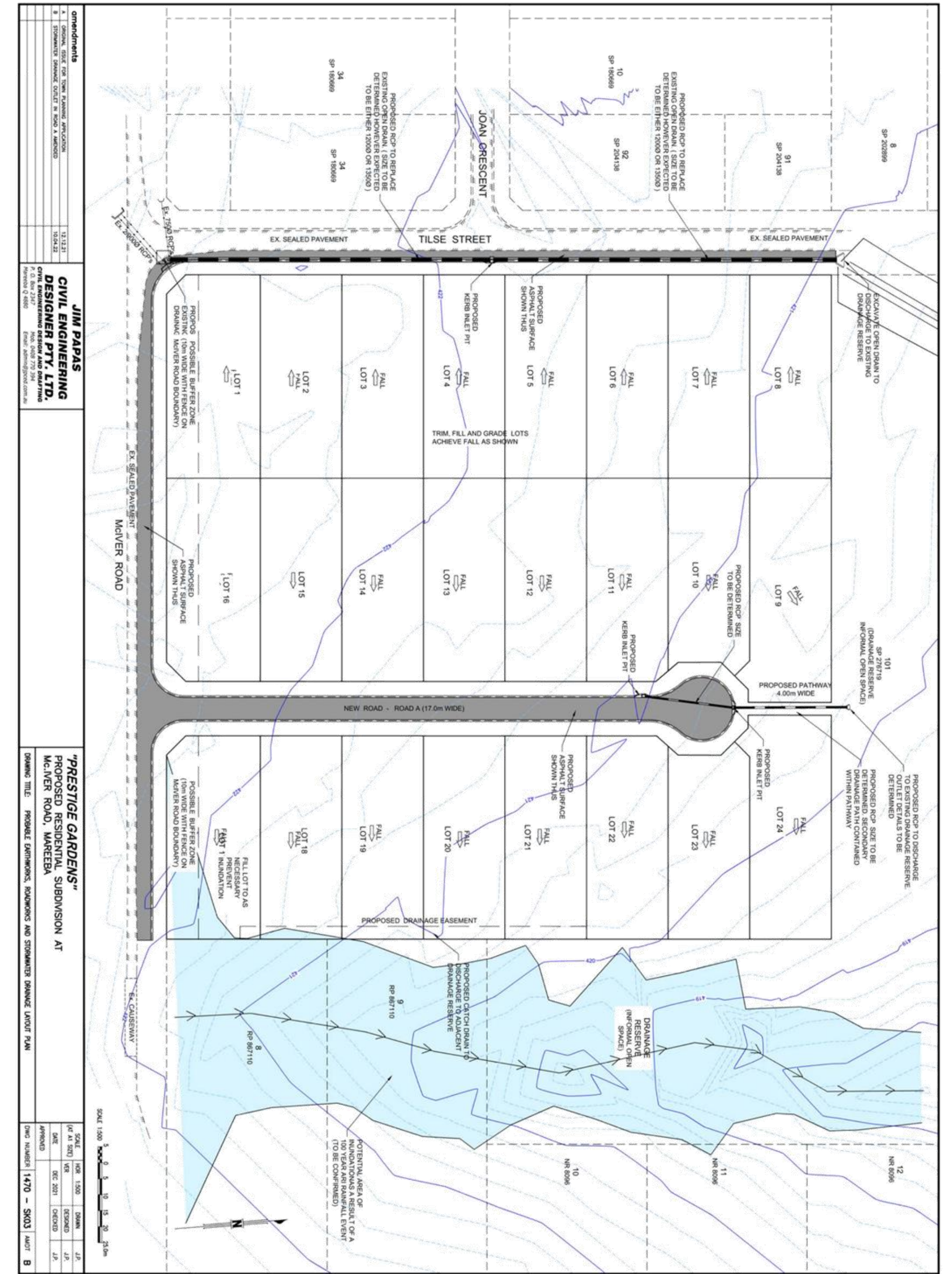
Submitters

Name of Principal submitter	Address
1. BTM&S Stankovich	PO Box 1732, Mareeba QLD 4880
2. S Murat, P Murat & Stelbay Pty Ltd	PO Box 258, Mareeba QLD 4880
3. V & L Schwerdtfeger	PO Box 91, Mareeba QLD 4880
4. D Saul	davesaul35@gmail.com

PLANNING DISCUSSION

Nil





From: "Josh - CQB Services" <josh@cqbsservices.com.au>
Sent: Fri, 25 Feb 2022 16:05:04 +1000
To: "Info (Shared)" <info@msc.qld.gov.au>
Cc: "mick@cqbsservices.com.au"
<mick@cqbsservices.com.au>; "admin@cqbsservices.com.au"
<admin@cqbsservices.com.au>; "blakes@cqbsservices.com.au" <blakes@cqbsservices.com.au>
Subject: PUBLIC NOTIFICATION SUBMISSION - DEVELOPMENT APPLICATION
RAL/21/0024 SUBDIVISION (1 LOT INTO 24 LOTS) - LOT 100 ON SP276719, TILSE STREET AND MCIVER
ROAD, MAREEBA
Attachments: BTM&S Stankovich Pty Ltd Submission_RAL.21.0024 Lot 100 on SP276719 Cnr
Tilse Street and Mclver Road.pdf

Good afternoon,

Please see attached public notification submission of development application RAL/21/0024 (1 Lot into 24 Lots).

Thank you, look forward to hearing back when's convenient.

Kind Regards,

Josh Musumeci
M | 0423 063 140



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25 February, 2022

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

Attention: Carl Ewin – Town Planning Department

Dear Sir,

**RE: PUBLIC NOTIFICATION SUBMISSION – DEVELOPMENT APPLICATION RAL/21/0024
APPLICATION FOR A PRELIMINARY APPROVAL USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY
RESIDENTIAL ZONE AND RECONFIGURING A LOT – SUBDIVISION (1 LOT INTO 24 LOTS)
LOT 100 ON SP276719, TILSE STREET AND MCIVER ROAD, MAREEBA.**

We, BTM&S Stankovich Pty Ltd of 4 Bowers Street Mareeba Qld 4880 and PO Box 1124 Mareeba Qld 4880 provide the following Submission which is provided in relation to the Preliminary Approval and Reconfiguration that is currently under Public Notification being Development Application RAL/21/0024 located on Tilse Street and McIver Road, Mareeba.

Firstly, BTM&S Stankovich Pty Ltd wants to expressly note that they do not in any way oppose the Development of this site. Rather, we consider that the Development along McIver Road and within the Shire is progressive and aids in cementing the growth of the Mareeba Shire provided that any Development is appropriately designed and Conditioned to an acceptable standard of Development.

Whilst we do not oppose this development, we have noticed this Application has not been held to the same requirements that BTM&S Stankovich Pty Ltd have been Conditioned recently in relation to future Stages of Amaroo Estate, being Merindah Close, Stage 13 and beyond. BTM&S Stankovich believe there should always be a “level playing field” and Council should consistently hold all developers to the same relevant policies, requirements, and conditions which we believe has not yet occurred i.e., Schedule 12A of Planning (Walkable Neighbourhoods Amendment Regulation 2020).

It is understood that the proposed Preliminary Approval is for the Use Rights over the site, in accordance with the Low Density Residential Zone, which is the same Use/Zoning Amaroo Estate currently contains. Whilst the Development Application subdivides the site into 24 larger Low Density Residential Allotments greater than 1,530 m², these allotments are still proposed to be provided as Low Density Residential Zone Uses. We are querying the fact that for some reason it seems Council has not required this Development to comply with or address Schedule 12A (Walkable Neighbourhoods). In our most recent Development Application MCU/21/0009, BTM&S Stankovich were required under Schedule 12A to provide Footpaths & Street Trees in addition to discussions relating to the provision of Parks within our next Stage/s. This requirement for the provision of Park/s on top of Footpaths, Street Trees and etc (Walkable Neighbourhood requirements), which obviously significantly increases the cost of development, BTM&S Stankovich willingly complied as we believe this type of Infrastructure encourages a sense of community/family friendly perception around Amaroo Estate and would even benefit the entire Shire once other developers begin to also comply. However, even though this Application meets all the

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Version: 1, Version Date: 25/02/2022

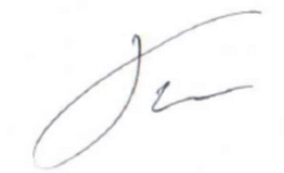
criteria of Schedule 12 A (Attached Part 1 "Application of Schedule" Pg.3) the fact that Council seems to not be requiring assessment of this Policy within this Application under the same guise that BTM&S Stankovich were with Merindah Close and will be within future stages of Amaroo Estate, is unfair to say the least.

To reiterate, BTM&S Stankovich expressly notes that we do not oppose this Development and are supportive of Development within the Shire that is appropriate, progressive and aids in cementing the growth of the Mareeba Shire provided that any Development is appropriately designed and Conditioned to an acceptable standard of Development consistent with other Development within the Shire. However, this Submission is to request that these requirements and fair standards be provided across the Shire as these Standards and Policies provide appropriate Infrastructure that encourages a sense of community/family friendly perception within not only Residential Areas but within the entire Shire.

As in all facets of life, for all parties involved, the Shire and its residents, there must always be a level and/or fair "playing field" which presently (in our eyes) seems to not exist.

Yours Sincerely,

Josh Musumeci

A handwritten signature in dark ink, appearing to be 'Josh', written in a cursive style.

pp. BTM&S Stankovich Pty Ltd

Planning (Walkable Neighbourhoods) Amendment Regulation 2020

[s 6]

Schedule 12A Assessment benchmarks for particular reconfiguring a lot

schedule 10, part 14

Part 1 Preliminary

1 Application of schedule

- (1) This schedule applies to reconfiguring a lot if—
- (a) the reconfiguration is the subdivision of the lot into 2 or more lots (each a *created lot*); and
 - (b) the lot being reconfigured is wholly or partly in a prescribed zone under a local instrument applying to the lot; and
 - (c) no part of the lot being reconfigured is in either of the following zones under a local instrument applying to the lot—
 - (i) a rural residential zone stated in schedule 2;
 - (ii) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to a zone mentioned in subparagraph (i); and
 - (d) at least 1 created lot is intended mainly for a residential purpose; and
 - (e) the reconfiguration is associated with the construction or extension of a road.

- (2) In this section—
prescribed zone means—

Planning (Walkable Neighbourhoods) Amendment Regulation 2020

[s 6]

- (a) any of the following zones stated in schedule 2—
 - (i) general residential zone, low density residential zone, low-medium density residential zone, medium density residential zone, high density residential zone, character residential zone or tourist accommodation zone;
 - (ii) emerging community zone;
 - (iii) mixed use zone; or
- (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to a zone mentioned in paragraph (a).

2 Definitions for schedule

In this schedule—

block, in relation to reconfiguring a lot, means an area consisting of 2 or more adjacent created lots for the reconfiguration.

created lot see section 1(1)(a).

local assessment benchmark, for reconfiguring a lot, means an assessment benchmark for the reconfiguration stated in a local categorising instrument applying to the lot.

new road, in relation to reconfiguring a lot, means—

- (a) a road constructed in association with the reconfiguration; or
- (b) the extended part of a road that is extended in association with the reconfiguration.

road does not include—

- (a) a laneway; or
- (b) a pedestrian or bicycle path.

26 February 2022



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

Attention: Carl Ewin
Town Planner

Dear Sir,

**RE: PUBLIC NOTIFICATION SUBMISSION – DEVELOPMENT APPLICATION RAL/21/0024
APPLICATION FOR A PRELIMINARY APPROVAL USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY
RESIDENTIAL ZONE AND RECONFIGURING A LOT – SUBDIVISION (1 LOT INTO 24 LOTS)
LOT 100 ON SP276719, TILSE STREET AND MCIVER ROAD, MAREEBA.**

We, Skender Murat, Plum Murat and Stelbay Pty Ltd of 259 – 267 McIver Road, Mareeba being Lot 73 on SP292140 provide the following Submission in relation to the Preliminary Approval and Reconfiguration that is currently under Public Notification, being Development Application RAL/21/0024 located on Tilse Street and McIver Road, Mareeba.

It is noted that although we do not object to the redevelopment per se, we do insist that the redevelopment does not negatively impact on our right to farm and to operate as a commercial farming enterprise. Aspects of our day-to-day farming operations include the provision of dust, noise, and chemical use. In addition to this, sugar cane harvesting occurs at all times, day and night, with B-Double trucks collecting the said harvested sugar cane using McIver Road at all hours for a period of 6 months. It is noted that we responsibly use Agricultural herbicides, fungicides, and pesticides. The subject redevelopment is immediately north and completely parallel to our Farming Operations.

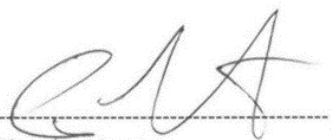
Whilst the proposal is for the provision of large Residential Allotments, these allotments are still Residential Allotments and in particular are proposed as Low Density Residential Use Allotments. The protection of our current and future farming operations is of utmost importance and given this, we insist that the redevelopment ensure the protection of these practices. It is insisted that the establishment of some form of buffering be provided with the redevelopment of the site, for example the required provision of a 15 metre Buffer Zone aligning McIver Road, exclusive of the width of McIver Road. This is similar to the existing buffer zone on a previous redevelopment adjoining Tilse Street to the west and also the proposed redevelopment of the Leighton farm adjoining our farm to the East. This suggested Buffer Zone or and buffer should be vegetated by appropriate plants, spacings and density as recommended by an appropriate Queensland Government Department or the like. The developer should ensure that the buffer contains the necessary irrigation system and weeding/mowing attention to ensure the plants are cared for by the developer until each block is sold.

Further to the suggested/requested abovementioned conditions, this Buffer Zone should be included as an Easement/Covenant for those adjacent Residential Allotments and a Legal Covenant in place that is transferable through contracts of sale further ensuring a duty of care on the owners and future owners towards the maintenance of the Buffer Zone and the vegetation provided within.

As a further protection and to safeguard against future complaints in relation to our Rural Activities, the condition be imposed of a Colorbond Fence, complying with Council Regulations, of at least 1.8 metres high, being constructed along McIver Road.

In summary, whilst we, Skender Murat, Plum Murat and Stelbay Pty Ltd, do not object in principle to the redevelopment of Lot 100 on SP276719, it is requested that Council guarantee that the proposed development does not negatively impact on our present and future ability to appropriately operate a Commercial Farming Enterprise. The aforementioned suggestions and requests are to aid Council in ensuring that appropriate development can be undertaken in proximity to existing Rural Activities.

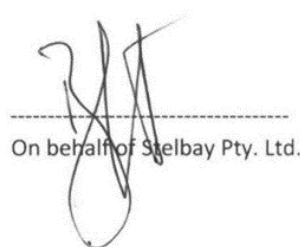
Yours sincerely,



Skender Murat



Plum Murat



On behalf of Stelbay Pty. Ltd.

01/03/2022

Assessment Manager
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880



Dear Sir

**Submission in relation to proposed 24 lot subdivision at the corner of Tilse Street and
McIver Road Mareeba - RAL/21/0024**

This submission is not an objection but a request that there be a requirement for a vegetation buffer or some other separation area between the proposed development RAL/21/0024 and the adjacent intensively farmed land on Lot 73 SP292140 in McIver Road Mareeba.

The same intensively farmed property is opposite the rear boundaries of the odd-numbered properties in Joan Crescent Mareeba. These properties are long and narrow (north-south orientation), with the houses set to the fronts of the properties in Joan Crescent, approximately 60 or 70m from the farm boundary. It's noted that these Joan Crescent properties also have the benefit of 20m deep easements/covenants at the rear for an area which is reserved as a vegetation buffer. It is unclear whether this was a condition required by Council, offered by the developer (also Sibi Girgenti), or requested by the adjoining farming enterprise. It seems to be a sensible requirement, given the close proximity of the nearby farming property and we believe similar protection should be extended to the new development.

The design of the currently proposed subdivision results in 3 of the properties on the McIver Road side of the development having long boundaries within just 20m of the farm boundary (basically just the width of the road reserve) and another 3 within 45m of the farm boundary. These properties are aligned in an east-west direction (the opposite direction to the ones in Joan Crescent) and there is no ability to build in a different location on the lots so the houses are further away from the farming property. Perhaps a redesign of the development so properties are in a north-south alignment could overcome this shortcoming. Approval of the current layout would leave occupants with very little buffer to protect them against dust, noise, boom irrigation lighting and odour from the intensively farmed property. It may also result in land use conflict and constrain the farming enterprise from undertaking its normal and necessary activities and future projects.

Since moving to Joan Crescent two years ago, we have noticed noise from the farming property, including cane harvesting and haul bins, diesel engines and pumps to transfer water from channel to crops, boom irrigation and farm machinery and equipment. The noises are most noticeable at night, but fortunately it does not often disturb us as our house is 150m from the farm. These impacts are, however, likely to affect the occupiers of this proposed development.

As a matter of interest, aerial crop sprayers operate in our area, but it's not clear whether the farm uses these services at this time. Civil Aviation Order 20.21 prohibits aircraft flying closer than 100m to a private dwelling. The intensively farmed property is currently under sugar cane, but what crops may be grown in the future and what constraints will be placed on their land use due to a poorly planned development?

It is understood that *State Planning Policy - state interest guideline: Agriculture* requires that the long-term viability of agriculture in the shire be supported and that location of non-agricultural development on or adjacent to ALC Class A land should be avoided. Separation areas between rural industries and other land uses are recommended to protect agricultural production capacity, not to mention to mitigate impacts from the agricultural activities on the amenity or use of the occupants of the development. In this case, what is proposed is a residential development just 20m from a farm boundary. The layout of the subdivision as it stands increases the potential conflict between agricultural land and sensitive land uses.

For the above reasons, it is suggested that the development should be redesigned to allow for an appropriate vegetation buffer or separation area between it and the farming property. This would mitigate most of the potential impacts, and benefit both the farming enterprise and the residents who build in this proposed development.

Yours faithfully



V & L Schwerdtfeger
PO Box 91
Mareeba Qld 4880

From: "Planning (Shared)" <planning@msc.qld.gov.au>
Sent: Mon, 7 Mar 2022 13:22:56 +1000
To: "Planning (Shared)" <planning@msc.qld.gov.au>
Subject: FW: Submission re proposed land development RAL/21/0024
Attachments: submission MSC.pdf

From: Dave saul <davesaul35@gmail.com>
Sent: Friday, 4 March 2022 4:26 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Submission re proposed land development RAL/21/0024

Thank you

Dave SAUL

Sent from Dave's phone

Good morning.

This submission is in regard to the proposed development of 24 lots of residential land at the intersection of Mclvor Road and Tilse Street, Mareeba. This proposed land development is approximately 10 acres.

Lot 100 on SP276719

Application ref: RAL/21/0024

The primary concern of most residents in the area is the risk of flooding on Tilse Street, Joan Crescent and Mclvor Road.

In recent years Mareeba Shire Council had undertaken drainage works running between Mclvor between Road and Joan Crescent. This flows under the intersection with Tilse and Mclvor and continues through a large open drainage channel for approximately 400 meters until it joins the creek running between 31 and 29 Tilse Street east into vacant land.

This area in front of 29 and 31 is subject to flooding and stormwater build-up in medium and heavier rain events. This point is also receives all the water runoff from farmland to the west of Tilse Street and the farmland to the south of Mclvor Rd.

I have been advised that in the last 3 weeks in recent rain events the rear of properties adjoining Joan Crescent have experienced flooding due to backed up storm water from Mclvor Road. Joan Crescent has also experienced localised flooding due to backed up street water drainage from the intersection with Tilse Street.

I know personally the runoff from the farmland to the rear of my property has almost flooded my house in heavy rainstorms and if the street drainage suffers anymore then property will be damaged as I am higher than several other properties in the street.

Current residents have concerns regarding the capability of current storm water drainage in the area. We also have major concerns that the proposed 8 driveways from the development will further impinge on the stormwater drainage system. This drain has reached its capacity several times already this year and any building of driveways or impediment to the flow of water will result in flooding in Joan and Tilse streets and cause property damage and flooding within homes. This flooding will of course also damage the roads and possibly infrastructure in the area including underground phone, power, sewerage etc. Flooded roads are of course also a safety issue for motorists and pedestrians. I have video of the drain at capacity from the 3rd of February 2022 if council wishes to view it.

In looking at the proposed development there appears to be a small area devoted in the drawings for rainwater drainage at the rear of the development on the eastern side. Will this be satisfactory in regard to the development of 24 homes and developed flat land that will increase the amount of rainwater runoff in the area. There also appears to be no proposed drainage between the 16 properties numbered 1-16. If sites 1-8 are proposing to drain into the current table drain on Tilse Street will this be big enough to handle the extra water levels?

Will the heavy vehicle bypass be going ahead in the future and if so will this affect stormwater drainage in the area?

In regard to sewerage, I am unaware of any issues.

Regarding water supply the pressure in homes in this area is very weak and we would hope that any necessary upgrades to the water infrastructure would be considered in regard to the proposed extra houses.

Regarding electricity supply I assume that the new estate will be accessing power from Mclvor Road. When I first moved into this area Ergon had extensive problems with electricity regulation in the area as the transformers were required to provide electricity to the far end of Mclvor Rd and the Joan Crescent/ Tilse Street area. In approximately 2010/11 I had Ergon monitor the voltage to my area from the transformer at the intersection of Tilse and Joan Crescent which was running at over 260 volts in an attempt to provide serviceable power to the end of Mclvor Road. I will assume another 24 houses will extensively impinge on the local electricity network and will be addressed in planning.

Regarding the proposed 8 driveways entering onto Tilse Street and the 16 residences from the proposed new street entering onto Mclvor Rd.

How will this development interact with the Mareeba Shire Council's traffic plan for the area?

Lot One will be very close to the corner of Tilse and Mclvor and may have visibility and clearance issues as no one turning right from Mclvor Rd into Tilse Street stays to the correct side of the road.

Lots 4 and 5 have their driveways in close proximity to the Joan Crescent/Tilse Street intersection which may be a safety hazard that close to an intersection.

Residents are also concerned that the 8 driveways will impinge on the current roadway. Tilse Street is used as a back way into town and police have reported and detected multiple high speeds from people transiting the area as well as increased traffic at known times including early mornings, school times with people accessing St Stephens school, school buses which take up much of the roadway. There has also been an increase in farm labourer traffic attending farms in the area.

At this time Tilse Street is a dual lane bitumen carriageway separated with road markings. The total width is 6.20 meters with an additional 40 centimetres of curbing on the western side. The eastern side of the road is not curbed and almost immediately drops into the table drain and I suspect will require extensive modifications to the drain to provide curbing and support for driveways. Any attempt to install concrete culverts will restrict water flow and immediately lead to serious flooding throughout the area.

There is no provision for safe parking on the roadway which forces residents to park on the nature strip outside current residences which I believe obstructs the pedestrian traffic. Will there be any consideration to widening the road for parking, curbing and channelling on the eastern side of Tilse Street and any extra street lighting?

Will there be a dedicated concrete footpath installed for pedestrian traffic for use by school kids etc?

School buses frequently stop on Tilse Street and this obstructs the flow of traffic. For consideration of a dedicated bus stop at both ends of the street for the safety of children.

Is there any provision for parks and play areas within the development for children and families etc or due to lot size is this not required?

How will phone and internet services be provided to the new estate?

Will Mclvor Road be changed to a default 50 kph zone due to the increase in residential traffic. This will help reduce the incidence of speeding within the St Stephens school zone and provide uniformity of traffic regulations within the residential neighbourhood.

Will street lighting, curbing and channelling and increased drainage be considered for Mclvor Rd. The causeway adjacent to the proposed development does regularly flood and traffic is forced to divert down Tilse St.

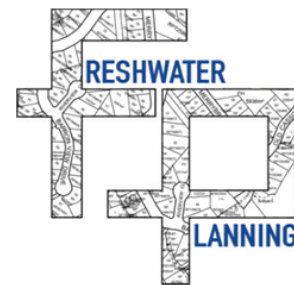
Are residents at the western end of Owens Street and the southern end of Beams Street expected to have any flooding issues.

Thank you for your consideration on these issues.

Regards

Dave SAUL

Your Ref: MCU/21/0024
Our Ref: F21/36



05 April, 2022

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

Brian Millard
Regional Planning Group

Dear Sir,

**RE: RESPONSE TO PUBLIC NOTIFICATION SUBMISSIONS
APPLICATION FOR A MATERIAL CHANGE OF USE – PRELIMINARY APPROVAL TO VARY THE
EFFECT OF THE PLANNING SCHEME – USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY
RESIDENTIAL ZONE AND A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – SUBDIVISION
(1 LOT INTO 24 LOTS). LOT 100 ON SP276719, TILSE STREET AND MCIVER ROAD, MAREEBA.
DEVELOPMENT APPLICATION RAL/21/0024.**

The following is provided in Response to the Public Notification Submissions received in relation to the Development Application MCU/21/0024 located on Tilse Street and McIver Road, Mareeba during the Public Notification Period.

In relation to the received Submissions, they were generally similar in items of concerns and the following has been provided in summary to the Town Planning Concerns with regards to the Submissions. Response to the general topics as outlined within the Public Notification Submissions, please note the following:

Buffering to Adjoining Agricultural Uses

The Submissions in relation to the adjoining Agricultural Land Use are not in object to the proposed Development provided that the Subdivision *'does not impede the adjacent Rural Allotments right to farm and operate as a commercial farming enterprise'*. It is noted that the Owen Street Residential Development is not provided with any Buffer separating the existing Residential Area from the adjacent Rural Allotments. The Joan Crescent Residential Development is provided with a 20 metre wide buffer fronting McIver Road only. Recent Aerial Imagery clearly demonstrates that the majority of this Vegetated Buffering has been removed, died or replaced with structures and vegie gardens and the likes. The attached Amended Sketch Plan from Jim Papas Civil Engineering Designer Pty Ltd demonstrates the provision of a 10 metre wide Buffer Zone and the provision of a Solid Fence fronting McIver Road. It is understood that the Solid Fencing is expected to be 1.8 metres in height. The provision and accommodating of the Buffering have resulted in the Amended Reconfiguration Layout as per attached.

It is noted that the proposal is for the provision of larger Residential Allotments of similar size to those of Joan Crescent and Owen Street, limiting the density of Residential Allotments adjacent to Rural Activities. The proposal provides for three allotments fronting McIver Road which are adjacent to the Rural Activities on the southern side of McIver Road. This ensures that limited larger Residential Allotments will be affected by any adjacent Rural Activities.

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

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

It is considered that the provision of a Solid Fence fronting McIver Road and the provision of a 10 metre wide Vegetated Buffer appropriate and acceptable to ensure the protection of the Rural Activities adjacent to the site, whilst providing the Residential Development with an appropriate level of protection from any noise, dust and sprays. It is noted that other Shires on the Tablelands have provided this similar buffering for Residential Development adjacent to Rural Activities (Atherton Rise Estate – Weaver Street, Atherton). It is considered that the 20 metre wide Road Reserve of McIver Road in addition to the provision of a Solid 1.8 metre Fence and 10 metre wide Vegetated Buffer is acceptable and appropriate in this instance to provide sufficient separation between the Residential and Rural Activities. The proposed Buffering and Fencing will ensure to mitigate against any dust, noise and spray drift ensuring the protection of the Rural Allotments right to farm and operate and a commercial farming enterprise. It is accepted that the provision of a Solid Fence and 10 metre wide Vegetated Buffer provides for greater protection than the Submissions request for a 15 metre wide buffer. It is considered that the Solid Fencing in addition to the 10 metre Vegetated Buffer will ensure to protect the Residential Allotments from any impacts of the adjoining Rural Activities whilst allowing for the Rural Activities to not be impeded by the Reconfiguration and is acceptable. The proposed amelioration is aimed to ensure that this buffering remains in place for its life (achievable maintenance), unlike the 20 metre wide Vegetated Buffering that for the majority has been removed from the Joan Crescent development.

Page
2

Walkable Neighbourhoods Amended Planning Regulation

In response to the Submission in relation to the Walkable Neighbourhoods, it is firstly noted that this Submissions *'wants to expressly note that they do not in any way oppose the Development of this site. Rather, we consider that the Development along McIver Road and within the Shire is progressive and aids in cementing the growth of the Mareeba Shire provided that any Development is appropriately designed and Conditioned to an acceptable standard of Development.'* An assessment against the relevant aspects of the Amended Regulation is provided as follows:

Maximum length of particular blocks

The proposed development is for the creation of 24 additional larger Residential Allotments with the requirement for the construction of a single internal road with a length less than 250 metres (approx. 182 metres). The proposal is an Infill Development and the site physically constrained.

Street trees

Street trees can be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping, if required. The existing benchmarks are considered appropriate for the locality.

Footpaths

The site is bounded by McIver Road and Tilse Street. Both of these roads are not provided with a pedestrian footpath nor are the Joan Crescent or Owen Street Developments. It is noted that no internal roads within the immediate or surrounding vicinity are provided with pedestrian footpaths. It is considered appropriate and acceptable that the provision of a pedestrian footpath is not required with this proposed development and will keep with the existing amenity of the surrounding Residential Estates whilst achieving appropriate and acceptable Connectivity.

It is understood that the State Government's requirement for the Walkable Neighbourhoods is to *ensure the reconfiguration supports convenient and comfortable walking for transport, recreation, leisure and exercise in the locality of the lot.* Any implementation of a Footpath will lead to nowhere not connecting the site to anything. The proposal is considered to be infill development on the outskirts of the Mareeba Residential Township with

limited connectivity. Each proposed Residential Allotment is greater than 1,490 m² in size and contains sufficient area for recreation and leisure.

Freshwater Planning Pty Ltd understands that the FNQROC Development Manual (Table D1.1 Street and Road Hierarchy) within Cairns, Douglas and the Cassowary Coast Councils contain the provision of an Access Place with a catchment size of 0 – 25 Dwellings not to require the provision of a Footpath. As the proposal is to provide 16 Dwelling Houses fronting the new Internal Road, it is considered further appropriate that the provision of a pedestrian footpath is not required within this instance. Page 3

Parks and other areas of open space

The site is within proximity to the large Drainage Reserve that is considered to be informal Open Space accessible to the public. However, it is noted that Council's current position is to take contributions in lieu of providing any additional Parks. Each proposed Residential Allotment is located within 400 metres of this informal Open Space. The Walkable Neighbourhoods note that '*the reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public.*' The adjoining Drainage Reserve is considered to be an acceptable area of open space accessible to the public. If required, a pathway can be provided to the adjoining Drainage Reserve. It is considered in this instance that Council continues to take Open Space and Park Contributions looking to provide a future park that services the surrounding vicinity and not provided on the outskirts of the Mareeba Township Residential Area. The existing constraints of the site, surrounding Residential amenity, character and nature and its location leans to contributions as a more appropriate outcome for the Shire.

Advices provided from the State Government in relation to the Walkable Neighbourhoods Amended Regulation notes that:

The Planning Regulation 2017 (Planning Regulation) requires that new residential neighbourhoods are assessed against benchmarks for the provision of footpaths, street trees, connect street layout, shorter block lengths and proximity to parks. The assessment manager must assess the development application for the residential subdivision against the assessment benchmarks.

The assessment manager has discretion to determine the extent the benchmarks are relevant to an application. By doing so, the new assessment benchmarks have the flexibility that is required to deal with the many different circumstances encountered by the local government. A planning scheme may set benchmarks that achieve a higher standard than the Planning Regulation prescribes.

The Planning Act 2016 provides for how an assessment manager is to carry out the assessment of a development application. The assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.

In relation to the provision of Parks, the State's Advice noted in bolding that '*As discussed above, the assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.*' It is considered that in this instance, given that the proposed Residential Development is on the outskirts of the Mareeba Residential Township, that the provision of Parkland, Footpaths and oversupply of Street Trees are not required. The proposal is in fitting within the existing Residential Amenity, nature and character of the adjacent Joan Crescent and Owen Street Residential Development. It is considered that Council has sufficient flexibility to allow for the

proposed Residential Development without having to meet the extent of the benchmarks given the existing constraints of the site.

It is considered that the proposed Subdivision is acceptable and appropriate and is not considered to conflict with the Intent and future planning of the Low Density Residential Zone. The proposed development is considered to provides for adequate amelioration while not significantly affecting the surrounding amenity and character. The proponent has gone to significant lengths to protect the amenity of the site and adjoining Residential Estates and Rural Activities, with the attached Amended Sketch Plan, as it is in their best interests. Page 4

Yours faithfully,



MATTHEW ANDREJIC

FRESHWATER PLANNING PTY LTD

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A: 17 Barron View Drive, FRESHWATER QLD 4870

8.4 COUNCIL POLICY REVIEW**Date Prepared: 4 March 2022****Author: Manager Development and Governance**

Attachments:

- 1. Sewer Overflow Policy**
- 2. Advertising Spending Policy**
- 3. Audio Data Collection Policy**
- 4. Revenue Policy**
- 5. Standard Requirements for Public Liability Insurance for Approval Holders**
- 6. Body Worn Camera Policy**
- 7. Water Restriction Policy**
- 8. Road Closure Policy**
- 9. Use of Council Controlled Roads 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. Repeal the
 - (a) Sewer Overflow Policy – adopted 18 November 2020;
 - (b) Advertising Spending Policy – adopted 19 April 2017;
 - (c) Body Worn Camera Policy – adopted 19 June 2019;
 - (d) Audio Data Collection Policy – adopted 16 December 2020;
 - (e) Revenue Policy – adopted 21 April 2021;
 - (f) Standard Requirements for Public Liability Insurance for Approval Holders – adopted 19 February 2020; and
 - (g) Water Restriction Policy – adopted 19 May 2021.
2. Adopt the
 - (a) Sewer Overflow Policy;
 - (b) Advertising Spending Policy;
 - (c) Body Worn Camera Policy;
 - (d) Audio Data Collection Policy;
 - (e) Revenue Policy;
 - (f) Standard Requirements for Public Liability Insurance for Approval Holders;
 - (g) Water Restriction Policy;

- (h) Use of Council Controlled Roads Policy; and
- (i) Road Closure Policy.

BACKGROUND

Sewer Overflow Policy

Content remains current and relevant for a further term. Minor amendments have been applied to the responsible officer header and expiry review period on section 9.

Advertising Spending Policy

Content remains current for a further term. Minor amendments have been applied to the scope section to accommodate changes in section references contained in the *Local Government Regulation 2012* (Qld), section 4 to accommodate changes to the definition of the term advertising.

Body Worn Camera Policy

Whilst content and intention remain relevant, the policy has been extensively amended and footnoted for consistency with Council's more recent policies which deal with capture of audio and image data. Further amendments have been applied to correct formatting, reorder sections to align with current Council's policy templates, condense paragraphs and update terminology throughout.

Audio Data Collection Policy

Content remains current for a further term. Minor amendments have been applied to the responsible officer header and formatting.

Revenue Policy

In preparation of the 2022/23 Budget, Section 193(3) of the *Local Government Regulation 2012* (Qld) provides: *"A local government must review its revenue policy annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year."*

Standard Requirements for Public Liability Insurance for Approval Holders

Policy content remains current and relevant with minor single word operator applied to paragraphs one, section 1, addition of the words '(Certificate of Currency)' in section 3- and single-word operator applied to the Exemptions header section 3.

Water Restriction Policy

Content remains current for a further term. Nil amendments applied.

Use of Council Controlled Roads Policy

This instrument establishes a formal position on assessment of requests from the public for temporary use of Council controlled roads for a defined purpose. The policy defines the circumstances under which Council may consider such requests and the principled approach to be applied in the context of each request.

Road Closure Policy

This instrument establishes a formal position to be applied to circumstances where Council receives a request from the State for Council views and or requirements relevant to an application from a member of the public for a road closure – permanent or temporary. The policy sets out the principled approach to be applied in the context of each request and defines the grounds upon which Council will not support an application for road closure.

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

Policy library and website updated to publish.



Sewer Overflow Policy

Policy Type	Council Policy	Version:	3.0
Responsible Officer	Manager Water and Waste	Date Approved:	20/04/2022
Review Officer:	Manager Water and Waste	Review Due:	20/03/2026
Author:	Water & Waste Technical Officer	Commencement:	20/04/2022

1. PURPOSE

To provide the framework for discharge of Council's compliance obligations under the *Environmental Protection Act 1994* (Qld) (EP Act) as applies to the management of sewer releases to the environment.

2. SCOPE

This policy applies to releases that may occur from Council's sewage pump stations, overflow structures and other ancillary assets in sewage networks as a result of:

- Excessive rainfall;
- System blockages;
- Power failure;
- Accidental damage to, or failure of, pump stations or ancillary equipment;
- Planned shutdown of equipment; or
- Other emergencies

These are typically known as sewer overflows.

3. BACKGROUND/SUPPORTING INFORMATION

The EP Act requires that Council take all reasonable and practicable steps to prevent or minimise the environmental harm caused by its activities.

Council holds an Environmental Authority under the EP Act¹ for the operation of the environmentally relevant activities for sewer pump stations that have a capacity to pump out more than 40 kL in an hour, and sewage treatment, inclusive of sewer pump sub-stations.²

Council has two sewage treatment networks comprised of reticulation, sewer pump stations, manholes and the treatment plants. The authorised sewer pump stations with greater than 40kL per hour capacity are as follows:

¹ *Environmental Authority EPPR01792213.*

² See *Environmental Protection Regulation 2019* (Qld) sch 2 s 63.

Sewer Overflow Policy

PUMP STATION DESCRIPTION	OVERFLOW LOCATION
Barang Street, Kuranda	Jum Rum Creek
Myola Road, Kuranda	Open gully
Atherton Street, Mareeba	Barron River
Robins Street, Mareeba	Granite Creek
Eccles Street, Mareeba	Granite Creek
Keneally Road, Mareeba	Unnamed tributary flowing to Barron River
Palm Close, Mareeba	Open gully flowing to Barron River
Ceola Drive, Sunset Park, Mareeba	Open gully flowing to Barron River

There are a number of sewer pump sub-stations that also have dedicated overflow points. Sewage infrastructure is normally designed to overflow as a safety feature and overflows can occur in both dry and wet weather conditions due to a variety of causes. This reduces backups and overflows at random uncontrolled locations and serves to minimise potential health risks.

4. POLICY STATEMENT

4.1 CONTINGENCY PLAN

Sewer overflows will be managed in accordance with Council's *Sewerage Incident Emergency Response Manual* (Emergency Response Manual) which sets out detailed procedures for handling of overflow events. Council implements a 24 hour/7 day per week *Emergency Response Plan* (ERP)³ for overflow events. The ERP includes:

- Flow charts of Emergency Response Plans; and
- Detailed Incident Response Plans; and
- Remediation and clean-up plans; and
- Incident Debrief Plan; and
- Improvement Plans

The ERP deals with sewer overflows caused by:

- Excessive rainfall;
- System blockages;
- Power failure;
- Accidental damage to, or failure of, pump station or ancillary equipment;
- Planned shutdown of equipment; or
- Other emergencies

Council will ensure that adequate resources are available to carry out the necessary works.

4.2 PREVENTATIVE MANAGEMENT

Mareeba Shire Council will practice preventative management of the sewer system. This will involve ensuring that:

- The Council's wastewater infrastructure is maintained in a sustainable manner to minimise environmental impact.

³ See *Sewerage Incident Emergency Response Manual* (MSC) s 3.

Sewer Overflow Policy

- The relevant Council plan is maintained for wastewater assets.
- Council infrastructure is maintained to sustain industry and development and supports future growth of the region.
- Infrastructure is further developed to mitigate against future severe weather events.
- The natural environment is considered in Council decision making about the sewer system.

4.3 GOVERNANCE

- Council will maintain a clear strategic direction to achieve regulatory compliance in respect of sewer overflows via adherence with any relevant environmental compliance codes, standard conditions and minimum operating requirements under Council's *Environmental Authority EPPR01792213*.
- Council will maintain an *Integrated Environmental Management System* and operating procedures for all treatment plants and will ensure that such procedures are reviewed annually.

4.4 DUTY TO NOTIFY ENVIRONMENTAL HARM

Sewer overflows will be notified to the regulatory authority within the statutory timeframe (3 hours).⁴ Notification procedures, including identification of 'trigger' events, have been established in the Emergency Response Manual.

5. PERFORMANCE MEASURES

Table 1 identifies the performance criteria and acceptable solutions for sewer overflows.

Performance Criteria		Acceptable Solutions	
P1	Ensure a Sewer Overflow Contingency Plan is implemented and reviewed.	A2	Implement the Emergency Response Manual. Incident Response Plans in place. Remediation and clean-up plans in place for areas affected by sewer overflows. Methodology is in place to investigate the cause of overflows, initiate preventative measures, and measure and report on the effectiveness of the preventative measures.
P2	To practice preventative management.	A2	Clearly defined accountabilities. Structured system planning and record keeping for sewer system and overflows. Asset management program in place. Risk assessment and mitigation evaluation carried out. Training program for relevant staff implemented.
P3	Governance	A3	Compliance is promoted within the Council. Sewer overflow enterprise risk is commonly understood across the organisation to manage risk. Ensure that systems and practices cover sewer

⁴ See Department of Environment and Science (Qld), *Code of Environmental Compliance for certain aspects of sewage treatment activities (ERA 63)*, V 1.00, s 9, standard environmental condition 11.

Sewer Overflow Policy

Performance Criteria		Acceptable Solutions	
			overflows and are compliant with statutory requirements.
P4	The regulatory authority is notified of all reportable instances of sewer overflows.	A4	Complete adherence to statutory requirement to notify. Notification to be within 24 hours.

6. REPORTING

A General Release Report⁵ must be submitted to the administering authority by 30 September each year in accordance with the CEC.⁶

7. DEFINITIONS

Term	Meaning
Environmental Authority	A statutory authority issued under the EP Act ⁷ to undertake Environmentally Relevant Activities.
Environmentally Relevant Activity (ERA)	Prescribed activities where a contaminant will or may be released from an activity and the release may cause environmental harm. These activities are listed in a schedule of the <i>Environmental Protection Regulation 2019</i> (Qld).
Sewage	Wastewater that is produced by a community. Domestic sewage consists mostly of greywater (from sinks, tubs, showers, dishwashers etc) and blackwater (toilet waste). Industrial sewage consists of domestic sewage and tradewaste (wastewater from industrial processes).
Sewerage	Sewerage is the infrastructure that conveys sewage using sewers. It encompasses reticulation components such as pipes, manholes, pumping stations, overflow outlets, and screening chambers of the combined sewer. Sewerage ends at the entry to a sewage treatment plant or at the point of discharge into the environment. It is the system of pipes, chambers, manholes, etc. that conveys the sewage or storm water.
Sewer overflow	Wastewater that is discharged to a holding chamber, basin or to the environment from the sewerage system.
Sewage pump station	A pumping station designed to pump sewage through the reticulation network.
Sewage treatment network	The network consists of the sewerage and sewage treatment plant.
Overflow structures	Parts of the reticulation system such as manholes, sewage pump stations and includes broken pipes.
Wastewater	Water that has been affected by human use. Wastewater is a by-product of domestic, industrial, commercial or agricultural activities. The characteristics of wastewater vary depending on the source and can contain physical, chemical and biological pollutants.

⁵ See *Sewerage Incident Emergency Response Manual* (MSC) s 5.

⁶ See Department of Environment and Science (Qld), *Code of Environmental Compliance for certain aspects of sewage treatment activities* (ERA 63), V 1.00, s 9, standard environmental conditions 14-15.

⁷ See *Environmental Protection Act 1994* (Qld) ch 5 pt5 div 4.

Sewer Overflow Policy

8. RELATED DOCUMENTS AND REFERENCES

- *Code of Environmental Compliance for certain aspects of sewage treatment activities (ERA 63), V 1.00*, Department of Environment and Science (Qld)
- *Environmental Authority EPPR01792213*
- *Environmental Protection Act 1994* (Qld)
- *Environmental Protection Regulation 2019* (Qld)
- *Integrated Environmental Management System* (MSC)
- *Sewerage Incident Emergency Response Manual* (MSC)

9. REVIEW

It is the responsibility of the Manager Water and Waste to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed in the year 2026 or as earlier required by Council.



Advertising Spending Policy

Policy Type	Governance Policy	Version:	3.0
Responsible Officer	Chief Executive Officer	Date Approved:	20/04/2022
Review Officer:	Chief Executive Officer	Review Due:	20/03/2026
Author:	Chief Executive Officer	Commencement:	20/04/2026

1. PURPOSE

This policy is to provide for the control of expenditure on advertisements placed by Council in various media.

The objectives of this policy are:

- (a) to meet the requirements of Section 197 of the *Local Government Regulation 2012* (Qld);
- (b) the advertising is to provide information or education to the public; and
- (c) the information or education is provided in the public interest.

2. SCOPE

The policy applies to any paid advertisement or notice in any media to promote goods or services (including facilities) provided by the Council.

The policy does not apply to advertising for the acquisition or disposal of property, plant and equipment used, or to be used by, the Council in its business or to advertising for the recruitment of Council staff.

The policy does not apply to advertising for tenders or expressions of interest under the Council's policy on Procurement or under s 197 of the *Local Government Regulation 2012*.

The policy does not apply to reports published in the media where no payment is made for the report. Advertising should be used where the purpose of the Council or the public interest is advanced. It should not be used to promote the particular achievements or plans of particular councillors or groups of councillors. In particular, advertising should not be used to influence the voters in an election. It should also not be used for any purpose intended to provide material personal gain for a councillor or Council staff member.

3. POLICY STATEMENT

The *Local Government Regulation 2012* defines advertising as "promoting, for the payment of a fee, an idea, goods or services to the public."

1 Policy on advertising expenditure

The Council may incur expenditure for advertising only if -

- 1.1 the advertising is to provide information or education to the public; and
- 1.2 the information or education is provided in the public interest; and

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Human Rights Compatibility Statement

This policy has been drafted in alignment with obligations under s 58 of the *Human Rights Act 2019* (Qld).

Advertising Spending Policy

- 1.3 the advertising falls into one of the categories set out in 2.

2 Acceptable uses of Council funds for advertising

- 2.1 To advise the public of a new or continuing service, program or facility provided by the Council;
- 2.2 To advise the public about changes to an existing service, program or facility provided by the Council;
- 2.3 To increase the use of a service, program or facility provided by the Council on a commercial basis with a view to profit;
- 2.4 To change the behaviour of people in the Council's area for the benefit of all or some of the community or to achieve the objectives of the Council;
- 2.5 To advise the public of the time, place and content of scheduled meetings of the Council;
- 2.6 To advise the public of the decisions made by the Council at its meetings;
- 2.7 To advise the public of due dates for payment of rates and charges and renewal of licences and permits;
- 2.8 To advise the public on proposed community events, progress on Council works, services and projects and other matters of public interest;
- 2.9 To request comment on proposed policies or activities of the Council;
- 2.10 To advertise matters required by legislation to be advertised;
- 2.11 To promote the region from a tourism and economic development perspective.

3 Restrictions on advertising

The Council must not:

- 3.1 During the period of three months preceding an election of the local government other than a by-election; or
- 3.2 During the period after the date of a by-election is advertised until the day of the election:
 - 3.2.1 Place advertisements relating to future plans unless, and only to the extent that, those plans have been formally adopted by the Council;
 - 3.2.2 Advertise the activities of the Council otherwise than in the manner and form it is customary for the Council to advertise its activities;
 - 3.2.3 Place advertisements which seek to influence support for particular candidates, groups of candidates or potential candidates in the election; or
- 3.3 Bear the cost of advertisements featuring one or more councillors or containing quotations attributed to individual councillors. Note: This does not preclude councillors appearing in unpaid publicity or other publicity where the cost is not borne by the Council.

4 Approval of advertising expenditure

All expenditure on advertising must be approved in accordance with Council's *Procurement Policy* and related procedures to ensure that:

- 4.1 The expenditure is in accordance with this policy;
- 4.2 The cost of the advertisement is appropriate for the number of people it is intended to inform and provides a commensurate benefit to the Council or to the public;
- 4.3 The cost is available in the relevant budget item and meets the usual requirements for expenditure approvals.

Advertising Spending Policy

Controls

Where it is considered by a member of the public, a councillor or a Council staff member that the provisions of this policy have been breached and that Council funded advertisements have been used for individual political purposes or financial gain or for a purpose that is not in the interests of the Council or the public, the matter will be dealt with in accordance with the information set out in the Council's Complaints involving Corrupt Conduct of the Public Official Policy. If the matter is considered to be a serious misuse of Council funds, the matter will be reported to the Crime and Corruption Commission by the Chief Executive Officer.

4. REPORTING

No additional reporting is required.

5. DEFINITIONS

Advertising – is a defined term in s 197 of the *Local Government Regulation 2012* and is 'promoting, for the payment of a fee, an idea, goods or services to the public'.

Election - a quadrennial or a fresh election or a by-election of Council

6. RELATED DOCUMENTS AND REFERENCES

Complaints involving Corrupt Conduct of the Public Official (MSC)

Local Government Regulation (Qld)

Procurement Policy (MSC)

7. REVIEW

It is the responsibility of the Chief Executive Officer to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every four years or as required by Council.



Audio Data Collection Policy – (CCTV)

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Information Systems	Date Approved:	20/04/2022
Review Officer:	Manager Information Systems	Review Due:	20/03/2024
Author:	Senior Compliance Officer	Commencement:	20/04/2022

1. PURPOSE

To provide a principled framework for assessment and approval of proposals for purpose-specific enabling of audio data collection capability to support CCTV installations within and around Council controlled facilities to ensure compliance with obligations arising under specific legislation. This policy must be read in conjunction with Council's CCTV policy instruments.

2. SCOPE

- This policy applies across Council.
- This policy does not apply to *personal use* of listening devices as applies to circumstances outside the scope and context of Council's CCTV installations.¹
- This policy does not apply to the use of Body Worn Camera devices.
- This policy does not apply to the collection of audio data for the purpose of animal management related investigations.

3. POLICY STATEMENT

Council is obliged to observe Part 4 of the *Invasion of Privacy Act 1971* (Qld) in relation to use of listening devices where such use may potentially capture a **private conversation**.² Council additionally holds obligations under the *Information Privacy Act 2009* (Qld) (IP Act) in relation to storage, handling and disclosure of any information (to include audio data) captured.

3.1 GENERAL ASSESSMENT PRINCIPLES

Where a proposal is raised for enabling of audio data collection capability at any Council controlled facility where CCTV is installed and operational or is proposed to be installed, Council will have regard for the context of the audio data collection to consider:

- The overarching purpose of the audio data collection enablement—what the audio data collection seeks to achieve—the proposal must align with the relevant *objectives* outlined in Council's existing CCTV policy.³

¹ See *Invasion of Privacy Act 1971* (Qld) s 42(2) for use of a listening device by a person who is **party** to a private conversation as defined. See also s 43(2) for the application of exemptions.

² See especially *Invasion of Privacy Act 1971* (Qld) s 43(1) and s 49A offence provision for a corporation and executive liability provision.

³ See especially *Closed-Circuit Television (CCTV) System Policy* (MSC) s 3.1 **points 1-4**. See also s 3.3.

Human Rights Compatibility Statement

This policy has been drafted in alignment with obligations under s 58 of the *Human Rights Act 2019* (Qld).

Audio Data Collection Policy (CCTV)

- The level of necessity for enhanced surveillance to include audio data collection to support the collection of CCTV image data at the subject location. Such necessity should include an objective assessment of the need for capture of enhanced audio material evidence based upon any prior documented incidents occurring at the subject location;
- Council's ability to *justify* the purpose for the audio data collection. Consideration should be afforded to the location of the intended capture. It will be inherently more difficult to justify collection in a non-public place such as a private office or work area for example.
- The level of risk assigned to the absence of audio data—the extent to which the absence of audio data obscures or prevents understanding of the CCTV image data collected at the subject location. To assist, consideration should be afforded to the expected level of additional understanding audio data will provide to the visual imagery data collected at the subject location;
- Assessment of the extent of expectation of persons regularly attending and moving about the subject location that privacy will exist at the subject location—the extent to which persons expect that what is spoken about at the subject location will remain private (see definitions section for **private conversation**). For example, a conversation will not be private in circumstances where a party to the conversation ought reasonably to expect the words may be heard by somebody else, i.e. a conversation held in a public place;⁴
- The length of time that the intended audio data collection is to remain in place along with the future potential of any requirement for prolonged ongoing collection of audio data at the subject location;
- The potential impact of *public perception* arising from the audio data collection activity given the existence of obligation to inform persons of the collection (see particularly, requirements under section 3.2 below);
- That all information collected from an audio enabled CCTV device installation forms the basis of a *public record*⁵ immediately upon collection and is subject to the requirements of the *Public Records Act 2002* (Qld) which in turn imposes obligations on the ownership and keeping of public records.⁶
- That persons hold a right to and may apply for *access* to public records containing their personal information under the *Information Privacy Act 2009* (Qld) and *Right to Information Act 2009* (Qld).⁷

3.2 INFORMATION PRIVACY

Council additionally holds obligations under the IP Act which regulates the collection, storage, handling, use and disclosure of **personal information** collected from any audio enabled CCTV device installation in a Council controlled area.⁸ Collection of audio data must align with lawful purpose and must be consistent with Council CCTV and current recordkeeping policy. Accordingly, the following principles will apply to the assessment of any proposal for enabling of audio data collection at an existing or proposed CCTV installation location:

- Audio data may only be collected for a *lawful purpose* directly related to a function or activity of Council.⁹
- persons who may be captured by the audio data collection enabled CCTV installation, and therefore from whom *information* is collected, **must be made aware** of the purpose of the audio data collection and must be informed of any law authorising the audio data collection and to whom the information

⁴ See especially *Invasion of Privacy Act 1971* (Qld) s 43.

⁵ See *Public Records Act 2002* (Qld) sch 2. A **record** is defined to include (b) 'anything from which **sounds, images** or writings can be reproduced with or without the aid of anything else.

⁶ See *Public Records Act 2002* (Qld) ss 6-9, 13-14.

⁷ See *Information Privacy Act 2009* (Qld) s 40. See also *Right to Information Act 2009* (Qld) s 23.

⁸ See *Information Privacy Act 2009* (Qld) s 27.

⁹ See *Information Privacy Act 2009* (Qld) sch 3 s 1. See also *Closed-Circuit Television (CCTV) System Policy* (MSC) s 3.7.

Audio Data Collection Policy (CCTV)

may be disclosed.¹⁰ **Appropriate signage must be installed in the subject location** in accordance with Council's CCTV procedure.¹¹

- Council will take all reasonable steps to ensure that personal information that is collected via enabling of audio data in conjunction with any CCTV installation is *relevant* to the purpose for which it is collected.¹² The personal affairs of an individual must not be unlawfully or unreasonably intruded upon.¹³
- Council will comply with all lawful requirements for use, secure storage, access to and disposal of all information collected from an audio enabled CCTV installation.¹⁴

3.3 APPROVAL

- Enabling of audio data collection will not be considered for a subject location which is not associated with a CCTV installation.
- Any proposal for enabling of CCTV audio data collection will be subject to assessment and approval by Council's Chief Executive Officer or delegated officer with approval issued via emailed authorisation.
- All proposal submissions for enabling of CCTV audio data collection must be accompanied by a report clearly articulating the *identified purpose* and *justification* for the enablement and how the enablement meets the objectives of Council's CCTV policy.
- Where enabling of CCTV audio data collection is approved, the approval will be communicated to the Manager Information Systems, who will oversee the implementation.

3.4 APPROVAL CONDITIONS

- Approval for enabling of CCTV audio data collection will be subject to the requirements of Council's CCTV policy;
- Approval for CCTV audio data collection will be subject to regular and at minimum, an annual assessment of the necessity for continued data collection. Such assessment will include consideration of all points listed in section 3.1 of this policy. Audio data collection will remain enabled for a CCTV installation location only for the period of time deemed to be necessary to fulfil the original declared and approved purpose;
- CCTV audio data collected must be used only for the originally approved purpose and no other purpose whatsoever.
- Approval for enabling of CCTV audio data collection will be subject to strict adherence to the principles outlined in section 3.2 of this policy.

4. REPORTING

Council will maintain a schedule of current audio enabled CCTV sites in accordance with section 3.1 of Council's *Closed-Circuit Television (CCTV) System Procedure*.

¹⁰ See *Information Privacy Act 2009* (Qld) sch 3 s 2.

¹¹ See *Closed-Circuit Television (CCTV) System Procedure* (MSC) s 3.3.

¹² See *Information Privacy Act 2009* (Qld) sch 3 s 3.

¹³ See *Human Rights Act 2019* (Qld) s 25(a). See also s 58(1)—decision making implication.

¹⁴ See *Information Privacy Act 2009* (Qld) sch 3 s 4. See also *Closed-Circuit Television (CCTV) System Policy* (MSC) s 3.8. See also *Closed-Circuit Television (CCTV) System Procedure* (MSC) ss 3.2.1-3.2.4. See also *Records Management Policy* (MSC) ss 3.2, 3.3.3.

Audio Data Collection Policy (CCTV)

5. DEFINITIONS

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.

Personal information – means information about an individual whose identity is apparent or can be reasonably ascertained from the information. Information may include an audio and/or video recording.¹⁵

Private conversation – means any words spoken by one person to another person in circumstances that indicate that those persons desire the words to be heard or listened to only by themselves or that indicate that either of those persons desires the words to be heard or listened to only by themselves and by some other person, but does not include words spoken by one person to another person in circumstances in which either of those persons ought reasonably to expect the words may be overheard, recorded, monitored or listened to by some other person, not being a person who has the consent, express or implied, of either of those persons to do so.¹⁶

6. RELATED DOCUMENTS AND REFERENCES

Administrative Access Scheme Policy (MSC)
Closed-Circuit Television (CCTV) System Policy (MSC)
Closed-Circuit Television (CCTV) System Procedure (MSC)
Human Rights Act 2019 (Qld)
Information Privacy Act 2009 (Qld)
Invasion of Privacy Act 1971 (Qld)
Public Records Act 2002 (Qld)
Right to Information Act 2009 (Qld)
Records Management Policy (MSC)

7. REVIEW

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

¹⁵ See *Information Privacy Act 2009 (Qld)* s 12.

¹⁶ See *Invasion of Privacy Act 1971 (Qld)* s 4.



Revenue Policy

Policy Type	Council Policy	Version:	3.0
Responsible Officer	Manager Finance	Date Approved:	20/04/2022
Review Officer:	Director Corporate and Community Services	Review Due:	20/03/2023
Author:	Manager Finance	Commencement:	20/04/2022

1. PURPOSE

Provisions of the *Local Government Act 2009* (Qld) and *Local Government Regulation 2012* (Qld), requires Council to prepare and adopt this policy as part of Council's budget each year. The policy contains principles that will be used for the development of Council's Budget.

2. POLICY STATEMENT

To identify the principles used by Council for making and levying rates and utility charges, exercising powers to grant rebates and concessions, for recovering unpaid amounts of rates and charges and the setting of miscellaneous fees and charges.

3. PRINCIPLES

3.1 THE MAKING OF RATES AND UTILITY CHARGES

- a) In general, it is Council's policy that a user pays principle applies to all specific services provided to ratepayers and other users in Mareeba Shire Council.
- b) Exceptions to the *user pays principle* include general services to the community as a whole when it is in the community interest to do so.
- c) Council will have regard to the principles of:
 - Transparency in the making of rates and charges;
 - Having in place a rating regime that is as simple and inexpensive as possible;
 - Equity by ensuring the fair and consistent application of lawful rating and charging principles, without bias, taking account of all relevant considerations, and disregarding irrelevancies such as the perceived personal wealth of individual ratepayers or ratepayer classes; and
 - Flexibility to take account of changes in the local economy.
- d) In pursuing the abovementioned principles Council may avail itself of the following:
 - A system of differential general rating
 - Minimum general rates
 - Utility charges
 - Special rates and charges
 - Separate charges
 - Limitation of rate increases (rate capping)

Revenue Policy

3.2 LEVYING OF RATES AND CHARGES

In levying rates Council will apply the principles of:

- making clear what is the Council's and each ratepayer's responsibility to the rating system (Council may allow a discount for prompt payment);
- making the levying system as simple as possible to administer;
- timing the levy of rates where possible to take into account the financial cycle of local economic activity, in order to assist smooth running of the local economy; and
- equity through flexible payment arrangements for ratepayers with a lower capacity to pay.

3.3 CONCESSIONS FOR RATES AND CHARGES

In considering the application of concessions, Council will be guided by the principles of:

- equity,
- the same treatment for ratepayers with similar circumstances;
- transparency by making clear the requirements necessary to receive concessions, and
- flexibility to allow Council to respond to local economic issues

The purposes for granting concessions are to relieve economic hardship and provide rebates to eligible pensioners and not-for-profit community, recreation and sporting groups. In addition, Council may grant concessions on a case-by-case basis if it is satisfied that any one or more of the other criteria in section 120(1) of the *Local Government Regulation 2012* (Qld) have been met.

3.4 THE RECOVERY OF RATES AND CHARGES

- a) Council will exercise its rate recovery powers in order to reduce the overall rate burden on ratepayers.
- b) It will be guided by the principles of:
 - transparency by making clear the obligations of ratepayers and the processes used by Council in assisting them meet their financial obligations;
 - making the processes used to recover outstanding rates and charges clear, and as simple to administer and as cost effective as possible (refer to Council's *Debt Recovery Policy*);
 - capacity to pay in determining appropriate arrangements for different sectors of the community;
 - equity by having regard to providing the same treatment for ratepayers with similar circumstances; and
 - flexibility by responding, where necessary, to changes in the local economy.

3.5 THE SETTING OF COST-RECOVERY FEES AND COMMERCIAL SERVICES CHARGES

Council will be guided by the following principles in the setting of cost-recovery fees on the one hand, and commercial services on the other:

- Fees associated with regulatory services will be set at the full cost of providing the service or taking the action for which, the fee is charged. Council may choose to subsidise the fee from other sources if it is in the community interest to do so.

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Revenue Policy

- Commercial services charges will be set to recover the full cost of providing the service and, if provided by a Business of Council, may include a component for return on Council's investment.

3.6 THE EXTENT TO WHICH PHYSICAL AND SOCIAL INFRASTRUCTURE COSTS FOR A NEW DEVELOPMENT ARE TO BE FUNDED BY CHARGES FOR THE DEVELOPMENT

Developers are required to contribute towards the Council's infrastructure in accordance with the provisions of the *Planning Act 2016* (Qld). Infrastructure charges are required for roadworks, parks, drainage and water and sewerage head works where applicable.

In addition, social infrastructure costs are to be met by grants received from the Government and general revenue sources.

4. SCOPE

This policy applies to Mareeba Shire Council and all related business activities.

5. DEFINITIONS

Council refers to Mareeba Shire Council

6. RELATED DOCUMENTS AND REFERENCES

Debt Recovery Policy (MSC)
Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Planning Act 2016 (Qld)

7. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every year or as required by Council.



Standard Requirements for Public Liability Insurance for Approval Holders

Policy Type	Governance Policy and Guideline	Version:	3.0
Responsible Officer	Manager Development and Governance	Date Approved:	30/04/2022
Review Officer:	Manager Development and Governance	Review Due:	30/03/2024
Author:	Senior Compliance Officer	Commencement:	30/04/2022

1. PURPOSE

As a part of its business processes, Council may enter into formal agreements and arrangements with other parties (collectively referred to herein as 'approval holders').

The purpose of this document is to outline the public liability insurance requirements for approval holders during the period of currency of any approval.

2. SCOPE

This policy applies across Council and to the public.

3. POLICY STATEMENT

The requirement to hold public liability insurance indemnifying Council

In general, the requirement to hold public liability insurance will apply to any applicant seeking a lease, licence, permit or other approval involving Council owned or controlled land or property.

Public liability insurance provides protection for an approval holder in a situation where failure to have any, or any adequate, cover could result in an approval holder being rendered bankrupt when the approval holder cannot meet an award of damages.

Public liability insurance additionally provides protection for an injured party/parties (affected person/s). Where an affected person is injured because of the negligence of the approval holder, the affected person may be entitled to compensation. However, where the approval holder has little or no money, then the affected person may be forced to bear the full cost of having their injuries treated, including costs associated with treating any long term effects of an injury such as in circumstances of permanent disablement.

Furthermore, public liability insurance held by the approval holder provides a measure of protection for Council. Since the insured activity of the approval holder involves the use of Council owned or controlled land or facilities, Council is potentially open to litigation in the event that loss, damage or injury occurs as a result of the activity being conducted.

A standard indemnity clause example serves to illustrate this indemnity protection:

The (hirer/approval holder) agrees to indemnify, and keep indemnified, and to hold harmless the Council, its servants and agents, and each of them from and against all actions, costs, charges, expenses and damages whatsoever which may be brought, or made, or claimed against them, or any of them, arising out of, or in relation to the (hiring arrangement/conduct of the activity for which the approval has been granted).

Standard requirements for public liability insurance for approval holders

Accordingly, all approval holders must hold appropriate public liability insurance.

Types of approvals for which public liability insurance is required

Applications for approvals made under Council local laws must be accompanied by documentary evidence (Certificate of Currency) of sufficient current public liability insurance for the following activities:

- Commercial Use of Local Government Controlled Areas and Roads:
 - Goods on Footpath
 - Sandwich Boards
 - Outdoor Dining
 - Approved Furniture
 - Busking
 - Roadside Vending
 - Conduct of Commercial Activities on Reserves
 - Other Commercial Use of Local Government Controlled Areas, facilities or roads
 - Filming in a Public Place
- Erection or installation of structures on Local Government Controlled Areas or Roads or the carrying out of works within a road reserve or the interference with roads:
 - Applications to install a gate, grid or pipeline in, on, under or across a Council road
 - Installation of driveways/crossovers within Council road reserves
 - Tradesmen/others carrying out work on a footpath, for example; a builder renovating a shop front and utilising part of the footpath to undertake the works
 - Contractors engaged by Council to carry out work on roads or footpaths
 - Transport of large, oversize objects along a Council road, for example; house removal
- Conduct of events on Council roads or in parks, reserves, buildings or other facilities owned or controlled by Council, for example; festivals, shows, sporting events or activities
- Erection of signage or installation or display of advertising devices on or within Council controlled road reserves or on property that are visible from a road or other public place
- Lessees of Council facilities, for example; swimming pools, sporting fields, caravan parks, vacant land or reserves

Public liability insurance levels

The amount of Public Liability insurance cover required will vary between \$5M and \$20M depending on the nature of the approval being sought and the activity to be conducted. The minimum of \$5M and maximum of \$20M may be varied by Council from time to time depending on advice from its public liability insurers and the quantum of damages awards being made by the Courts in public liability cases.

The level of cover applicable is determined following Council conduct of a risk assessment. The risk assessment will explore the potential risks to Council of granting a lease, licence, permit or other approval. The likelihood of an incident occurring and the consequences of an incident determine the level of risk.

For example, where it is very likely or almost certain that the conduct of a particular activity has the potential to create a situation where death or serious injury could occur, then the level of risk would be considered to be extreme and would require the maximum Public Liability cover of \$20M. On the other hand, if the conduct of an activity results in a situation where it is highly unlikely to give rise to an incident, the consequences of

Standard requirements for public liability insurance for approval holders
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which would be insignificant or minor, the level of risk would be considered Low and would require the minimum cover of \$5M.

The following tables will be used to assess the level of risk and the appropriate sum insured. As a guide, activities assessed as Low or Moderate risk will require the minimum cover of \$5M and activities which are assessed as having a High or Extreme risk will require cover of \$20M.

Refer to the attached Risk Assessment table which display various activities for which public liability insurance is required and required level of cover.

Insurance contracts and policies for public liability insurance - Council as an interested party

To ensure that Council is indemnified against liability arising from acts of negligence by persons conducting events or activities on Council owned or controlled property, it is a requirement that Council is included as an insured party on any contract or policy taken out by an approval holder.

Insurance companies will generally utilise one of three main options for how Council appears named on an insurance contract, these being:

- a) As a Named Insured - this enables Council to actually make a claim in its own right under the policy;
- b) As an Interested Party - Council is not deemed a party to the insurance contract but can still make a claim under the policy; and
- c) With Interests Noted on Policy - Council has an insurable interest only but no "right to claim" under the policy.

Council's preference is to be included as a Named Insured on any policy ((a) above) and applicants for public liability insurance are required to advise their insurance company of this when negotiating the policy.

Council may, at its discretion, accept naming as an Interested Party ((b) above) depending on the type of activity being conducted and the level of risk involved.

Council will not accept having Interests Noted on Policy ((c) above).

Where an approval holder for a policy is advised by their proposed insurer that the company will not allow Council to be added to the contract or policy (possibly more relevant to global insurance companies), the approval holder should shop around and only deal with companies who have cover with insurers who will add Council as a Named Insured or Interested Party.

Exemptions

In certain circumstances, Council may waive the requirement to hold Public Liability insurance. These circumstances may include:

- **Where Council is prepared to accept full responsibility for public liability insurance:**
 - Lease arrangements for Council owned facilities such as swimming pools and caravan parks where Council's responsibility for Public Liability insurance cover is negotiated as part of the lease agreement

Standard requirements for public liability insurance for approval holders

- Public events where Council partners with an external organisation in the running of the event and has some control of the activities taking place and the arrangement is approved by Council's Public Liability insurer
 - Contractual arrangements where the Council agrees to indemnify a contractor engaged by Council for the contractor's negligence and the contract is negotiated on this basis
 - Use of privately owned land or facilities by Council for public purposes where Council has some degree of operational control, for example; use of land owned by another party for a public carpark
- **Where a permit is required to be obtained under a local law, but the activity takes place on private property**

An example might be where a permit is required to erect advertising signage, but the sign is located on private property. The main objective of Council in requiring a permit to erect the sign might simply be to retain some sort of control of the aesthetic/visual aspects to avoid 'visual pollution'—a proliferation of unsightly advertising devices and landscape clutter. However, if the permit is granted and the sign is erected on private property in accordance with approved construction standards, then ongoing responsibility for public liability issues associated with the sign rests with the property owner.

The situation differs where a sign is erected on a building or awning that encroaches over a Council footpath or other public space and the sign is therefore suspended above Council owned or controlled land. In this instance, persons using the public space could potentially be injured if the sign fell on them and the requirement to indemnify Council would apply.

- **Where a person is a Casual Hirer of a Council facility, for example; a hall or meeting room**

Council holds appropriate Casual Hirers Cover, which provides liability cover to the users of Council facilities, as part of its own public liability insurance policy. The cover is available to natural persons who are non-commercial, not incorporated, not for profit, and irregular users of Council facilities.

No cover is provided for not for profit groups or activities, incorporated bodies, sporting clubs or associations of any kind. If a fee or charge is imposed then there is no cover, regardless of any profits made or where all profits are donated to a charity.

The rationale behind these restrictions is that these bodies are, in most cases, engaged in other activities that would warrant prudence in obtaining public liability insurance. As well, some of these bodies are required by law to have public liability insurance.

4. REPORTING

Nil reporting required

5. DEFINITIONS

Casual Hirer — means Third Parties who hire Council facilities no more than a total of 10 days over a 12 month period.

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.

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Standard requirements for public liability insurance for approval holders

6. RELATED DOCUMENTS AND REFERENCES

Civil Liability Act 2003 (Qld)

Local Law No. 1 (Administration) 2018 (MSC)

Local Law No. 2 (Animal Management) 2018 (MSC)

Local Law No. 3 (Community and Environmental Management) 2018 (MSC)

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 (MSC)

7. REVIEW

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

Standard requirements for public liability insurance for approval holders

APPENDIX

RISK ASSESSMENT - ACTIVITIES FOR WHICH PUBLIC LIABILITY INSURANCE REQUIRED

Activity	Potential Risks	Likelihood	Consequence	Risk Level	Recommended level of cover
Goods on Footpaths (this could include tables set up on footpaths to sell raffle tickets etc)	" Someone could walk into the goods or trip on them	D	3	Moderate	\$5.0M
	" Could partially block footpath and force some pedestrians out onto roadway to get around them - potential to be hit by a car	E	4	High	
	" A strong wind might pick up some items and cause them to strike pedestrians or vehicles or other property	E	2	Low	
Sandwich Boards/Temporary & Portable Advertising Devices	" Someone could trip on them or walk into them	D	3	Moderate	\$5.0M
	" A strong wind might pick them up and cause them to strike a pedestrian or vehicle or shop front	E	2	Low	
	" They may cause a distraction to drivers and cause an accident	D	4	High	
Outdoor Dining & Approved Furniture	" Someone could walk into, or trip on, the tables and chairs	D	3	Moderate	\$10.0M
	" Could potentially block footpath and force some pedestrians out onto the roadway to get around them - potential to be hit by a car	E	4	High	
	" A strong wind might pick up the tables and chairs and cause them to strike pedestrians, vehicles or other property	E	2	Low	
	" A vehicle might mount the footpath and strike diners seated at the tables	D	4	High	
Busking	" Someone may trip over the busker's equipment	D	3	Moderate	Covered by Busker's policy taken out by Council (except for acts involving knives and fire). \$1.0M for dangerous acts such as fire eating and knife throwing, although these types of acts will generally not be approved
	" Depending on the act being performed by the busker eg juggling, fire-eating, someone may be injured if a mistake is made by the busker	D	2	Low	
Roadside Vending	" Potential for vehicle accident if vendor's vehicle or stall is parked/placed too close to carriageway	D	4	High	\$10.0M
	" Vending activity may cause a distraction to drivers, causing an accident	D	4	High	
	" Risk of food poisoning from foodstuffs sold by vendor	D	4	High	
Filming in a Public Place	" Someone could walk into the camera crew and equipment or trip on cables or camera equipment	D	3	Moderate	\$10.0M
	" Could partially block footpath and force some pedestrians out onto roadway to get around them - potential to be hit by a car	D	3	Moderate	
	" They may cause a distraction to drivers and cause an accident	D	3	Moderate	
Gates/Grids	" Missing signage warning of gate or grid - vehicle accident	D	5	Extreme	Licensed Gate \$10.0M Grid \$10.0M
	" Grid may be damaged causing vehicle accident	D	5	Extreme	
	" Approaches to grid not maintained causing vehicle accident	D	5	Extreme	
	" Approaches may not have correct gradient causing vehicles to become airborne at speed	D	5	Extreme	
Pipelines	" Trenching in which pipe is laid may subside causing vehicle damage or accident	D	3	Moderate	\$10.0M
	" Piping laid across unsealed road may become exposed over time causing damage to vehicles	E	1	Low	
	" Pipe may burst under the road causing damage to the road, precipitating an accident	D	4	High	
Installation of Driveways and Crossovers	" Trip hazard for pedestrians using footpath	D	3	Moderate	Only required for non-compliant driveways and crossovers: Urban \$5.0M Rural Pipe/Culvert \$10.0M
	" Incorrectly installed pipe crossover may cause drainage/flooding issues	D	2	Low	
	" May cause vehicle damage or accident if not installed or signed properly (eg pipe crossovers in rural location)	D	3	Moderate	

Standard requirements for public liability insurance for approval holders

Tradesmen utilising Footpath	" People tripping or walking into equipment or materials being used on job	D	3	Moderate	Minor Works \$10.0M Major Works \$20.0M
	" Injury caused by tools and equipment being used	D	2	Low	
	" People being hit by falling objects eg wall/awning collapse	D	2	Low	
	" People being forced to use roadway to bypass works being carried out on footpath - potential to be hit by car	E	4	High	
Contractors engaged by Council carrying out works on roads or footpaths	" Injury to member of public by machinery, tools, materials, equipment etc being used on the job	C	4	Extreme	Minimum cover of \$20.0M or such other higher amount as determined by the Director Infrastructure Services depending on the works being undertaken
	" Damage to vehicles or property as a result of works being carried out	C	2	Moderate	
	" Vehicle accident caused by conduct of works	C	4	Extreme	
	" Services (eg water mains) being damaged and causing problems (eg flooding) for properties in vicinity	D	1	Low	
	" Impact on businesses where works prevent ready access to business premises - economic loss	D	3	Moderate	
Transport of large objects eg House Removals	" Damage to Council infrastructure eg bridges, roads, signage	C	3	High	\$20.0M
	" Load shifting/falling causing damage to other vehicles/injury to people	D	5	Extreme	
	" Vehicle accident caused by motorists trying to pass wide load at inappropriate opportunity	D	5	Extreme	
Conduct of Events on Council controlled land or property	" Slip or trip hazards	C	3	High	Minor Events \$10.0M Major Events \$20.0M
	" Injury to member of public by event activities being conducted eg fireworks, horse riding, machinery and vehicle movements	C	4	Extreme	
	" Injuries caused by amusement rides, jumping castles and similar equipment	D	4	High	
	" Injury caused by animals taking part in event - biting, chewing, trampling, poisoning etc	D	2	Low	
	" Food poisoning	D	4	High	
	" Electrical hazards, leads running across ground etc	D	4	High	
	" Inadequate traffic control where road closures involved resulting in injury	D	4	High	
	" Injury from environmental hazards: standing water, unshielded drops or falls, tree hazards, hazardous substances, fire, building or structure collapse etc	D	4	High	
	" Inadequate signage re No Diving, Shallow Water etc at pools and injury/death caused by diving into shallow water	D	4	High	
Erection of signage/advertising devices on Council roads or property	" Signage could fall, be blown over or picked up by a strong wind, causing injury or damage to persons or property	D	2	Low	\$5.0M
	" Signage could distract motorists or obscure vision, causing an accident	E	4	High	
Lessees of Council facilities	" Risk of drowning (pools) and failure to provide adequate supervision	D	4	High	Commercial Leases: Pools or any facility with a Pool \$20.0M Other \$10.0M - \$15.0M Community Leases - \$5.0M
	" Injury from slip and trip hazards eg slippery or wet floors, uneven surfaces etc	C	3	High	
	" Inadequate signage re No Diving, Shallow Water etc at pools and injury/death caused by diving into shallow water	D	4	High	
	" Inadequate water treatment or plant/equipment failure causing illness from water not being properly treated	E	2	Low	
	" Injury caused by activities of lessee - eg mowing of grounds	C	2	Moderate	
	" Food poisoning from foodstuffs sold by lessee at a kiosk operated by the lessee	D	4	High	
	" Faulty equipment causing injury to patrons/users of facility	D	2	Low	

Standard requirements for public liability insurance for approval holders

Table 1 - Qualitative measures of consequence or impact

Level	Descriptor	Example detail description
1	Insignificant	No significant injuries, low financial loss, negligible damage to, or loss of, assets/property
2	Minor	Small number of injuries, first-aid or out-patients treatment required, medium financial loss, minor property loss/damage - some repairs may be required
3	Moderate	A number of injuries - medical treatment and hospitalisation required - may also require long-term treatment, high financial loss, moderate to high property damage requiring repair or replacement
4	Major	Extensive injuries requiring hospitalisation and long-term treatment - small number of fatalities, major financial loss, significant/permanent damage to assets and/or infrastructure
5	Catastrophic	Potentially large numbers of serious injuries and fatalities, huge financial loss, widespread substantial/permanent damage to assets and/or infrastructure

Table 2 Qualitative measures of likelihood

Level	Descriptor	Description
A	Almost certain	Is expected to occur in most circumstances, say a number of times a month - >90% chance of occurring
B	Likely	Will probably occur in most circumstances, say about once a year - 50-90% chance of occurring
C	Possible	Might occur at some time, say once every 2-5 years - 20-50% chance of occurring
D	Unlikely	Could occur at some time, say once in 10 years - 1-20% chance of occurring
E	Rare	May occur only in exceptional circumstances - <1% chance of occurring

Table 3 Qualitative risk analysis matrix - level of risk

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	H	H	E	E	E
B (likely)	M	H	H	E	E
C (possible)	L	M	H	E	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

Legend:

- E: extreme risk, immediate action required
- H: high risk, senior management action needed
- M: moderate risk, management responsibility must be specified
- L: low risk, manage by routine procedures



Body Worn Camera Policy

Policy Type	Governance Policy	Version:	4.0
Responsible Officer	Manager Development & Governance	Date Approved:	20/04/2022
Review Officer:	Manager Development & Governance	Review Due:	20/03/2026
Author:	Manager Development & Governance	Commencement:	20/04/2022

1. PURPOSE

To declare a principled approach to the implementation and operation of Body Worn Cameras (BWC) used by Mareeba Shire Council ("Council") officers and to ensure that any audio/video recording data captured is used lawfully.

2. SCOPE

This policy applies across Council to all persons employed or otherwise engaged by Council who may use BWC devices and/or the Digital Evidence Management Software (DEMS) and to the subsequent management of any recordings (data) captured by BWC devices.

This policy does not apply to the administration and operation of:

- fixed CCTV systems;
- Covert camera surveillance devices deployed for investigative purposes, e.g., gathering of evidence for enforcement of a Local Law.

3. POLICY STATEMENT

The purpose for use of BWC is to assist in protecting the safety of Council employees and the public, discourage aggressive and abusive behaviour and capture evidence where required to investigate complaints.

The policy sets out the purpose for use of BWC, what information will be recorded, under what circumstances, who will have access to recorded information and how this information will be stored and disposed of.

Council may at its sole discretion, on a case by case basis, alter the manner in which this policy or any associated procedure is implemented to ensure it suits the particular circumstances of the case.

4. PRINCIPLES

Authorised persons (Council officers) who, as part of their normal duties, are responsible for engaging in compliance and enforcement activities, may utilise BWC. The use of these BWC devices in the context of work duties is intended to:

- Assist in the lawful collection of evidence for actual or suspected breaches of legislation, including Council local laws.

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Human Rights Compatibility Statement

This policy has been drafted in alignment with obligations under s 58 of the *Human Rights Act 2019* (Qld).

Body Worn Camera Policy

- Maintain and improve community safety.
- Mitigate identified risks to the health, safety and welfare of Council officers in the execution of their duties.
- Provide a record of the interaction between an officer and a potential complainant in situations that may result in an allegation of inappropriate behaviour or other complaint.
- Assist in the investigation of allegations of inappropriate conduct by officers.

The BWC will not be used as a tool to assist in the ad-hoc monitoring of Council employees.

5. RESPONSIBILITIES

5.1 TRAINING

All Council officers required to operate a BWC will receive training in the use of BWC including:

- Practical use of equipment.
- Operational guidance, e.g. when to commence and cease recording.
- Legal implications of BWC use.

5.2 EQUIPMENT SECURITY

BWC devices will be held at a secure location when not in use and will be issued to individual officers, who will be responsible for the correct operation and security of the device whilst in their possession.

The loss or theft of any BWC is to be immediately reported to the relevant responsible Council officer so that an investigation can be undertaken to minimise loss, particularly the loss of any recordings containing Personal Information remaining on the BWC device.

5.3 USE PROTOCOLS

BWC devices will only be used by on-duty officers wearing Council uniform or clearly displaying formal Council identification.

BWC devices will be used in an overt manner and worn on a prominent location on the officer's body, uniform, or clothing, and in a manner that maximises the camera's ability to capture video footage of the officer's activities.

Council officers may use a BWC while conducting duties only in so far as is reasonable and necessary under the circumstances in order to capture evidence relevant to their duties as applies to the circumstance or incident at hand. Use of a BWC device should seek to minimise collateral intrusion to persons not involved in the incident at hand.

Where reasonably practicable, officers will give notice to any person (or group of persons) likely to be captured in the field of view that the BWC is switched on and actively recording unless there is a real or perceived danger to the officer or another person which precludes the giving of notice. Where the decision is made not to give notice, the officer may be required to justify that decision.

BWC recording should continue uninterrupted from the commencement of an incident until the conclusion of that incident. Where possible, the officer should continue recording for a short period after any incident to clearly demonstrate that the incident has concluded. The present circumstances of a given incident may

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Body Worn Camera Policy

make it necessary for the officer to consider the necessity for continuing to record throughout the entirety of the incident.

If questioned by any person being captured by a BWC, the officer must confirm to the enquirer that they are subject to being captured by the recording and be prepared to answer questions as to the security of the recorded data.

5.4 DATA MANAGEMENT, USE AND DISCLOSURE

Recordings (data) must not be deleted from the BWC by the officer in the field. All BWC recordings captured must be retained for assessment and classification. BWC recordings will be downloaded from the BWC for storage on Council's DEMS as soon as practicable upon return from the field, and subsequently deleted from the relevant BWC.

All recordings will initially be classified as 'non-evidential' and stored for a period of 180 days, before being permanently deleted. In doing so Council will observe established authoritative guidelines to reduce the personal information holdings it maintains to in turn reduce the likelihood of misuse, loss and unauthorised access, modification or disclosure.¹ If, at any time during the initial 180-day period, a recording is used as part of any internal or external investigation process or relates to the issuance of any form of compliance documentation, the relevant recording will be re-classified as per the Queensland State Archives Retention and Disposal Schedules and subsequently managed in accordance with Council's *Record Management Policy*.

BWC recordings will, upon request, be made accessible as soon as practicable to Queensland Police Service (QPS) and other law enforcement agencies where it is deemed 'reasonably necessary' for a law enforcement activity. Council response to requests from external law enforcement agencies seeking access to recordings will have regard to a properly documented process for release.² In such circumstances, the relevant released recording will be re-classified accordingly.

Any person may request access to BWC footage under relevant information access legislation.³

5.5 AUTHORISED PERSONS

The following Council staff are authorised to administer the use and operation of BWC devices, and subsequently manage the records stored in Council's DEMS, including the delegation of applicable permissions to relevant operational personnel:

- Manager Development and Governance
- Manager Information Systems

6. DEFINITIONS

Authorised Person – means a person who:

- 1) Is an employee of Council; and
- 2) Has the competencies that the chief executive officer considers are necessary to perform the duties and responsibilities that are required under this policy.⁴

¹ See generally Office of the Information Commissioner, 'Camera Surveillance and Privacy' (1 November 2019) <Camera Surveillance and Privacy | Office of the Information Commissioner Queensland (oic.qld.gov.au)>.

² See *Closed-Circuit Television (CCTV) System Procedure* s 3.2.1.

³ See *Right to Information Act 2009* (Qld) s 3, 23. See also *Information Privacy Act 2009* (Qld) ss 3(1)(b), 40.

⁴ See also *Local Government Act 2009* (Qld) s 202.

Body Worn Camera Policy

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.

Incident – means an event:

- of engagement with a member of the public during which, in the opinion of the officer, there exists a future potential for matters to become, confrontational.
- during which an officer is presently being approached by a member of the public in a manner perceived by the officer as aggressive, threatening, or confrontational.
- during which an officer is witnessing behaviour that they believe constitutes an offence as prescribed under Council's Local Laws or other applicable legislation.
- during which an officer feels they may be required to further substantiate their actions or decisions, or the manner of interaction with a member of the public in a future subsequent investigation.

Officer – means an employee of Council.

Personal Information – means information about an individual whose identity is apparent or can be reasonably ascertained from the information. Personal Information may include an audio and/or video recording.⁵

Recording – means image and audio data captured by a BWC device.

Note: it is intended that words importing the singular include the plural and vice versa, and the masculine gender includes the feminine or neuter gender and vice versa and words importing persons includes corporations and vice versa.

7. RELATED DOCUMENTS AND REFERENCES

- *Closed-Circuit Television (CCTV) System Procedure* (MSC)
- *Code of Conduct* (MSC)
- *Information Systems Access Policy* (MSC)
- *Information Privacy Act 2009* (Qld)
- *Public Records Act 2002* (Qld)
- *Records Management Policy* (MSC)
- *Right to Information Act 2009* (Qld)

8. 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.

⁵ See *Information Privacy Act 2009* (Qld) s 12.



Water Restriction Policy

Policy Type	Governance Policy	Version:	3.0
Responsible Officer	Manager Water and Waste	Date Approved:	30/04/2022
Review Officer:	Manager Water and Waste	Review Due:	30/03/2023
Author:	Manager Water and Waste	Commencement:	30/04/2023

1. PURPOSE

To provide a framework and for the declaration and management of water restrictions in the Mareeba Shire Council jurisdiction.

2. SCOPE

This policy applies to all users of potable water within the Mareeba Shire Council jurisdiction.

3. POLICY STATEMENT

Council as water service provider holds the authority to restrict water supply where it is considered necessary.

Restriction types

Council may impose the following types of restrictions:¹

1. The volume of water supplied to a customer or type of customer; or
2. The hours when water may be used on premises for stated purposes; or
3. The way water may be used on premises.

Restrictions will be determined and declared to align with the restriction level tables appearing in the Appendix to this policy.

Specified circumstances giving rise to restrictions

Council may impose restrictions only if:²

1. there is an urgent need for the water restriction; or
2. the available water supply has fallen to a level at which unrestricted use of water is not in the public interest; or
3. Council has a reasonable and comprehensive strategy for demand management for water and the restriction is essential to ensure the aims of the strategy are met; or

¹ See *Water Supply (Safety and Reliability) Act 2008* (Qld) s 41(1).

² Ibid s 41(2).

Water Restriction Policy

4. the relevant State Minister has published a notice under specific legislation requiring Council to impose the water restriction;³ or
5. Council is directed, under a water supply emergency declaration, a water supply emergency regulation or an approved water supply emergency response to impose a restriction;⁴ or
6. Council is directed by the State regulator to impose the restriction;⁵ or
7. Council has an outdoor water use conservation plan and the restriction is a measure to be implemented under the plan.

4. APPROVAL TO IMPOSE RESTRICTIONS

Decisions on the imposition of water restrictions will be initiated via recommendation by Council's Director Infrastructure Services to Council's Chief Executive Officer. Any urgent action taken by the Chief Executive Officer to implement a water restriction must be accompanied by a report to Council.

5. NOTIFICATION OF WATER RESTRICTIONS

Where circumstances necessitate that water restrictions are imposed within the jurisdiction, the following will apply:

1. Having regard to the circumstances under which the restriction is imposed, Council will give notice to anyone affected via notice posted in the local printed media.⁶
2. Having regard to the requirements under the legislation and without limiting point 1 above, in emergency circumstances, the notice will be given in the way the Chief Executive Officer considers appropriate.⁷

In ordinary circumstances, water restrictions will take effect on the day after the notice is given. Where the restriction results from an urgent need or an emergency declaration, the restriction will take effect immediately when the restriction is imposed.⁸

6. EXEMPTIONS

Upon written application by water users, Council may approve conditional exemptions to water restrictions⁹ based upon the following grounds:

1. for reasons of public health and safety;
2. to allow the undertaking of essential works;
3. for minor or infrequent uses of water outside the restrictions (e.g. sporting or community events);

³ See *Water Supply (Safety and Reliability) Act 2008* (Qld) s 41(2)(d). See also *Water Act 2000* (Qld) ss 25B, 25F.

⁴ See *Water Supply (Safety and Reliability) Act 2008* (Qld) s 41(2)(e). See also *Water Act 2000* (Qld) ss 25B, 25E, 25H.

⁵ See *Water Supply (Safety and Reliability) Act 2008* (Qld) s 42(2).

⁶ *Ibid* s 43(1).

⁷ *Ibid* s 43(2)-(3).

⁸ *Ibid* s 43(4).

⁹ *Ibid* s 41(5).

Water Restriction Policy

7. NON-COMPLIANCE WITH WATER RESTRICTIONS

Failure to comply with water restrictions is an offence and Council may impose penalties as deemed necessary to ensure the effectiveness of the water restriction.¹⁰

8. DEFINITIONS

Potable water – means drinkable water—water suitable for human consumption.

Water service provider – means Mareeba Shire Council¹¹

9. RELATED DOCUMENTS AND REFERENCES

- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Water Act 2000* (Qld)
- *Water Supply (Safety and Reliability) Act 2008* (Qld)

10. REVIEW

It is the responsibility of the Director Infrastructure Services to monitor the adequacy of this policy and recommended appropriate changes. This policy will be formally reviewed annually or as otherwise determined by Council.

¹⁰ Ibid ss 41(6), 43(5), 169. See also *State Penalties Enforcement Regulation 2014* (Qld) sch 1.

¹¹ See *Water Supply (Safety and Reliability) Act 2008* (Qld) sch 3. Applied in the context of this policy to mean Mareeba Shire Council.

APPENDIX - WATER RESTRICTION LEVELS



Water Restrictions - Level 1

PURPOSE	LEVEL 1
Private gardens -watering	No manual or automated sprinklers, micro spray or drip watering systems to be used between the hours of 8am and 6pm. Hand held hoses, fitted with a trigger nozzle; watering cans or buckets can be used at any time.
Public parks / gardens / road reserves - watering Other than Parks and Gardens of significance or Heritage Gardens as determined by Council	No manual or automated watering systems to be used between the hours of 8am and 6pm. Hand held hoses, fitted with a trigger nozzle; watering cans or buckets can be used at any time.
Private gardens and public gardens - filling or topping up of ponds	Existing ponds can only be topped up to their normal level and only by means of hand held hoses, fitted with a trigger nozzle or by means of watering cans or buckets filled directly from taps.
Fountains	Fountains may operate normally.
Paved areas - cleaning	Hosing of paved areas is prohibited unless cleaning is required as a result of an accident, fire, health hazard or other emergency. The use of a bucket filled directly from a tap is permitted at any time.
Private swimming pools or spas - filling or topping up	Filling new pools - no restrictions. Existing pools and spas may be topped up as per garden watering times.
Farm dams and tanks - topping up	Farm dams must not be topped up except - <ul style="list-style-type: none"> Dams or tanks providing water for firefighting, public health or stock watering purposes but only to the extent necessary to reasonably provide for those purposes; or In the case of other dams or tanks, with the written permission of the Authority. Tanks - no restrictions
Sports grounds - watering	No manual or automated sprinklers, micro spray or drip watering systems to be used between the hours of 8am and 6pm. Hand held hoses, watering cans or buckets can be used at any time. Active playing surfaces may be watered prior to events to maintain the ability to be used for the intended purpose.
Commercial market garden or plant nursery - watering of plants	No restrictions.
Window cleaning	Windows can be cleaned at any time using - <ul style="list-style-type: none"> High pressure, low volume cleaners; Trigger hoses; Buckets or watering cans.

1



Water Restrictions - Level 1

PURPOSE	LEVEL 1
Mobile water tankers - filling	Mobile water tankers - no restrictions.
Motor vehicle dealers' vehicles - cleaning	Water must not be used to clean vehicles except by means of - a) Commercial car washing facilities that recycle water; b) Watering cans or buckets filled directly from taps; or c) Trigger hoses.
Food transport vehicles - cleaning	Water must not be used to clean vehicles except by means of - a) Automatic washing systems which recycle water; or b) Trigger hoses; c) Commercial car wash facilities using trigger hoses; or d) Watering cans or buckets filled directly from taps; e) High pressure, low volume cleaner.
Other vehicles (cars, trucks, boats, jet skis) - cleaning	Water must not be used to clean vehicles except by means of - a) Automatic washing systems which recycle water; or b) Commercial car wash facilities using trigger hoses; or c) Watering cans or buckets filled directly from taps; or d) Trigger hoses e) Boat motors may be flushed and rinsed after use.
Construction industry - use of water in	Unless otherwise exempted by the Authority in writing, hoses must not be used except trigger hoses.
Any purpose not included in any other items of this column other than for use inside domestic premises and for domestic and farm animals	Water must not be used without the written permission of the Authority.
New lawns - residential	New lawns can be watered on the day of installation for a period of two hours at any time with sprinkler with timer shut off on any day between the hours of 6pm and 8am. Hand held hoses fitted with a trigger nozzle can be used at any time.

Failure to comply with Water Restrictions may incur penalties as described in s 43 (5) of the Water Supply (Safety and Reliability) Act 2008.



Water Restrictions - Level 2

PURPOSE	LEVEL 2
Private gardens -watering	<p>No manual or automated sprinklers, micro spray or drip watering systems to be used on Mondays.</p> <p>Odd numbered houses - sprinklers allowed on Tuesdays, Thursdays and Saturdays, between the hours of 6am and 8am and 6pm and 8pm only.</p> <p>Even numbered houses - sprinklers allowed Wednesdays, Fridays and Saturdays, between the hours of 6am and 8am and 6pm and 8pm only.</p> <p>Hand held hoses, fitted with a trigger nozzle; watering cans or buckets can be used at any time.</p>
Public parks / gardens / road reserves - watering Other than Parks and Gardens of significance or Heritage Gardens as determined by Council	<p>No manual or automated watering systems to be used on Mondays.</p> <p>Sprinklers allowed on Tuesdays, Thursdays and Saturdays, between the hours of 10pm and 5am only.</p> <p>Hand held hoses, fitted with a trigger nozzle; watering cans or buckets can be used at any time.</p>
Private gardens and public gardens - filling or topping up of ponds	Existing ponds can only be topped up to their normal level and only by means of hand held hoses, fitted with a trigger nozzle or by means of watering cans or buckets filled directly from taps.
Fountains	<p>Fountains must not operate unless they recycle water.</p> <p>Water lost from fountains must not be replaced except by means of hand held hoses or by means of watering can or buckets filled directly from taps.</p>
Paved areas - cleaning	<p>Hosing of paved areas is prohibited unless cleaning is required as a result of an accident, fire, health hazard or other emergency.</p> <p>The use of a bucket filled directly from a tap is permitted at any time.</p>
Private swimming pools or spas - filling or topping up	<p>Filling new pools - no restrictions.</p> <p>Existing pools and spas may be topped up as per garden watering times.</p>
Farm dams and tanks - topping up	<p>Farm dams and tanks must not be topped up except -</p> <ul style="list-style-type: none"> Dams or tanks providing water for firefighting, public health or stock watering purposes but only to the extent necessary to reasonably provide for those purposes; or In the case of other dams or tanks, with the written permission of the Authority.
Sports grounds - watering	<p>Sprinklers, micro spray or drip systems, can be used between 6am and 8am and 6pm and 8pm.</p> <p>Hand held hoses, watering cans or buckets can be used at any time.</p> <p>Active playing surfaces may be watered prior to events to maintain the ability to be used for the intended purpose.</p>
Commercial market garden or plant nursery - watering of plants	No restrictions.

1



Water Restrictions - Level 2

PURPOSE	LEVEL 2
Window cleaning	Windows can be cleaned at any time using - <ul style="list-style-type: none"> • High pressure, low volume cleaners; • Trigger hoses; • Buckets or watering cans.
Mobile water tankers - filling	Mobile water tankers must not be filled except - <ul style="list-style-type: none"> • Between the hours of 8am and 8pm with the written permission of the Authority; or • Tankers supplying water for use inside domestic premises, or for firefighting or stock watering purposes.
Motor vehicle dealers' vehicles - cleaning	Water must not be used to clean vehicles except by means of - <ol style="list-style-type: none"> a) Commercial car washing facilities that recycle water; b) Watering cans or buckets filled directly from taps; or c) Trigger hoses, which can be used only to rinse vehicles after washing.
Food transport vehicles - cleaning	Water must not be used to clean vehicles except by means of - <ol style="list-style-type: none"> a) Automatic washing systems which recycle water; or b) Trigger hoses; c) Commercial car wash facilities using trigger hoses; or d) Watering cans or buckets filled directly from taps; e) High pressure, low volume cleaner.
Other vehicles (cars, trucks, boats, jet skis) - cleaning	Water must not be used to clean vehicles except by means of - <ol style="list-style-type: none"> a) Automatic washing systems which recycle water; or b) Commercial car wash facilities using trigger hoses; or c) Watering cans or buckets filled directly from taps; or d) Trigger hoses, which can be used only to rinse vehicles after washing; e) Boat motors may be flushed and rinsed after use.
Construction industry - use of water in	Unless otherwise exempted by the Authority in writing, hoses must not be used except trigger hoses.
Any purpose not included in any other items of this column other than for use inside domestic premises and for domestic and farm animals	Water must not be used without the written permission of the Authority.
New lawns - residential	New lawns can be watered on the day of installation for a period of one hour at any time with sprinkler with timer shut off. On any day between the hours of 6am and 8am and 6pm and 8pm for a period of 14 days after the installation date (receipt of installation required), by sprinkler with timer shut off.
	After 14 days from the day of establishment all level 2 water restrictions apply including watering times - <ul style="list-style-type: none"> • Odd numbered properties between 6am and 8am and 6pm and 8pm, Tuesdays, Thursdays and Saturdays; • Even numbered properties between 6am and 8am and 6pm and 8pm, Wednesdays, Fridays and Sundays. Hand held hoses fitted with a trigger nozzle can be used at any time.

Failure to comply with Water Restrictions may incur penalties as described in s 43 (5) of the Water Supply (Safety and Reliability) Act 2008.



Water Restrictions - Level 3

PURPOSE	LEVEL 3
Private gardens -watering	Watering by manual or automated sprinklers, micro spray or drip watering systems and hand held hoses are prohibited on Mondays. Odd numbered houses - sprinklers allowed on Tuesdays and Saturdays, between the hours of 6am and 7am and 6pm and 7pm only. Even numbered houses - sprinklers allowed Wednesdays and Saturdays, between the hours of 6am and 7am and 6pm and 7pm only. Hand held hoses, fitted with a trigger nozzle can be used on any day except Mondays. Watering cans or buckets can be used at any time.
Public parks / gardens / road reserves - watering Other than Parks and Gardens of significance or Heritage Gardens as determined by Council	Watering by attended hand held hoses, fitted with a trigger nozzle to only be used between 6am and 7am and 6pm and 7pm only.
Private gardens and public gardens - filling or topping up of ponds	Newly constructed ponds must not be filled for the first time without the written permission of the Authority. Existing ponds can only be topped up to their normal level and only by means of hand held hoses, fitted with a trigger nozzle or by means of watering cans or buckets filled directly from taps.
Fountains	Fountains must not operate unless they recycle water. Water lost from fountains must not be replaced.
Paved areas - cleaning	Hosing of paved areas is prohibited unless cleaning is required as a result of an accident, fire, health hazard or other emergency. The use of a bucket filled directly from a tap is permitted at any time.
Private swimming pools or spas - filling or topping up	Filling new pools - no restrictions. Existing pools and spas may be topped up as per garden watering times.
Farm dams and tanks - topping up	Farm dams and tanks must not be topped up except - <ul style="list-style-type: none"> Dams or tanks providing water for firefighting, public health or stock watering purposes but only to the extent necessary to reasonably provide for those purposes; or In the case of other dams or tanks, with the written permission of the Authority.
Sports grounds - watering	Non active playing surfaces must not be waters without the written permission of the Authority. Active playing surfaces can only watered using - <ul style="list-style-type: none"> Sprinklers, micro spray or drip systems between the hours of 6am and 8am and 6pm and 8pm; or With hand held hoses immediately before or at the time of use; or With watering cans or buckets filled directly from taps.

1



Water Restrictions - Level 3

PURPOSE	LEVEL 3
Commercial market garden or plant nursery - watering of plants	No restrictions.
Window cleaning	Water must not be used to clean windows except by means of a bucket or watering can filled directly from a tap.
Mobile water tankers - filling	Mobile water tankers must not be filled except - <ul style="list-style-type: none"> Between the hours of 8am and 8pm with the written permission of the Authority; or Tankers supplying water for use inside domestic premises, or for firefighting or stock watering purposes.
Motor vehicle dealers' vehicles - cleaning	Water must not be used to clean vehicles except by means of - <ul style="list-style-type: none"> a) Commercial car washing facilities that recycle water; b) Watering cans or buckets filled directly from taps; or c) Trigger hoses, which can be used only to rinse vehicles after washing.
Food transport vehicles - cleaning	Water must not be used to clean vehicles except by means of - <ul style="list-style-type: none"> a) Automatic washing systems which recycle water; or b) Trigger hoses; c) Watering cans or buckets filled directly from taps; d) High pressure, low volume cleaner.
Other vehicles (cars, trucks, boats, jet skis) - cleaning	Water must not be used to clean vehicles except by means of - <ul style="list-style-type: none"> a) Automatic washing systems which recycle water; or b) Commercial car wash facilities using trigger hoses; or c) Watering cans or buckets filled directly from taps; or d) Boat motors may be flushed and rinsed after use for a maximum of 5 minutes.
Construction industry - use of water in	Unless otherwise exempted by the Authority in writing, hoses must not be used except trigger hoses.
Any purpose not included in any other items of this column other than for use inside domestic premises and for domestic and farm animals	Water must not be used without the written permission of the Authority.
New lawns - residential	<p>New lawns can be watered on the day of installation for a period of one hour at any time with sprinkler with timer shut off.</p> <p>On any day between the hours of 6am and 7am and 6pm and 7pm for a period of 14 days after the installation date (receipt of installation required), by sprinkler with timer shut off.</p> <p>After 14 days from the day of establishment all level 3 water restrictions apply including watering times -</p> <ul style="list-style-type: none"> Odd numbered properties between 6am and 7am and 6pm and 7pm, Tuesdays, and Saturdays; Even numbered properties between 6am and 7am and 6pm and 7pm, Wednesdays and Sundays. <p>Hand held hoses fitted with a trigger nozzle can be used at any time except Mondays. Watering cans or buckets can be used at any time.</p>

Failure to comply with Water Restrictions may incur penalties as described in s 43 (5) of the Water Supply (Safety and Reliability) Act 2008.



Road Closure Policy

Policy Type	Governance Policy	Version:	1.0
Responsible Officer	Manager Technical Services	Date Approved:	30/04/2022
Review Officer:	Manager Technical Services	Review Due:	30/03/2026
Author:	Senior Compliance Officer	Commencement:	30/04/2022

1. PURPOSE

To provide a principled, equitable and consistent approach to the assessment of requests received from the State for permanent or temporary closure of a Council controlled road.

2. SCOPE

This policy applies to applications made under the *Land Act 1994* (Qld)¹ to the State for permanent or temporary, full or partial closure of a Council controlled road and for which a request has been made to Council from the State for Council's views and/or requirements.

This policy should be read in conjunction with Council's *Use of Council Controlled Roads Policy*.

3. POLICY STATEMENT

Council has control of all roads within its jurisdictional area except State-controlled roads.² Members of the public may apply directly to the State for a temporary or permanent closure of a Council controlled road. Additionally, Council may apply to the State for closure of a road. Procedurally, in assessing an application for a road closure proposal, the State will seek the views of Council to inform decision making.

Council will only support the temporary or permanent full or partial closure of a road where the public interest is not compromised by the proposal.

Where Council receives a request for Council views/and or requirements on the full or partial closure of a Council controlled road ("**subject road**"), the proposal will **not** be supported where:

- The subject road – whether constructed or not constructed – provides the only legal access to a property;
- The proposal stands to compromise the future availability of access to land, road and intersection upgrades/improvements, cadastral road realignment, car parking and positioning of infrastructure;
- Council seeks to retain the existence of the subject road and the proposal is for the permanent closure of the **entirety** of the road corridor;

¹ See *Land Act 1994* (Qld) ss 97A-109C.

² See *Local Government Act 2009* (Qld) s 59(3) ('LG Act').

Human Rights Compatibility Statement

This policy has been drafted in alignment with obligations arising under s 58 of the *Human Rights Act 2019* (Qld).

Road Closure Policy

- the subject road is identified as an **active road corridor** and proposal stands to compromise the safe and proper functioning of the road;
- Council seeks to retain the existence of the subject road and the proposal and intended use stands to impede the only existing point of practical public access to an identified place of public interest;
- Council seeks to retain the existence of the subject road and the proposal and intended use stands to impede the only existing path of practical public access to a recreational watercourse area;
- The proposal includes an intended use which contains a risk of contamination of the land comprising the subject road to include contamination which may pose a Biosecurity Risk;
- Council seeks to retain the existence of the subject road and the proposal stands to result in a road width that is inconsistent with maintaining public safety and/or the safe use of the road as determined in accordance with a risk assessment undertaken by Council and/or the requirements of the FNQROC Development Manual;
- The intended use for the subject road does not conform to Council's current Planning Scheme requirements and land use overlays and any relevant policies contained therein;
- The proposal stands to harm identified Aboriginal cultural heritage³ or an environmental value which stands to be adversely impacted by the proposal;
- the subject road is burdened by an existing land tenure instrument.⁴

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Aboriginal cultural heritage – holds the meaning as defined in the *Aboriginal Cultural Heritage Act 2003* (Qld).⁵

Active road corridor – means a road which holds a constructed road and which is currently in use for the movement of vehicles.

Biosecurity Risk – holds the meaning as defined in the *Biosecurity Act 2014* (Qld).⁶

Environmental value – holds the meaning as defined in the *Environmental Protection Act 1994* (Qld).⁷

Road – holds the meaning as defined in the *Land Act 1994* (Qld).⁸

³See *Aboriginal Cultural Heritage Act 2003* (Qld) s 23. Note: s 23 imposes a duty of care obligation on persons **carrying out an activity** to ensure that the activity does not harm Aboriginal cultural heritage. Whilst 'Carrying out an activity' does not extend to Council in providing views and/or requirements to the State in response to an application for road closure made to the State by a member of the public, a general duty of care obligation extends to Council in circumstances where Council is the applicant to the State.

⁴ As may be issued under the *Land Act 1994* (Qld) for example.

⁵ See *Aboriginal Cultural Heritage Act 2003* (Qld) s 8.

⁶ See *Biosecurity Act 2014* (Qld) s 16.

⁷ See *Environmental Protection Act 1994* (Qld) ss 8-9.

⁸ See *Land Act 1994* (Qld) s 93.

Road Closure Policy

Watercourse – holds the meaning as defined in the *Water Act 2000* (Qld).⁹

6. RELATED DOCUMENTS AND REFERENCES

Aboriginal Cultural Heritage Act 2003 (Qld)
Biosecurity Act 2014 (Qld)
Environmental Protection Act 1994 (Qld)
Land Act 1994 (Qld)
Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Planning Scheme 2016 (MSC)
Use of Council Controlled Roads Policy (MSC)
Water Act 2000 (Qld)

7. REVIEW

It is the responsibility of the Manager Technical Services 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.

⁹ See *Water Act 2000* (Qld) ss 5(1)-(2).



Use of Council Controlled Roads Policy

Policy Type	Governance Policy	Version:	1.0
Responsible Officer	Manager Development and Governance	Date Approved:	30/04/2022
Review Officer:	Manager Development and Governance	Review Due:	30/03/2026
Author:	Senior Compliance Officer	Commencement:	30/04/2022

1. PURPOSE

To provide a framework for the principled, equitable and consistent assessment by Council of requests received from the public for temporary use of a Council controlled road for a defined purpose.

2. SCOPE

This policy applies to all requests received by Council for temporary non-commercial and non-exclusive use of Council controlled roads. It does **not** apply to:

1. applications for commercial use of local government controlled areas and roads under Council's relevant Local Laws; or
2. applications involving permanent or temporary road closures made to the State under the *Land Act 1994* (Qld);
3. Applications for use of reserve land made under Council's *Use of Council Land of Agistment Purposes Policy*.

This policy should be read in conjunction with Council's *Road Closure Policy*.

3. POLICY STATEMENT

Council has control of all roads within its jurisdictional area except State-controlled roads.¹ Council may receive requests from the public for use of all or part of a road ("**the subject road**") for a defined purpose ("**the intended use**") – the grazing of cattle for example.

The use of a road for a defined activity may assist Council with caring for the land surface and provide for collective safety related benefits to the community such as bushfire mitigation.

Where Council receives a request for use of a Council controlled road, the following principles will apply to assessment of each request:

- Requests for the use of a Council controlled road must be made in writing and include a description of the intended use along with a proposal for ongoing management of the subject road;

¹ See *Local Government Act 2009* (Qld) s 59(3) ('LG Act').

Human Rights Compatibility Statement

This policy has been drafted in alignment with obligations arising under s 58 of the *Human Rights Act 2019* (Qld).

Use of Council Controlled Roads Policy

- The intended use must be temporary. Examples of a temporary use include use of the land for grazing of cattle or use of the land for agriculture with a crop yield of less than 2 years;
- Assessment of requests shall have regard to the impact of the intended use upon the land surface;
- Priority consideration will be afforded to landowners adjoining the subject road. However, Council assessment of requests will have regard to the level of demand expressed by the community for the use of the subject land and any resulting escalated requirement for calling of expressions of interest by the wider community;²
- Where multiple adjoining landowners seek use of a Council controlled road, Council at its sole discretion, may consider apportioning use the subject road to each landowner;
- Where a request is made for partial use of a road and the subject road is identified as an **active road corridor**, assessment will have regard to the location of the subject road, the volume of traffic movement along the road and the minimum remaining width required for the safe and proper functioning of the road;
- The intended use must not impede practical public access to or traversal through the subject road corridor;
- The intended use must not impede practical public access to a watercourse;
- The intended use must not obstruct the only legal access to a property whether or not the legal access is currently functionally in use;
- The intended use for the subject road must conform with Council's current Planning Scheme and land use overlays and any relevant policies contained therein;
- The intended use does not threaten a known area of Aboriginal Cultural Heritage significance or an area of Environmental Value;
- The intended use must not result in the contamination of the land comprising the subject road to include contamination which may pose a Biosecurity Risk;
- The intended use must not result in a road width that is inconsistent with maintaining public safety and/or the safe use of the road as determined in accordance with a risk assessment undertaken by Council and/or the requirements of the FNQROC Development Manual;
- Applications will be considered for the use of a road under this policy only where the subject road is not burdened by an existing land tenure instrument;³
- Where assessment of a request results in the issuing by Council of an **Approval**, the Approval will be subject to the conditions decided by Council and such conditions will be enforceable;⁴

² In accordance with requirements under the *Local Government regulation 2012* (Qld) s 236.

³ As may be issued under the *Land Act 1994* (Qld) for example.

⁴ See *LG Act* s 75.

Use of Council Controlled Roads Policy

- Any administrative costs associated with issuing of an Approval will be borne by the requesting party;
- annual Licence rental minimum amounts will be calculated using the 'percentage of land valuation method' to determine fair rental amounts. The minimum percentage will be five percent (5%) of unimproved usable land value as applied following the determination of current Estimated Land Valuation/Appraisal⁵ or such amount as determined by Council at its sole discretion having regard to the the use of the land and the community benefit.⁶

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Aboriginal cultural heritage – holds the meaning as defined in the *Aboriginal Cultural Heritage Act 2003* (Qld).⁷

Active road corridor – means a road which holds a constructed road and which is currently in use for the movement of vehicles.

Approval – means an Approval issued under section 75 of the *Local Government Act 2009* (Qld).

Biosecurity Risk – holds the meaning as defined in the *Biosecurity Act 2014* (Qld).⁸

Environmental Value – holds the meaning as defined in the *Environmental Protection Act 1994* (Qld).⁹

Road – holds the meaning as defined in the *Local Government Act 2009* (Qld).¹⁰

Watercourse – holds the meaning as defined in the *Water Act 2000* (Qld).¹¹

6. RELATED DOCUMENTS AND REFERENCES

Aboriginal Cultural Heritage Act 2003 (Qld)
Biosecurity Act 2014 (Qld)
Environmental Protection Act (Qld)
Land Act 1994 (Qld)
Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Planning Scheme 2016 (MSC)
Road Closure Policy (MSC)
Use of Council Land for Agistment Purposes Policy (MSC)
Water Act 2000 (Qld)

⁵ As consistent with Council's *Use of Council Land for Agistment Purposes Policy* s 3.

⁶ An example of community benefit may be agistment of livestock upon the land to reduce vegetation fuel loads as a fire mitigation measure.

⁷ See *Aboriginal Cultural Heritage Act 2003* (Qld) s 8.

⁸ See *Biosecurity Act 2014* (Qld) s 16.

⁹ See *Environmental Protection Act 1994* (Qld) ss 8-9.

¹⁰ See *LG Act* ss 59(2)-(3).

¹¹ See *Water Act 2000* (Qld) ss 5(1)-(2).

Use of Council Controlled Roads Policy
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7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

8.5 QBCC PROSECUTION OF OFFENCES UNDER S.16X(1) BUILDING REGULATION 2006 (QLD)

Date Prepared: 6 April 2022

Author: Manager Development and Governance

Attachments: Nil

EXECUTIVE SUMMARY

The Queensland Buildings and Construction Commission seeks authority from Council to allow the Queensland Building and Construction Commission to prosecute offences committed under s. 16X(1) of the *Building Regulation 2006* (Qld).

RECOMMENDATION

That, under s. 256(2)(k) of the *Building Act 1975* (Qld), Council grant a general authority to the Commissioner of the Queensland Building and Construction Commission to make complaints under the *Justices Act 1886* (Qld) in relation to the breaches of s. 16X(1) of Part 4A of the *Building Regulation 2006* (Qld).

BACKGROUND

Council is in receipt of correspondence from the Queensland Building and Construction Commission ("QBCC") formally requesting authority to prosecute offences committed under s. 16X(1) of the *Building Regulation 2006* ("the Regulation").

In 2018, the Queensland Government introduced amendments to the Regulation, in response to the risk posed by combustible materials in external cladding, requiring owners of particular private buildings to undertake an assessment of the material used on external walls of their building in a 3-part process.

Some owners of private buildings within the Mareeba Shire Council Local Government Area have failed to comply with their obligations.

Relevant Law

Building Act 1975 (Qld)

Building Regulation 2006 (Qld)

Justices Act 1886 (Qld)

Application

The QBCC has provided a comprehensive background into their legislative powers and processes in relation to this matter, and a summary is provided here.

Section 16X(1) and (7) of Part 4A of the Regulation required the owner of a private building identified to give 3 documents – namely, a combustible cladding checklist, a building fire safety risk assessment and a fire engineer statement - to the QBCC by 3 May 2021.

A failure by an owner to comply with Section 16X(1) of Part 4A of the Regulation holds a maximum penalty of 165 penalty units. Importantly, in addition to this penalty, under s. 16ZL of the Regulation the Court may order a building owner convicted of an offence against s. 16X(1) to obtain a building fire safety risk assessment and a fire engineer statement and provide these to the QBCC.

The QBCC reports that a number of private building owners throughout Queensland, and more specifically some located within the Mareeba Shire, have failed to comply with their obligations under s. 16X(1) and the QBCC now plans to prosecute them.

In order to do this, the QBCC requires Council to authorise the prosecution as the prosecution power in s.265(2) of the Building Act 1975 does not address offences against Part 4A of the Regulation. Instead, s256(2)(k) provides that, for an offence other than those specifically mentioned in s256(2)(a)-(j), a local government or a person authorised by a local government may make a complaint under the Justices Act 1886, thereby enabling the QBCC to launch a prosecution.

Therefore, the QBCC intends to launch multiple summary prosecutions under the *Justices Act 1886*, against building owners who have failed to comply with their obligations.

The QBCC has advised that, as the complaints under the *Justices Act 1886* will be brought in the name of the QBCC, all costs associated with prosecutions will be met by the QBCC and Council will not be required to contribute to the costs of the prosecution or be exposed to a costs order.

Assessment

Providing the required authority to the Commissioner of the QBCC will enable the QBCC to discharge its statutory functions and follow a legislative process for prosecution to ensure the safety of Queenslanders from the dangers of combustible cladding.

RISK IMPLICATIONS

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

Queensland Building and Construction Commission to be formally noticed of Council resolution and any applicable conditions.

8.6 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JANUARY TO MARCH 2022

Date Prepared: 29 March 2022

Author: Manager Development and Governance

Attachments: Nil

EXECUTIVE SUMMARY

This report presents the key activities and achievements of the Development and Governance Group for the January to March 2022 quarter.

RECOMMENDATION

That Council receives the quarterly report of the Development and Governance Group for the January to March 2022 quarter.

BACKGROUND

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

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

In addition to routine matters of operation, the following activities have occurred during the January to March 2022 quarter and are presented below by service area:

GOVERNANCE, COMPLIANCE, AND RECORDS**Native Title**

There are currently ten (10) Native Title claims within Mareeba Shire consisting of Djungan #5, Wakaman #3, #4, #5, Cairns Regional Claim Group, Djabugay-Bulway-Yirrgay-Nyakali-Guluy, Kurtijar, Muluridji #3 and Kunggandji Gurrabuna People and Ann-marie Keating on behalf of Wallara people, Clan of Koko-Muluridji.

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

- Djungan #5 (QUD811/2018)

The State and the Applicant have engaged in confidential and without prejudice negotiations in respect of connection matters which are ongoing. Ms Ann-Marie Keating is an Indigenous Respondent claiming to hold native title over the claim area. Mediation between the Applicant and Ms Keating has been unsuccessful and the Applicant anticipates bringing an Interlocutory Application in the coming months.

- Wakaman #3 (QUD746/2016), #4 (QUD728/2017), #5 (QUD178/2018)

Connection has been agreed as between the Applicant and the State. There continues to be disagreement between the Applicant and the State as to whether exclusive native title ever existed over the claim areas and the apical ancestors proposed by the Applicant are not agreed by the State.

- Cairns Regional Claim Group (QUD692/2016)

The Court has adopted the findings of a Referee's Report and the respective claims have been amended to be consistent with the Referee's Report.

The State has advised that whilst the Referee's Report dealt with the existence of the native title at sovereignty, it is not yet satisfied that there was continuation of connection from sovereignty to present day. If the State agrees that connection exists, the matter is likely to be progressed.

There are now no overlapping claims with the Cairns Regional Claim Cluster.

- Djabugay-Bulway-Yirrgay-Nyakali-Guluy (QUD398/2015)

This claim involves one parcel of land subject to a Non-Claimant Application. The parties have entered into an ILUA and upon registration the proceedings will be discontinued.

- Kurtijar (QUD483/2015)

The Applicant and the State are attempting to draft a proposed Consent Determination. Once that is agreed between the State and the Applicant it will be circulated to the other parties for consideration by 22 April 2022.

- Muluridji #3 (QUD824/2018)

The Applicant and the State are continuing confidential and without prejudice negotiations regarding connection. The Applicant has indicated that it will bring an Interlocutory Application to have Ms Ann-Marie Keating removed as a Respondent.

There is unlikely to be any progress in this matter until September / October 2022.

- Kunggandji Gurrabuna People (QUD21/2019)

An Interlocutory Application sought by the State to have the Application dismissed was heard on 16 December 2021. The judgement has now been handed down which dismisses the claim.

- Ann-marie Keating on behalf of Wallara People, Clan of Koko-Muluridji (QUD224/2021)

Council has received notification for a new Native Title Determination Application over part of Mareeba Shire Council's local Government area.

The application is yet to pass the registration test and is only at notification stage. That is, unless it passes the registration test it is unlikely that the Court will make a determination of native title. As the Tribunal has issued a notification Council has provided instructions to Preston Law to file a funding application to the Attorney-General Department and join Council to the proceedings prior to 22 June 2022.

Land tenure instruments

- Ten-year Trustee Lease secured with Weymouth Pastoral Co Pty Ltd for tenure and management over Lot 10 DA214 reserve (R26 – Big Mitchell Creek) for Camping and Water (Stock Route).
- The Trustee for HMBT entered into a one year renewed Agistment Permit for use of part of Lot 539 SP146295 Bowers Street Mareeba.

- Management Agreement secured with Centre for Australasian Theatre for community group management on behalf of Council of Geraghty Park Hall located at Julatten.

Mareeba Industrial Park

Council recorded three (3) new land sale settlements during the period relevant to the disposal of Lot 227 SP312807 – 14 Effley Street, Lot 219 SP312807 – 27 Effley Street and Lot 61 SP198060 – 28-30 Martin Tenni Drive.

Mareeba Aviation Industrial Park

Council secured two (2) new leases during the period as follows:

- Lease AA – NQ Balus Holdings Pty Ltd – commenced 1 January 2022;
- Lease CF – GKC Star Super Pty Ltd – 1 March 2022.

Notifiable breaches - internal

Council recorded Nil notifiable policy related breaches during the quarter.

Right to information and Information Privacy

Council recorded receipt of one (1) new Right to Information and Information Privacy Access Application under the *Right to Information Act 2009* (Qld) and nil (0) under the *Information Privacy Act 2009* (Qld).

Unreasonable Complainant Conduct

Council recorded Nil new cautionary notice actions undertaken during the period under Council's *Unreasonable Complainant Conduct Policy*.

Administrative Action Complaints

Details of complaints received/processed during the period ending 31 March 2022 are displayed in the following table as aligned with the same period in 2021:

	Jan - Mar 2021	Jan - Mar 2022
Complaints carried over from previous period	2	2
Complaints carried over from previous period finalised during this reporting period	0	2
Complaints lodged during reporting period	11	20
Complaints finalised during reporting period	9	13
Complaints still in process (not finalised) during reporting period	4	7

BUILDING, PLUMBING, AND TRADEWASTE

Building Applications

In 2018, Council resolved to no longer provide building certification in the major population areas of Mareeba Shire. In 2020, Council resolved not to provide building certification across the entire jurisdiction. However, Council is still responsible for the applications it had received up until this

point. Generally, approved building applications are granted two (2) years to complete the approved building works.

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

Current applications as at 1 Jan 2022	11
Completed	1
Cancelled	0
Current applications as at 31 Mar 2022	10

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

Plumbing Applications

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

Current applications as at 1 Jan 2022	276
New Applications	27
Completed	29
Cancelled	0
Current applications as at 31 Mar 2022	261

Trade Waste

The 2022 Trade Waste inspection program for Mareeba has completed for the financial year. The Kuranda trade waste yearly inspection program 2021 started in November and will be completed before 30 June 2022.

Regulatory

Building, Plumbing, and Trade Waste Services had 143 customer requests this quarter of which 134 were resolved. In comparison to the same quarter in 2021, where Council received 119 customer requests.

Compliance

Council continues to progress with 50 escalated building and plumbing compliance enforcement actions for unapproved structures relevant to 28 properties across the jurisdiction representing an approximate fifty-percent enforcement action increase over the previous quarter.

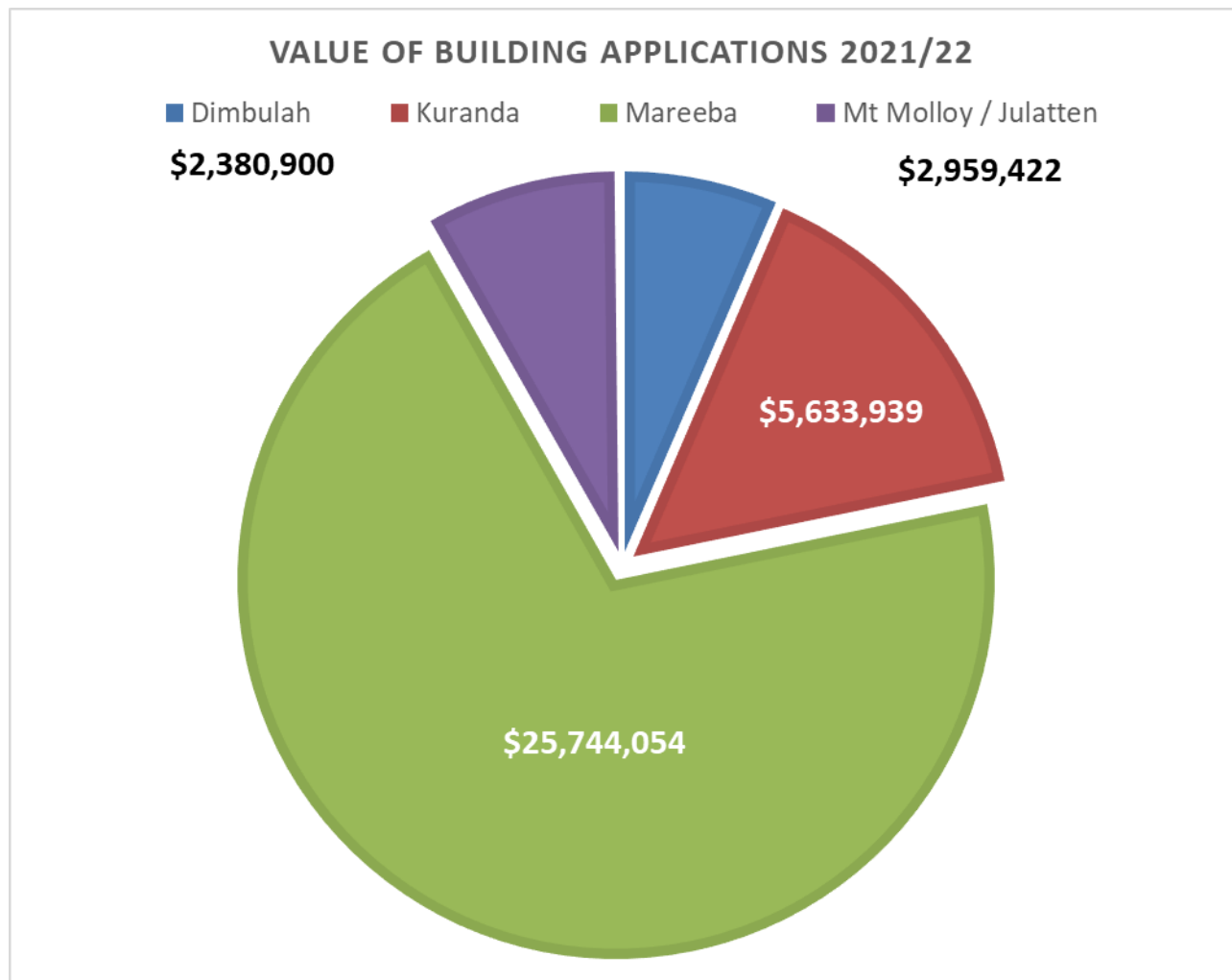
Building

Council's dwelling and commercial approvals have decreased compared to last year's boom. The trend for building development in the region is closer to the regions typical average development over the past five (5) years.

Quarter	Jan - Mar 2022		Jan - Mar 2021	
Type	\$	A	\$	A
Dwellings	6,385,101	25	13,287,913	52
10A (Sheds, ETC)	2,507,858	40	1,722,494	39
Commercial	2,602,686	11	4,117,246	6
Others	208,300	4	353,418	9
Total	11,703,945	80	19,481,070	106

Yeat to date	2021/22 YTD		2020/21 YTD	
Type	\$	A	\$	A
Dwellings	20,387,489	91	38,778,262	170
10A (Sheds, ETC)	6,163,367	120	5,000,708	126
Commercial	8,333,033	25	5,140,723	12
Others	2,045,917	13	1,125,684	17
Total	36,929,807	249	50,045,376	325

The below graph summarises where construction investment is occurring by location across the Shire for the 2021/22 financial year.



REGIONAL LAND USE PLANNING**New Development Applications**

6 development applications were lodged in the March quarter 2022 compared to 13 lodged in the March quarter 2021.

Development applications received/approved during the March quarter 2022 as compared to the YTD (January to March) comparisons are as follows:

	Jan - Mar 2022	2021/22 YTD	2020/21 YTD
New Development Applications lodged	6	36	39
Decision Notices issued under delegated authority	10	25	25
Negotiated Decision Notices issued under delegated authority	0	0	0
Decision Notices issued (from Council Minutes)	3	14	11
Negotiated Decision Notices issued (from Council Minutes)	0	0	1
Extensions to relevant period issued	1	2	3
Extensions to relevant period issued (from Council Minutes)	0	1	0
Change to existing Development Approval issued	0	2	4
Referral Agency Response approvals issued under delegated authority	4	19	16
Survey Plans endorsed	11	26	37
Notices issued under SPA	0	0	4
Planning Appeals and other Court proceedings	0	2	1

LOCAL LAWS AND ENVIRONMENTAL HEALTH**Local Laws**

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

Animals

	Jan - Mar 2022	2021/22 YTD	2020/21 YTD
Barking Complaints	41	161	121
Council traps	37	109	102
Cruelty	4	8	8
Dangerous Aggressive Dogs	40	112	86
Enquiries, Unregistered, Hygiene, unleashed	152	577	341
Missing/Lost/Found	22	68	49
Restrained for Collection	25	99	80
Straying Animals	129	346	280
Too many animals	13	40	24
Total	463	1,520	1,091

A general increase in dog barking complaints, straying animals and general enquiries were identified during the current year to date, compared to year to date last year.

Dog Registration

As at the 31 March 2022 Council has a registered population of 4286 dogs in the shire with 99 dog renewals outstanding.

	Jan - Mar 2022	2021/22 YTD	2020/21 YTD
Deceased	70	254	445
Left the area	51	166	287
New registrations	176	606	483

Other Areas

	Jan - Mar 2022	2021/22 YTD	2020/21 YTD
Abandoned Vehicles	33	113	88
Commercial Use of Roads	13	50	58
Illegal Camping	7	36	16
Illegal Signs	5	21	10
Obstruction of Footpath	3	17	6
Overgrown	61	114	117
Parking, illegal parking	23	70	59
Other	11	22	19
Total	156	443	373

Abandoned Vehicles have also increased from year to date compared to last year. Council Officers have experienced a higher number of vehicles abandoned in the shire.

Environmental Health

The Environmental Health section responded to a total of 117 enquiries, complaints and service requests for the quarter relating to the following matters:

	Jan - Mar 2022	2021/22 YTD	2020/21 YTD
Flying Foxes	3	4	33
Food Complaints	1	2	4
Food Enquiry	37	110	110
Food General	3	3	0
General Service Enquiry	13	68	89
Health Enquiry	17	53	60
Illegal Dumping	16	43	36
Other	11	22	17
Pollution	15	58	81
Public Health Complaint/enquiry	1	7	3
Total	117	370	433

Notices Issued, Inspections Carried Out, Applications Processed

	Jan - Mar 2022	2021/22 YTD	2020/21 YTD
Animal management infringements issued	17	272	132
Animals Impounded	150	404	370
Compliance Notices Issued	29	67	78
Food Inspections Undertaken	60	133	153
Local Laws infringements issued	28	77	76
Regulated Parking infringements issued	71	226	286
Warning letters issued	74	318	148

In the last quarter (1 January 2022 to 31 March 2022) the following impounds were recorded for dogs:

- Animal returned to owner 1st occasion for free (dog was wandering but was registered): 19 dogs.
- Animal caught wandering (not registered or registered and previously returned to owner): 150 dogs were impounded.

A large increase in the number of warning letters have also been observed this year to date compared to last year to date. Council's Local Laws Officers are finding unregistered dogs when carrying out general complaints and investigations.

The increase in animal infringements issued is due to infringements being issued to dog owners who did not register their animals by 30 June 2021. This number is higher than previous year to date due to a high number of owners not registering their dogs by the due date.

LINK TO CORPORATE PLAN

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

Nil

8.7 DELEGATIONS UPDATE MARCH 2022

Date Prepared: 5 April 2022

Author: Manager Development and Governance

Attachments: 1. Table of Delegable Powers

EXECUTIVE SUMMARY

As part of the monthly delegations update service provided by MacDonnells Law, Council is advised of amendments to various pieces of legislation that require amendments to existing delegations or new delegations to be made by Council.

This report also seeks approval for the delegation of Council powers conferred under section 195 of the *Local Government Act 2009* (Qld) (LGA) to the CEO to facilitate the appointment of an acting CEO

RECOMMENDATION

That:

1. Council delegates the exercise of the powers contained in the attached Table of Delegable powers, with such powers to be exercised subject to any limitations and conditions.
2. Any prior delegations of power relating to the same matters are revoked; and
3. That, under section 257 of the *Local Government Act 2009* (Qld), delegate to the Chief Executive Officer, the power to appoint an acting CEO in the circumstances specified under section 195 of the *Local Government Act 2009* (Qld) and condition that the power is not further delegated.

BACKGROUND

Council has delegated to the Chief Executive Officer (CEO) the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of the role and efficiently manage the operations of the Council. All delegations are made subject to the limitations on the attached documentation.

This report and the recommended delegations of power to the CEO if executed by resolution of Council, will provide a base for good decision making and accountability while maintaining statutory compliance by the Mareeba Shire Council.

The attached Table of Delegable Powers displays the list of amendments to powers that have been identified as requiring delegation to the CEO.

Residential Tenancies and Rooming Accommodation Act 2008 (Qld) (RTRA)

As notified under our October 2021 service update (summary below), there were some changes made to the RTRA to commence on proclamation. The Housing Legislation Amendment Act 2021 has affixed 1 October 2022 as the date for those provisions to commence.

The RTRA was amended by the Housing Legislation Amendment Bill 2021. A number of amendments commenced on assent with remainder to commence on a date to be proclaimed. The changes are for residential tenancies and rooming accommodation to:

- support tenants and residents to enforce their existing rights by removing the ability for lessors and providers to end tenancies without grounds;
- provide an expanded suite of additional approved reasons for lessors/providers and tenants/residents to end a tenancy;
- ensure all Queensland rental properties are safe, secure, and functional by prescribing minimum housing standards and introducing compliance mechanisms to strengthen the ability to enforce these standards;
- strengthen rental law protections for people experiencing domestic and family violence; and
- support parties to residential leases reach agreement about renting with pets.

Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (PHIC)

The PHIC has been amended by the Health and Other Legislation Amendment Bill 2021. The changes were made to improve the operation of the Act in relation to the restoration and renewal of business licences. These changes are to commence on proclamation.

Delegation of Powers - Acting CEO

Council currently has in place standing sub-delegations under section 259 of the LGA which provide for persons holding the following identified positions to act in the capacity of CEO when and as required:

1. Director Corporate and Community Services on occasions of CEO absence or unavailability.
2. Director Infrastructure Services on occasions of CEO absence or unavailability and the absence or unavailability of the Director Corporate and Community Services; and
3. Acting Director Infrastructure Services on occasions of CEO absence or unavailability and the absence or unavailability of both of the Director Corporate and Community Services and the Director Infrastructure Services.

The above arrangements provide that those persons holding the identified roles automatically assume the role of acting CEO when the CEO is going to be continuously away from his or her duties for a defined or uncertain but extended period of time.

Importantly, for the purposes of section 259 of the LGA, a distinction is drawn between: -

- (a) the various powers which Council delegates to the CEO pursuant to the Council Register ("Council to CEO powers"); and
- (b) powers which are conferred directly by an Act or a Regulation on the CEO in the CEO's capacity as the CEO of Council ("direct to CEO powers").

Therefore, whilst the sub-delegations at points 1-3 above provide for the delegation of "Council to CEO" powers under section 257 of the LGA as specifically listed within the existing Instrument of Delegation from Council to the CEO; since "direct to CEO" powers are not powers of Council, they do not provide for delegation of "direct to CEO powers" as conferred directly by an Act or a Regulation. An example of a "direct to CEO" power is provided under section 202 of the LGR, 'Appointing authorised persons.' The implication of the above is that persons acting in the capacity of CEO under a current section 259 LGA instrument of sub-delegation may only exercise a "Council to CEO" power. That person cannot lawfully exercise a "direct to CEO" power – appointing an authorised person under section 202 of the LGA for example. Foreseeably, there may be circumstances during extended periods of absence by the CEO, where the acting CEO will be required to exercise such powers.

Section 195 of the LGA is a delegable authority and relevantly provides as follows:

195 Appointing an acting chief executive officer

A local government may appoint a qualified person to act as the chief executive officer during—

(a) any vacancy, or all vacancies, in the position; or

(b) any period, or all periods, when the chief executive officer is absent from duty or can not, for another reason, perform the chief executive officer's responsibilities.

Where Council exercises power under section 195 of the LGA to appoint an acting CEO, this need not be by resolution. However, in order that the CEO can exercise this power the CEO must be given delegated power under section 257.

Notably, the above power is not listed within Schedule 1 of the current section 257 Instrument of Delegation from Council to the CEO. The implication is that only **Council** currently holds the power to appoint an acting CEO under section 195 of the LGA. The CEO does not currently hold the power to appoint an acting CEO since that power has not been delegated to the CEO under section 257 of the LGA.

To facilitate ease of administration and lawful continuity of Council business processes having regard to all foreseeable circumstances relevant to any absence or unavailability of the CEO, it is proposed that Schedule 1 of the existing section 257 Instrument of Delegation from Council to the CEO is amended to include the section 195 power to provide for appointment by the CEO of an acting CEO to encompass exercise of "direct to CEO" powers. This action will additionally provide for the appointment of a suitably qualified person for which an existing section 259 Instrument of Sub-Delegation (points 1-3 above) is not already in place where the need arises.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

There are legal implications for local government if management is not aware of the delegated powers and powers of authorised persons that are required for their sections to operate efficiently.

The statutory powers of employees, whether delegated to their position by the CEO or obtained as a result of an appointment as an authorised person under particular statutes, will be invalid if they cannot be supported by an instrument documenting the particulars.

In the case where Council is challenged on an action taken or a decision made by its employees, there needs to be proof that the employee held the powers required to do so. Such documentation is known as the instrument and is required for delegations, sub-delegations and appointments. Section 260 requires the CEO to establish and maintain a register of delegations and make it available to the public.

Risk of challenge – validity of decisions and actions undertaken by persons acting in the capacity of CEO under delegated authority may be called into question if the appropriate delegation was not adopted by Council.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Delegable Powers under the Public Health (Infection Control for Personal Appearance Services) Act 2003 ("PHIC")

Part 4 – Licences to carry on business providing higher risk personal appearance services

Division 2 – Renewal of licences

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Local Government	44(4)	Power to consider an application for renewal of a licence and renew, or refuse to renew, a licence.		
Local Government	44(5)	In the specified circumstances, the power to have regard to the specified matters.		
Local Government	44(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.		
Local Government	44(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.		
Local Government	45(1)	In the specified circumstances, the power to, by notice given to the licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.		
<u>Local Government</u>	<u>46A(4)¹</u>	<u>Power to consider an application.</u>		
<u>Local Government</u>	<u>46A(4)²</u>	<u>Power to decide to:</u> <u>(a) restore the licence; or</u>		

¹ Note: This section commences on a date to be proclaimed.

² Note: This section commences on a date to be proclaimed.

		<u>(b) restore the licence subject to conditions;</u> <u>or</u> <u>(c) refuse to restore the licence.</u>		
<u>Local Government</u>	<u>46A(5)³</u>	<u>In the specific circumstances, the power to have regard to the specified matters.</u>		
<u>Local Government</u>	<u>46A(6)⁴</u>	<u>In the specified circumstances, power to give the applicant notice of the decision.</u>		
<u>Local Government</u>	<u>46A(7)⁵</u>	<u>In the specified circumstances, the power to immediately give the applicant an information notice.</u>		
<u>Local Government</u>	<u>46B(1)⁶</u>	<u>In the specified circumstances, the power to, by notice given to the applicant, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.</u>		

³ Note: This section commences on a date to be proclaimed.

⁴ Note: This section commences on a date to be proclaimed.

⁵ Note: This section commences on a date to be proclaimed.

⁶ Note: This section commences on a date to be proclaimed.

Delegable Powers under the Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")

CHAPTER 2 – RESIDENTIAL TENANCY AGREEMENTS AND ROOMING ACCOMMODATION AGREEMENTS

Part 1 – Agreements

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Lessor	65(2)	Power to prepare in the approved form, sign and give a copy to the tenant a condition report on or before the day the tenant occupies the premises under the residential tenancy agreement. ¹		

Division 2 – Rooming accommodation agreements

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Provider ²	81(1)(b)	Power to prepare in the approved form, sign and give a copy to the resident a condition report on or before the day the resident occupies a room in the rental premises under the rooming accommodation agreement. ³		

¹ Note: This amendment commences on ~~a date to be proclaimed~~ 1 October 2022.

² A provider is a provider under a rooming accommodation agreement.

³ Note: This amendment commences on 1 October 2022 ~~a date to be proclaimed~~.

Part 2 – Rent

Division 2 – Rooming accommodation agreements

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Provider	105(2) ⁴	Power to give a resident a written notice stating the amount of increased rent and the day by which the rent is payable.		The day for which the increase in rent is payable must be not earlier than 4 weeks.

Part 3 – Rental bonds

Division 6 – Miscellaneous

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Lessor / Provider ⁵	155(3)	In the specified circumstances, the power to apply to a tribunal to make an order declaring an amount is or is not a rental bond.		The application must be made within the specified timeframe.

CHAPTER 3 – RIGHTS AND OBLIGATIONS OF PARTIES FOR RESIDENTIAL TENANCIES

Part 1A⁶ – Pets

Division 2 – Keeping pets and other animals at premises

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Lessor	184B(1)	Power to approve the keeping of a pet or other animal at the premises.		

⁴ Note: This amendment commences on 1 October 2022~~a date to be proclaimed~~.

⁵ Note: This amendment commences on 1 October 2022~~a date to be proclaimed~~.

⁶ Note: This part commences on 1 October 2022~~a date to be proclaimed~~.

CHAPTER 5 – ENDING OF AGREEMENTS

Part 1 – Ending of residential tenancy agreements

Division 2 – Action by lessor

Subdivision 2 – Notices to leave premises given by lessor

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Lessor	286(1)	Power to give a notice to a tenant to leave the premises because: (a) the lessor is preparing to sell the premises and the preparation requires the premises to be vacant; or (b) the lessor has entered into a contract to sell the premises with vacant possession. ⁷		
Lessor	290B(1)	Power to give a notice to leave the premises to the tenant if the premises are required for use under a program administered by the State under an Act. ⁸		
Lessor	290C(1)	Power to give a notice to leave the premises to the tenant if the lessor requires the premise to be vacant for a planned demolition or redevelopment. ⁹		
Lessor	290D(1)	Power to give a notice to leave the premises to the tenant if: (a) the premises requires significant repairs or the lessor intends to carry out significant renovations to the		

⁷ Note: This section commences on ~~1 October 2022~~a date to be proclaimed.

⁸ Note: This section commences on ~~1 October 2022~~a date to be proclaimed.

⁹ Note: This section commences on ~~1 October 2022~~a date to be proclaimed.

		premises; and (b) the repairs or renovations cannot be safely carried out while the tenant occupies the premise. ¹⁰		
Lessor	290E(1)	Power to give a notice to leave the premises to the tenant if: (a) the lessor requires the premises for a use other than residential tenancy; or (b) the lessor will require the premises for the other use for a period of at least 6 months. ¹¹		
Lessor	290F(2)	Power to give a notice of leave the premises to the tenant if the tenant stops being a student. ¹²		
Lessor	290(G)(1)	Power to give a notice to leave the premises to the tenant if the lessor, or the lessor's immediate family, needs to occupy the premises. ¹³		
Lessor	291(1)	Power to give a notice to leave the premises to the tenant if the residential tenancy agreement is a fixed term agreement and the notice relates to the end of the agreement. ¹⁴		
Lessor	297B(3)	Power to form a belief on reasonable grounds that premises or property has been used for an illegal activity whether or not anyone has been convicted or found guilty of an offence in relation to the activity. ¹⁵		

¹⁰ Note: This section commences on 1 October 2022 a date to be proclaimed.

¹¹ Note: This section commences on 1 October 2022 a date to be proclaimed.

¹² Note: This section commences on 1 October 2022 a date to be proclaimed.

¹³ Note: This section commences on 1 October 2022 a date to be proclaimed.

¹⁴ Note: This amendment commences on 1 October 2022 a date to be proclaimed.

¹⁵ Note: This section commences on 1 October 2022 a date to be proclaimed.

Part 2 – Ending of rooming accommodation agreements

Division 2 – Action by provider

Subdivision 2 – Notices to leave given by provider

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Limitations and Conditions
Provider	371A(2)	Power to give a resident a notice requiring the resident to leave the rental premises. ¹⁶		
Provider	371B(1)	Power to give a resident a notice requiring the resident to leave the rental premises if the provider requires the premises to be vacant for planned demolition or redevelopment. ¹⁷		
Provider	371C(1)	In specified circumstances, power to give a resident a notice requiring the resident to leave the premises. ¹⁸		
Provider	372(2)	Power to give the resident a notice requiring the resident to leave the rental premises at the end of the rooming accommodation agreement. ¹⁹		

¹⁶ Note: This section commences on 1 October 2022~~a date to be proclaimed~~.

¹⁷ Note: This section commences on 1 October 2022~~a date to be proclaimed~~.

¹⁸ Note: This section commences on 1 October 2022~~a date to be proclaimed~~.

¹⁹ Note: This amendment commences on 1 October 2022~~a date to be proclaimed~~.

8.8 FINANCIAL STATEMENTS PERIOD ENDING 31 MARCH 2022**Date Prepared: 30 March 2022****Author: Manager Finance****Attachments: 1. Budgeted Income Statement by Fund 2021/22 Budget****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 March 2022.

RECOMMENDATION

That Council receives the Financial Report for the period ending 31 March 2022.

BACKGROUND

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the month ending 31 March 2022, 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.

March 2022 - Snapshot

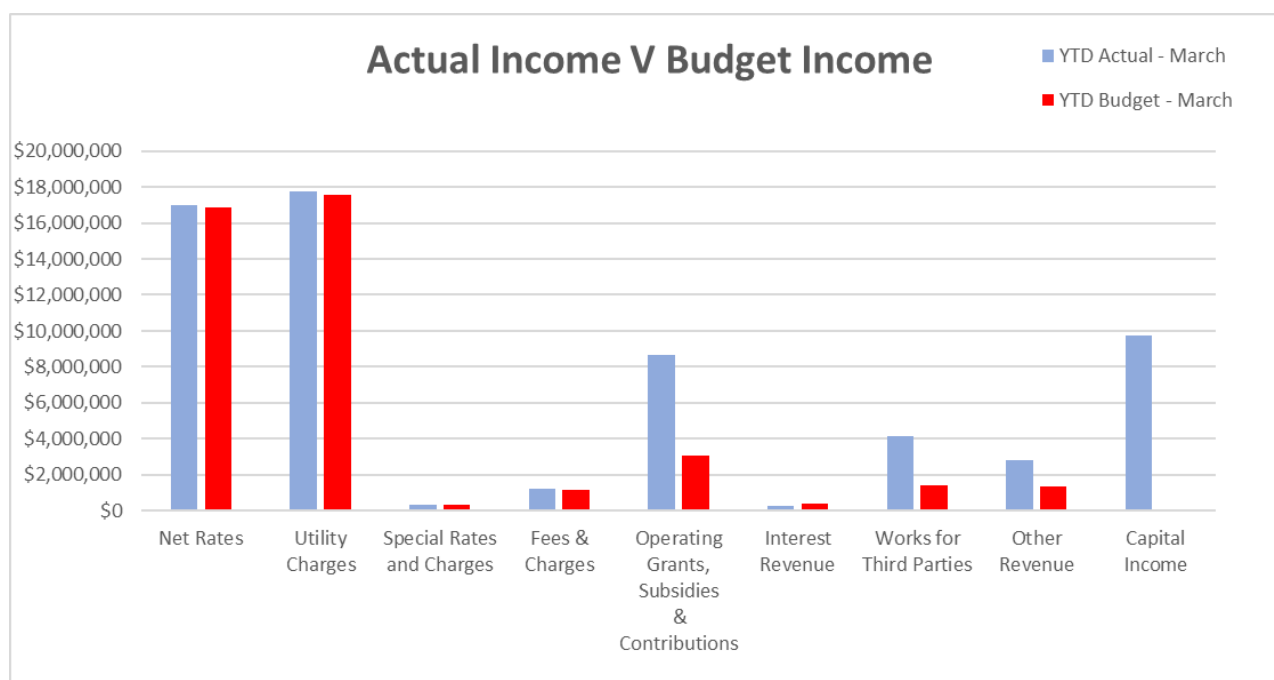
Total Operating Income	\$	52,180,586
Total Operating Expenditure	\$	37,840,396
Operating Surplus/(Deficit)	\$	14,340,190
Total Capital Income (grants, developer contributions)	\$	9,760,087
Net Result - Surplus/(Deficit)	\$	24,100,277

The operating surplus shown above is due to the Rates Notices for the period ending 30 June 2022 being issued in March 2022.

Income Analysis

Total income (including capital income of \$9,760,087) for the period ending 31 March 2022 is \$61,940,674 compared to the YTD budget of \$42,122,127.

The graph below shows actual income against budget for the period ending 31 March 2022.



	Actual YTD	Budget YTD	Note
Net Rates	16,960,001	16,849,595	1
Utility Charges	17,752,022	17,554,700	1
Special Rates and Charges	360,381	317,768	1
Fees & Charges	1,223,818	1,190,955	
Operating Grants, Subsidies & Contributions	8,649,251	3,079,288	2
Interest Received	292,508	399,125	3
Works for Third Parties	4,142,572	1,385,762	4
Other Revenue	2,800,034	1,344,934	5
Capital Income	9,760,087	-	6

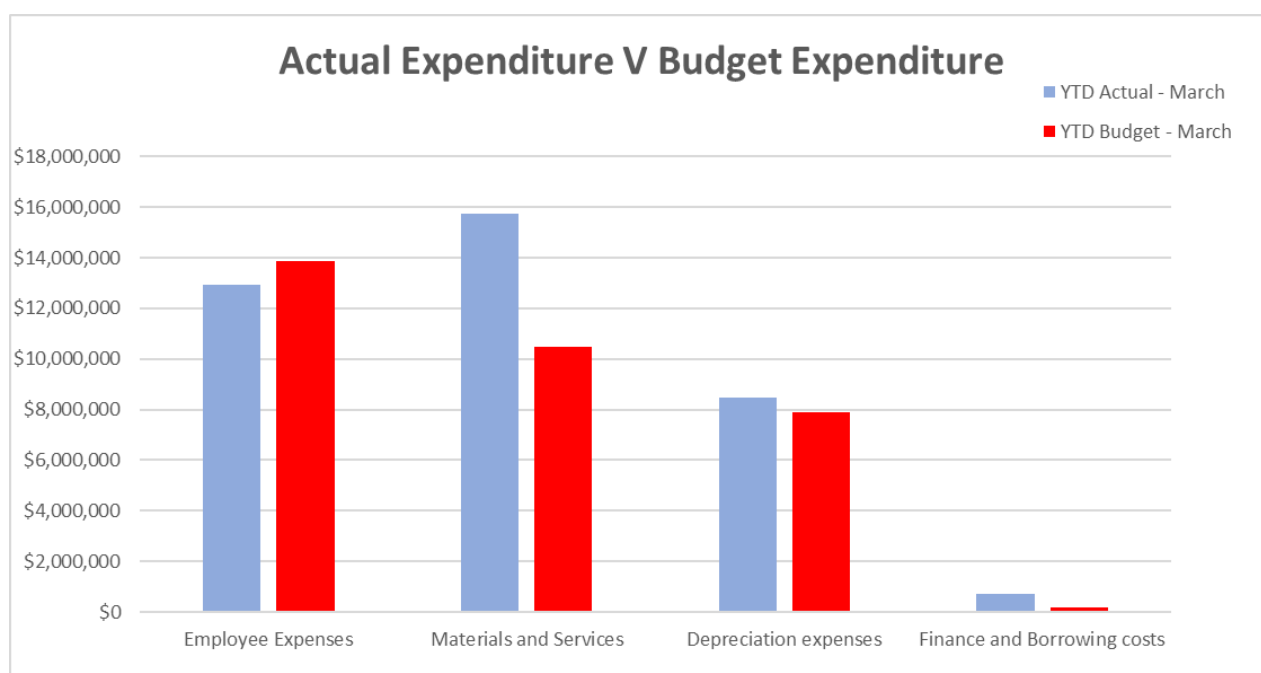
Notes:

1. Rates for the half year 1 January 2022 to 30 June 2022 were issued 14 February 2022 with discount due date 18 March 2022. Actual results taking into account the discount amount based on payment dates.
2. Favourable variance is in relation to DRFA (Disaster Recovery Funding Arrangement). This is not budgeted for but will be completely offset with expenditure.
3. Interest revenue received below budget due to low interest rates.

4. Favourable result due to 3rd party works which were not budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to result in a small surplus. Also contributing to the variance is 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.
5. 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. Also, a significant portion of this favourable variance is a result from the sale of three lots at the Mareeba Industrial Park which occurred in the months of December and January.
6. Council has received \$7.9M in capital grants towards Works for Queensland COVID Round and Round 4, Transport Infrastructure Development Scheme (TIDS), Local Roads & Community Infrastructure Program Round 2, Disaster Recovery Funding Arrangements 2019 for the Mason Street Sewer Upgrade and Chillagoe Bore Water and Main upgrades and \$501k received in capital contributions.

Expenditure Analysis

Total expenses for the period ending 31 March 2022 is \$37,840,396 compared to the YTD budget of \$32,256,662. The graph below shows actual expenditure against budget for the period ending 31 March 2022.



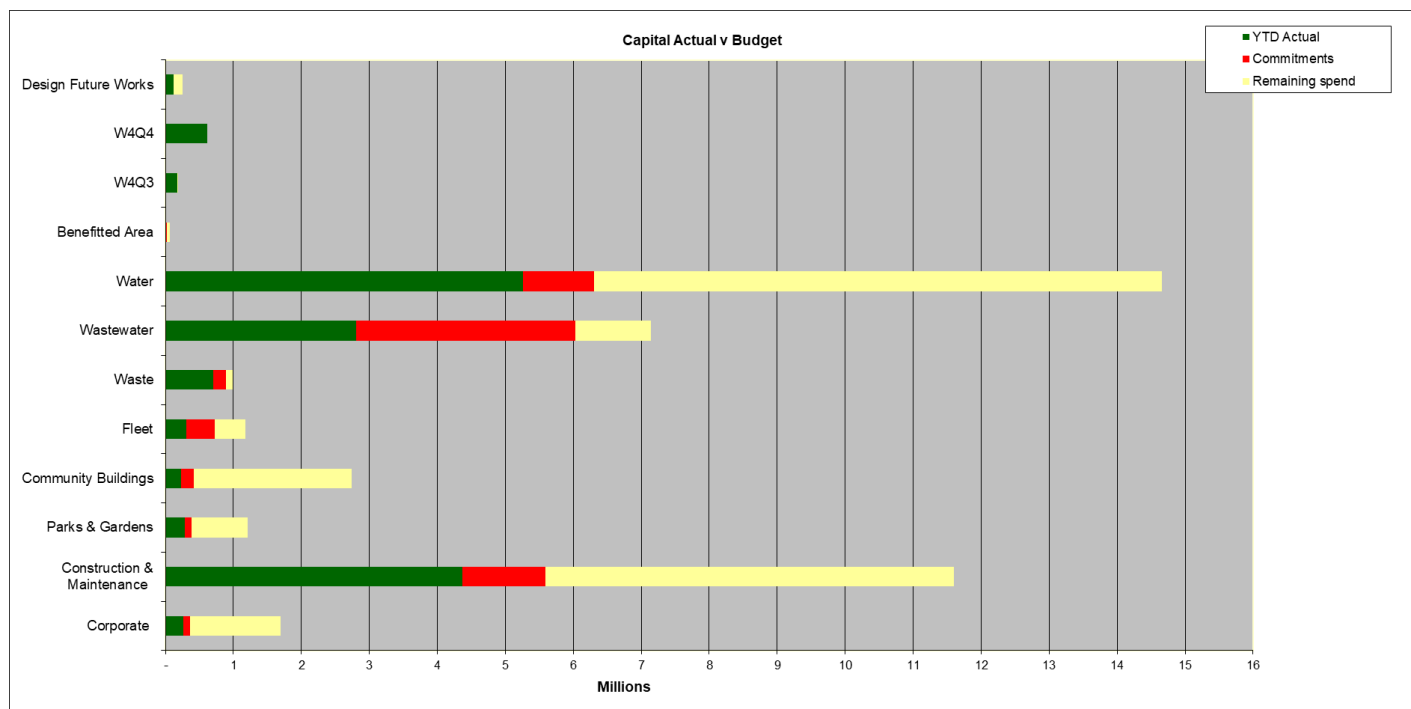
	Actual YTD	Budget YTD	Note
Employee expenses	12,910,610	13,879,579	1
Materials & Services	15,745,849	10,462,051	2
Depreciation expenses	8,489,996	7,714,711	
Finance & Borrowing costs	693,941	200,320	3

Notes:

1. There are no significant issues to report. The reason for the variance is a timing issue for the annual increment, staff absences, vacancies and staff working on capital.
2. The majority of the variance relates to the additional 3rd party works and DRFA expenditure which was not budgeted for however there is income to offset this expense. Also contributing to the variance is the expenditure for RMPC and Council road maintenance, which is allocated equally over 12 periods however actual works does follow same trend.
3. 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 \$21,642,988 (including commitments) has been spent for the period ending 31 March 2022 against the 2021/22 adjusted annual capital budget of \$42,228,197. 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 \$813,251.

**Loan Borrowings**

Council's loan balance is as follows:

QTC Loans

\$7,340,945

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 March 2022 are \$3,125,181 which is broken down as follows:

Status	31 March 2022		31 March 2021	
	No. of properties	Amount	No. of properties	Amount
Valueless land	10	405,499	18	794,309
Payment Arrangement	148	219,237	144	191,295
Collection House	197	1,263,455	177	920,581
Exhausted – awaiting sale of land	9	60,713	10	178,674
Sale of Land	2	62,046	5	91,371
Other <i>(includes current rate notices)</i>	905	1,114,231	999	1,425,733
TOTAL	1,271	3,125,181	1,353	3,601,963

The Rate Notices for the period ending 30 June 2022 were issued on 14 February 2022 with total rates and charges amounting to \$19,639,266 with the discount due date of 18 March 2022.

Collection House collected \$42,803 for the month of March 2022. While this may seem low compared to previous months, this is quite normal for this time, as during rating period, collection is low.

On 28 March, 1,190 first reminder notices were issued with a total value of \$3,054,628. The due date for the first reminder notices is 11 April 2022. Any ratepayers that have not paid their rates in full or entered into an arrangement to pay will be transferred to Collection House.

Council Officers have commenced the process to acquire the identified valueless land properties, this process will take up to 12 months to complete.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 March 2022 is \$753,523 which is made up of the following:

Current	30 days	60 days	90 + days
\$553,694	\$152,270	\$6,104	\$41,455
73%	20%	1%	6%

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			
<u>Consolidated</u>			
	Actual YTD	Budget YTD	2021/22
Revenue			
Rates and utility charges	37,084,239	36,786,498	36,787,376
Less Discounts and Pensioner Remissions	(2,011,836)	(2,064,435)	(2,064,435)
Net Rates and Utility Charges	35,072,403	34,722,063	34,722,941
Fees and Charges	1,223,818	1,190,955	1,511,931
Operating Grants and Subsidies	8,544,781	3,079,288	8,067,552
Operating Contributions	104,470	-	46,300
Interest Revenue	292,508	399,125	435,500
Works for Third Parties	4,142,572	1,385,762	1,847,683
Other Revenue	2,800,034	1,344,934	1,776,579
Total Operating Revenue	52,180,586	42,122,127	48,408,486
Expenditure			
Employee Expenses	12,910,610	13,879,579	18,569,830
Materials and Services	15,745,849	10,462,051	13,339,658
Depreciation expense	8,489,996	7,714,711	10,286,283
Finance and Borrowing costs	693,941	200,320	267,094
Total Operating Expenses	37,840,396	32,256,662	42,462,865
Operating Surplus/(Deficit)	14,340,190	9,865,466	5,945,621
Capital Income			
Capital Contributions	501,391	-	-
Capital Grants and Subsidies	7,970,328	-	11,254,723
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	1,288,368	-	-
Total Capital Income	9,760,087	-	11,254,723
Net Result	24,100,277	9,865,466	17,200,344

Budgeted Income Statement by Fund 2021/22 Budget			
General			
	Actual YTD	Budget YTD	2021/22
Revenue			
Rates and utility charges	19,214,641	19,113,851	19,113,851
Less Discounts and Pensioner Remissions	(2,011,836)	(2,064,435)	(2,064,435)
Net Rates and Utility Charges	17,202,805	17,049,416	17,049,416
Fees and Charges	1,072,216	993,274	1,248,356
Operating Grants and Subsidies	8,470,434	3,079,288	8,067,552
Operating Contributions	903	-	46,300
Interest Revenue	180,481	290,000	290,000
Works for Third Parties	4,080,474	1,385,762	1,847,683
Other Revenue	2,219,505	699,684	924,579
Total Operating Revenue	33,226,816	23,497,424	29,473,886
Expenditure			
Employee Expenses	11,851,036	12,642,918	16,902,503
Materials and Services	8,813,963	4,040,637	4,784,530
Depreciation expense	6,142,862	5,403,734	7,204,980
Finance and Borrowing costs	603,550	110,659	147,545
Total Operating Expenses	27,411,411	22,197,948	29,039,558
Operating Surplus/(Deficit)	5,815,405	1,299,476	434,328
Capital Income			
Capital Contributions	313,598	-	-
Capital Grants and Subsidies	6,018,373	-	4,633,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	1,301,335	-	-
Total Capital Income	7,633,306	-	4,633,000
Net Result	13,448,711	1,299,476	5,067,328

Budgeted Income Statement by Fund 2021/22 Budget			
Waste			
	Actual YTD	Budget YTD	2021/22
Revenue			
Rates and utility charges	4,201,382	4,155,314	4,155,314
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	4,201,382	4,155,314	4,155,314
Fees and Charges	107,635	180,000	240,000
Operating Grants and Subsidies	10,089	-	-
Operating Contributions	-	-	-
Interest Revenue	15,511	26,250	35,000
Works for Third Parties	7,364	-	-
Other Revenue	549,100	585,250	772,000
Total Operating Revenue	4,891,080	4,946,814	5,202,314
Expenditure			
Employee Expenses	288,236	284,139	390,466
Materials and Services	3,302,435	3,133,211	4,174,640
Depreciation expense	120,942	120,891	161,188
Finance and Borrowing costs	-	-	-
Total Operating Expenses	3,711,613	3,538,241	4,726,294
Operating Surplus/(Deficit)	1,179,467	1,408,573	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	1,186,290	1,408,573	476,020

Budgeted Income Statement by Fund 2021/22 Budget			
Wastewater			
	Actual YTD	Budget YTD	2021/22
Revenue			
Rates and utility charges	5,705,878	5,402,200	5,402,200
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	5,705,878	5,402,200	5,402,200
Fees and Charges	43,968	17,681	23,575
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	45,842	63,750	85,000
Works for Third Parties	4,810	-	-
Other Revenue	-	31,500	42,000
Total Operating Revenue	5,800,498	5,515,131	5,552,775
Expenditure			
Employee Expenses	316,207	401,490	536,149
Materials and Services	1,302,166	1,134,078	1,485,053
Depreciation expense	1,171,182	1,150,440	1,533,920
Finance and Borrowing costs	90,392	89,661	119,549
Total Operating Expenses	2,879,947	2,775,670	3,674,671
Operating Surplus/(Deficit)	2,920,551	2,739,461	1,878,104
Capital Income			
Capital Contributions	72,392	-	-
Capital Grants and Subsidies	1,010,912	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(3,204)	-	-
Total Capital Income	1,080,100	-	-
Net Result	4,000,650	2,739,461	1,878,104

Budgeted Income Statement by Fund 2021/22 Budget			
<u>Water</u>			
	Actual YTD	Budget YTD	2021/22
Revenue			
Rates and utility charges	7,846,263	7,997,186	7,998,064
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	7,846,263	7,997,186	7,998,064
Fees and Charges	-	-	-
Operating Grants and Subsidies	64,259	-	-
Operating Contributions	-	-	-
Interest Revenue	30,454	18,750	25,000
Works for Third Parties	49,924	-	-
Other Revenue	31,430	28,500	38,000
Total Operating Revenue	8,022,329	8,044,436	8,061,064
Expenditure			
Employee Expenses	452,623	551,031	740,712
Materials and Services	2,238,725	2,106,199	2,847,508
Depreciation expense	1,002,864	988,195	1,317,594
Finance and Borrowing costs	-	-	-
Total Operating Expenses	3,694,212	3,645,425	4,905,814
Operating Surplus/(Deficit)	4,328,117	4,399,011	3,155,250
Capital Income			
Capital Contributions	108,578	-	-
Capital Grants and Subsidies	941,044	-	6,621,723
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(9,763)	-	-
Total Capital Income	1,039,859	-	6,621,723
Net Result	5,367,975	4,399,011	9,776,973

Budgeted Income Statement by Fund 2021/22 Budget			
<u>Benefited Area</u>			
	Actual YTD	Budget YTD	2021/22
Revenue			
Rates and utility charges	116,077	117,947	117,947
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	116,077	117,947	117,947
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	103,567	-	-
Interest Revenue	20,221	375	500
Works for Third Parties	-	-	-
Other Revenue	-	-	-
Total Operating Revenue	239,865	118,322	118,447
Expenditure			
Employee Expenses	2,507	-	-
Materials and Services	88,560	47,927	47,927
Depreciation expense	52,146	51,451	68,601
Finance and Borrowing costs	-	-	-
Total Operating Expenses	143,213	99,378	116,528
Operating Surplus/(Deficit)	96,652	18,944	1,919
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	96,651	18,944	1,919

8.9 COMMUNITY HOUSING CAPITAL WORKS 2021/22

Date Prepared: 17 March 2022
Author: Manager Customer and Community Services
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider a new capital works project at the community housing units at Hay Street, Dimbulah.

RECOMMENDATION

It is recommended that Council approve an emergent capital project at 1/6 Hay Street in Dimbulah estimated at a cost of \$23,000 to be funded through the Community Housing Reserve.

BACKGROUND

Council is a Long-Term Community Housing provider, registered with the Queensland State Regulatory System for Community Housing (QSR SCH). As a registered provider, Council manages housing assets in accordance with the *Housing Act 2003*, Department of Communities, Housing & Digital Economy (the Department) funding agreements and the State's Maintenance Management Framework.

The management of community housing assets aligns with Council's approach to the management of all asset classes where the investment in capital renewals ensures that services are sustainable through the provision of assets which are fit for purpose and meet the required standards.

Management of Community Housing

An arrangement is in place whereby the Mareeba Community Housing Company (MCHC) is subcontracted to provide tenancy management services to Council, which includes arranging property inspections and agreed maintenance.

Project Identification

From January 2021, the tenants at 1/6 and 2/6 Hay Street had separately reported issues with the toilet or shower blocking. These reports were investigated and resolved in each instance. However, while conducting a routine inspection of Unit 1/6 Hay Street, Dimbulah in September 2021 MCHC identified a drainage issue with water in the shower backing up and running out into the laundry area.

An external contractor was subsequently engaged to conduct a plumbing inspection which found that the plumbing trenches had failed, and it was recommended to engage a geotechnical engineer to assess the issue and specify the required design of the septic trench.

This report was received in December 2021 and the recommendation was for the use of an Advanced Secondary Treatment System with a semi raised bed wastewater system, due to the presence of ground water near the surface level at the site. Water has been encountered at 600mm below ground level during previous seasonal rains and current advice is that the water is 300mm below ground level in March 2022.

A site plan showing the proposed works is included for reference.

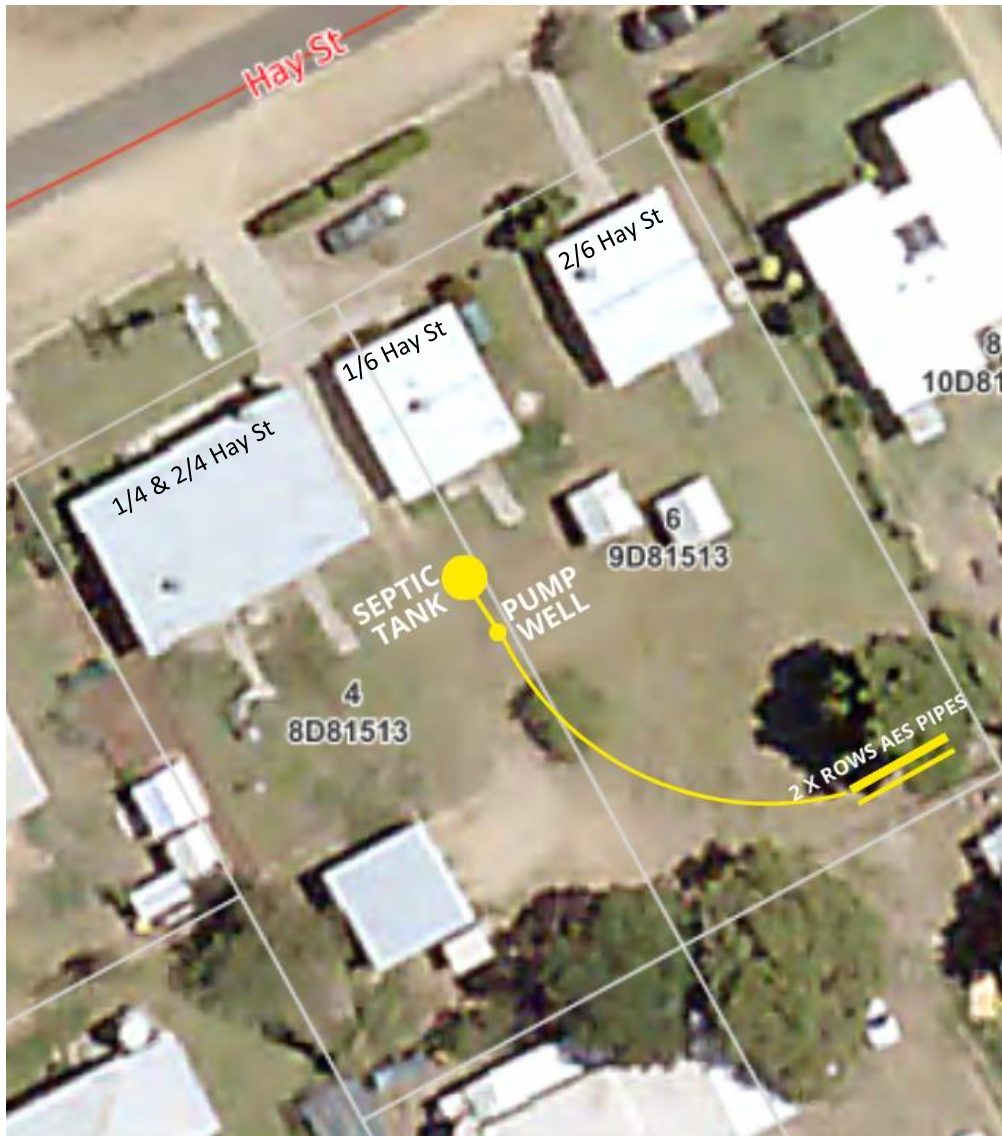


Image 1: Community Housing units - 1/4, 2/4, 1/6 and 2/6 Hay Street. Concept plan - not to scale.

The recommended solution includes a pump well to distribute wastewater to the system and includes a semi-raised bed to futureproof the site for when the trenches fail at the remaining three units on site.

Standard trenching is not suitable due to the presence of ground water near the surface, and the design will allow for the other dwellings to be connected to the system without the need for additional raised beds to be installed. The engineer advises that, due to environmental factors, this is a likely occurrence.

This recommendation was endorsed by Council's Plumbing Supervisor.

Project Budget

At the request of MSC, MCHC obtained three quotes from suitably qualified contractors to facilitate the development of the budget for this capital project.

Subject to Council's endorsement, the procurement will be finalised in accordance with Council's Procurement Policy and the project will be managed by Council Project Management staff, with MCHC staff managing tenant communications and engagement.

Funding Source

These works will be fully funded by the Community Housing Reserve, which has sufficient funds for this project and future priority capital works in the asset management plan.

RISK IMPLICATIONS**Financial**

This project is in addition to the capital projects for Community Housing which were approved in the 2021/22 capital budget.

In accordance with the Community Housing Asset Management Plan, the Community Housing Reserve has sufficient funds to cover the cost of future works at the community housing units.

Environmental

The trench has failed, so rectification is required to mitigate any potential environmental risks.

Infrastructure and Assets

The failed trench at unit 1/6 Hay Street is resulting in drainage issues with water backing up in the property, which could cause damage to the interior of the property.

Legal and Compliance

As a registered provider of long-term community housing, Council is required to maintain all assets to a prescribed standard. These works are required to ensure the property at 1/6 Hay Street is to standard.

Health and Safety

The failure of the trench means the wastewater is not exiting the property in the intended manner which could result in a health and safety issue.

FINANCIAL AND RESOURCE IMPLICATIONS**Capital**

This new capital project is estimated at a cost of up to \$23,000 including Project Management costs.

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

This project will be fully funded by the Community Housing Reserve.

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.

IMPLEMENTATION/COMMUNICATION

Pending approval by Council, contractors will be selected in accordance with the Mareeba Shire Council's Procurement Policy.

Mareeba Community Housing Company will assist with managing tenant communications, in liaison with Mareeba Shire Council.

8.10 COMMUNITY PARTNERSHIPS PROGRAM

Date Prepared: 23 March 2022

Author: Manager Customer and Community Services

Attachments: Nil

EXECUTIVE SUMMARY

Savannah in the Round music festival will be held at Kerribee Park, Mareeba from 30 September to 2 October 2022. The event is expected to bring significant direct and indirect economic and social benefits to Mareeba and the wider Shire. The event is expected to attract a large number of visitors to the Shire and will engage the services of local businesses, contractors and labourers.

The purpose of this report is to seek Council's endorsement of assistance to Sound Australia under the Community Partnerships Program.

RECOMMENDATION

That Council provides a cash donation of \$5,000 and in-kind assistance for waste disposal costs (estimated at \$180) to Sound Australia towards the costs of delivering the Savannah in the Round music festival in Mareeba to be held 30 September to 2 October 2022. The donation is provided under the Community Partnerships Program.

BACKGROUND

Savannah in the Round music festival will be held at Kerribee Park, Mareeba from 30 September to 2 October 2022. This ticketed event is delivered by Sound Australia with government and commercial sponsors in acknowledgement of the significant economic benefits the event brings to the Mareeba Shire.

This major music festival will complement existing social and cultural offerings and bring direct and indirect benefits to the Shire. The event is predicted to attract 8000 attendees with 60% being intrastate, interstate and international visitors. The projected overnight visitor expenditure is predicted to be in excess of \$3M. The event will employ over 500 workers and engage the services of local businesses, contractors and labourers.

Council has previously supported this event through funding towards event feasibility study in 2019 and through loan of equipment for the modified, one-day 2020 event (Savannah Summer Series - Pop Up Country Music festival). In 2021, a cash donation of \$5,000 was provided by Council and waste disposal fees were waived.

Considering the level of direct and indirect economic and social benefit this event will offer Mareeba and the wider Shire, it is recommended that Council endorse a cash donation of \$5,000 and in-kind assistance for waste disposal costs (estimated at \$180) to Sound Australia towards the cost of delivering the Savannah in the Round music festival 30 Sept - 2 October 2022.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Operating***

\$5,180 cash and in-kind expenses to be allocated to the 2022/23 CPP budget as the event is held Sept/Oct 2022.

LINK TO CORPORATE PLAN

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.

IMPLEMENTATION/COMMUNICATION

Notify Sound Australia of outcome of request for assistance.

9 INFRASTRUCTURE SERVICES

9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 15 MARCH 2022

Date Prepared: 5 April 2022

Author: Director Infrastructure Services

Attachments: 1. Traffic Advisory Committee - Minutes of Meeting held 15 March 2022

EXECUTIVE SUMMARY

The purpose of this report is to present the Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 15 March 2022.

RECOMMENDATION

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 15 March 2022.

BACKGROUND

The Traffic Advisory Committee (TAC) is an advisory committee to Council under Section 265 of the *Local Government Regulation 2012*. The TAC provides information and advice to Council regarding traffic, road and transport matters.

RISK IMPLICATIONS

Financial

There are ongoing costs associated with investigation of traffic matters to ensure a safe road environment for our community. In most cases, any safety improvements on Council roads determined from these investigations will be funded from operational budgets or referred for consideration in future capital budget deliberations.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Internal resources for investigation and follow up actions.

LINK TO CORPORATE PLAN

Community: An 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



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MINUTES TRAFFIC ADVISORY COMMITTEE

Tuesday 15 March 2022
Commenced at 9:33am

Members Present:

John Ridgway	Queensland Police (QPS) - Sergeant
David Hamilton	Transport & Main Roads (Operations)
Kevin Davies (Chairperson)	Mareeba Shire Council (MSC) - Councillor
Lenore Wyatt	Mareeba Shire Council (MSC) - Councillor
Sam Wakeford	Mareeba Shire Council (MSC) - Manager Technical Services
Glenda Kirk	Mareeba Shire Council (MSC) - Director Infrastructure Services
Bianca Roccella	Mareeba Shire Council (MSC) - Secretariat

Non-Members Present:

Lucy Borland-Sentinella	Transport & Main Roads (TMR) - Traffic Engineer
Angela Toppin	Mareeba Shire Council (MSC) - Mayor
Mary Graham	Mareeba Shire Council (MSC) - Councillor
Mario Mlikota	Mareeba Shire Council (MSC) - Councillor
Stuart Holley	Mareeba Shire Council (MSC) - Acting Director Infrastructure Services
Lea Coghlan	Mareeba Chamber of Commerce (Dial in)

1. WELCOME

Meeting opened by the Chair at 9:33am welcoming all and thanking everyone for their participation.

APOLOGIES

Derek Garner	Queensland Police (QPS) - Senior Sergeant
Marita Stecko	Transport & Main Roads (TMR) - Safety Division
Keith Worthington	Transport & Main Roads (TMR) - Senior Transport Inspector

2. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held 7 December 2021 received as true and correct.

Moved by John Ridgway

Seconded by Lenore Wyatt

David Hamilton and Lucy Borland-Sentinella entered the meeting at 9:35am

3. BUSINESS ARISING FROM PREVIOUS MINUTES

- a) Pending Action Item List
 - Refer to attached
- b) Barron River Bridge, Kuranda - Weight Restrictions
 - TMR advised 60km/hr zone will be remaining indefinitely up until the overtaking lane.
 - TMR advised a rehab design is in progress which may turn the overtaking lane into a pull off lane with possible flat spot to weigh heavy vehicles, however this may not be possible.
 - TMR still looking at maintenance of the bridge, cracks are easier to identify for repairs.

- TMR advised business case is in progress for 110tonne upgrade and a business case is still in progress for a new bridge.
 - TMR advised rehabilitation works are programmed to commence in next 12-18 months depending on complexity.
- c) Kennedy Highway (Cairns-Mareeba) - TMR Night Audit
 - TMR advised post construction/night audit is currently in progress. 4-5 sections, some completed some still underway.
 - TMR advised report will be tabled once completed.
- d) Raised Pedestrian Facilities - Byrnes Street, Mareeba
 - TMR advised a review is underway to make bump itself to 75mm by installing a wedge to make them all look the same.
 - TMR advised designs are in place and waiting update from asphalt team to commence works. Sometime between now and May, could be as soon as 2 weeks.
 - MSC advises that teams are starting works on Byrnes Street for car park upgrades and will be in area also.
 - MSC advised that a lot of consultation has been done with business traders to avoid any upset and request TMR to advise MSC as soon as possible of works.
 - TMR advised works will be quick and only one lane will need to be closed at a time.
 - TMR to chase up line marking and advised minor visual cues for pedestrians to be installed
- Pedestrian Traffic lights at Post Office, when will they be in operation
 - MSC advised residents are getting used to the new upgrade; some drivers are still stopping on green light.
- e) Mareeba Heritage Centre - Request for improvements - entry / exit to Visitor Information Carpark
 - TMR advised that after Bibbohra Road project, leftover funds will be used to tidy up this area.
- f) Mareeba-Dimbulah / Carman Road Intersection - Request for improvements - Road alignment / signage
 - TMR advised they are waiting for plans
- g) Mulligan Highway- Lack of speed signage
 - TMR advised they need to provide a plan to maintenance for 100km signs to be installed to remind drivers that 110km ends.
- h) Kennedy Highway/Kay Road Intersection
 - TMR advised auditing process is complete; everything except Kay Road looks good.
- i) John Doyle Bridge, request to lower load limit
 - MSC advise awaiting draft engineering report; report will be brought to Council workshops for consideration within the next month.
 - MSC advise residents requested short length limits on the bridge rather than lower speeds.
- j) 32B Road Works - Mareeba-Atherton
 - TMR awaiting program update. TMR advise March is a big month for re-setting programs, no update available for meeting.
 - TMR advised COMMS is working on putting all information onto a web page for public to be directed too, to keep everything open and honest.
 - MSC request update of works near Channel Road, have been back to 60km for 3 months.

- k) Welcome to Watsonville 60 speed Zone
 - MSC requests 60km zone remain where it is at the causeway due to resident access.
 - TMR advised that 80km zone will be moved out and 60km ahead sign will be installed as 60km zone cannot be moved.
 - TMR will review options.
- l) Manganese Creek Footbridge, Mt Carbine
 - Noted, no further comments / action required by this committee.
- m) Toilet Facilities at Edmund Kennedy Bridge on Kennedy Highway
 - TMR advised sealing is part of high-risk road projects.
 - TMR advised due to all funds being sucked into road maintenance repairs TMR is working on getting a separate budget increase for maintenance of rest areas.
- n) 'Drive to the left' Campaign
 - MSC advises request has been added to Line Marking Program for this year.
- o) Walsh Street Temporary Bollards
 - MSC advises project is commencing now.
- p) Kennedy Highway / Byrnes Street T intersection
 - TMR provided plans
 - MSC advised agenda to be re-organised to bring similar items together.
 - TMR advised that the plan is for priority of traffic to be directed to Kennedy Highway.
 - TMR advised they will discuss plans with MSC regarding preferred plans to tidy up area
 - TMR working on traffic management plan as all traffic during works will be directed through Anzac Avenue
 - MSC to send traffic management plan for works completed on John Doyle bridge.
 - QPS suggested review of Anzac Avenue/Kennedy Highway Intersection.

4. NEW REQUESTS / CORRESPONDENCE

Nil

5. ROAD, TRAFFIC & TRANSPORT MATTERS BY AGENCY

a) QPS

Nil

b) TMR Update

Nil

Traffic Changes

Nil

Minor temporary traffic changes

Nil

6. GENERAL BUSINESS

a) Driving Education on Overseas Visitors

- QPS advised they are trying to educate overseas visitors on rules, expectations, and safety, especially visitors from Vanuatu.
- QPS monitoring drink driving, reports they will book 4-5 a day over weekends.
- QPS advised they are prosecuted here but if repeat offenders will talk to Vanuatu to discuss other options.

- b) Through Traffic Keep Right sign - Byrnes Street Mareeba
 - Cr Mlikota suggested through traffic keep right signage be placed in the centre of the roundabout rather than in the centre median.
- c) Byrnes Street Intersection Lights
 - Cr Wyatt reports when travelling north to south past McDonalds the green turn arrow is blocked by a sign. TMR to review on way home.

Madam Mayor and Cr Wyatt left the meeting at 10:33am

- Cr Graham reports that driving north to south there is a 'U-turn permitted' sign but when driving south to north there is not one, but people are still doing U-turns; suggested installing a 'U-turn not permitted' sign.

Cr Wyatt returned to the meeting at 10:34am

7. NEXT MEETING

9:30am Tuesday 21 June 2022

8. CLOSURE

Chair thanked everybody for their attendance and contribution.

There being no further business, the meeting was closed at 10:35am.

9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MARCH 2022

Date Prepared: 28 March 2022

Author: Manager Projects

Attachments: 1. Capital Works Highlights - March 2022
2. Capital Works Summary - March 2022

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 March 2022.

RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of March 2022.

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

Information to be placed on Council website.

Infrastructure Services Capital Works Report

Project Highlights - March 2022



Project Name: Wolfram Road, Dimbulah - Road Widening Ch 7810 - Ch 8640

Program: Rural Roads

Background

Various sections of Wolfram Road, Dimbulah are single lane bitumen seal and are prone to edge wear and edge drop. Commercial traffic using Wolfram Road has increased from 5.6% in 2008 to 15.4% in 2020. Funding was allocated under the Australian Government's Roads to Recovery program to provide a wider sealed road to improve road safety, provide transport efficiencies and to cater for increased traffic volumes.

Scope of Works

The scope of works includes the widening of Wolfram Road from Ch 7810 to Ch 8640 to a sealed width of 7.5m, the extension of existing culverts to cater for the wider road and the replacement of several existing headwalls and the cleaning and re-shaping of existing table drains and cut-off drains.

Progress Update

During March the 210-metre section of rehabilitated pavement section was sealed. The culvert extension that was found to be sunken was excavated, relayed, extended and a new cast insitu headwall installed and backfilled to design height. Embankment works were carried out to correct height to allow width for shoulder reinstatement.

The shoulders were reinstated and milled to subgrade depth, 200mm of 2.1 Road Base material has been imported, laid, and compacted to height ready for final trim and sealing early April weather dependant.



During Sealing



Seal Completed

**Infrastructure Services Capital Works Report
Project Highlights - March 2022**



Sunken Culvert



Repaired Sunken Culvert



Existing Shoulder



New Material installed on Shoulder

Infrastructure Services Capital Works Report Project Highlights - March 2022



Project Name: AC Pipe Renewal Water Main Upgrade – Mareeba North

Program: Water

Background

An allocation has been provided in the 2021/22 Capital Works Program to replace the failed existing asbestos cement (AC) water mains throughout the Shire as part of Council's strategy to address critical water issues across the Shire over the next 10 years.

This section of water main was identified for replacement following the numerous main breaks occurring in the past few years and will complement works undertaken by Council work crews in 2021. This project is being undertaken with funding assistance through the Queensland Government's Works for Queensland program.

Scope of Works

The scope of work includes replacement of the existing water main with 100mm PVC Supermain, in addition to new service connections, valving and hydrants. The contractor will commence installing new mains along Starcke Street and then move onto Hampe Street. Once these sections are completed, the contractor will then progress to Moody Street where 300mm PVC Supermain will be installed.

Progress Update

Installation of new pipe work and service connections completed along Starcke Street with road restoration to be completed when the water mains installation works are finalised along Hampe Street and Moody Street. The contractor now working on Hampe Street, however due to the water table being so high from recent rains it is slowing their progress to some degree.



Installations of the new 100mm diameter PVC Supermain water main Hampe Street

Infrastructure Services Capital Works Report Project Highlights - March 2022



Project Name: Granite Creek Sewage Pump Station Upgrade

Program: Wastewater

Background

An allocation has been provided in the 2021/22 Capital Works Program to renew and upgrade the Granite Creek Sewage Pump Station, located on Byrnes Street, adjacent to Granite Creek. The ageing infrastructure is rapidly deteriorating and reaching capacity, is inadequate to achieve current safety standards for servicing and maintaining the asset, and there have been numerous odour complaints about the pump station in its present form.

The upgraded pump station will meet current design standards and cater for future growth in the catchment area, which includes all sewered areas of the Mareeba township south of Granite Creek.

Scope of Works

The scope of works includes removal of the existing pump station building, pumps, pipework and associated services, and construction of a new dry well, supply and installation of new pumps, pipework, valves and switchboard. Wastewater will need to be bypassed during construction and the scope of works includes provision of a temporary aboveground bypass system and standby pump for the duration of the project.

Progress Update

Works to strip out the existing pump station now completed with the internal walls of the pump station to be re-coated with a membrane sealant to extend the life of the pump station internal walls. Demolition of the upper structure being undertaken late March early April.



Demolition of the upper pump station structures

Infrastructure Services Capital Works Report Project Highlights - March 2022



Project Name: The Hub Gravity Sewer Main

Program: Wastewater

Background

An allocation has been provided in the 2021/22 Capital Works Program for the installation of a new gravity sewer main and connecting the Cedric Davies Community Hub to the Lifestyle Sewerage Pump Station. The Hub was previously connected to a private pump station shared with QT's Early Learning Centre, which was exceeding capacity as a result of the relocation of the library and construction of the new Bowls Club.

Scope of Works

The scope of works includes the installation of 150mm PVC gravity sewer main which will then be connected the Cedric Davies Community Hub.

Progress Update

Construction commencing in January 2022 however rain has interrupted the scheduled works program which was due for completion end of February. The connection works from the Hub to the new gravity sewer main are due to be completed week ending 8 April.



Connection of the Hub Complex to the new gravity sewer main underway

Infrastructure Services Capital Works Report Project Highlights - March 2022



Project Name: Byrnes Street Median Traffic Islands and Landscaping

Program: Parking

Background

Council adopted its Parks and Open Spaces Strategy and 3 Year Action Plan in February 2022.

Part of Council's Parks and Open Spaces Plan will see 19 new car parks created along with new kerbing around new and existing gardens and medians. Removal of the old vegetation and replaced with new plantings.

Scope of Works

Works consist of modifying, removing, construction and reconstruction of landscaped islands and placing asphaltic cement overlay along Byrnes Street centre medians between Rankin Street and Lloyd Street to increase the number of centre parking along Byrnes Street.

Progress update.

Works undertaken so far include the removal of old broken kerb, garden beds, trees, and vegetation. Removal of the old light pole. Excavation of unsuitable subgrade material.



Existing trees in poor condition

Infrastructure Services Capital Works Summary Report - March 2022

Project Description	Project Stage	Progress Comment
Program: 01 Rural and Urban Roads Reseal Program (Renewal)		
2021/22 Reseal & Asphalt Program	Construction	Resealing commenced early March on roads in Mareeba.
BETTERMENT Co-Contribution	Not Commenced	Funding set aside for potential projects arising from potential 2021/22 DRFA events and as complimentary expenditure for Approved REPA projects to ensure 'value for money' outcomes are achieved.
Program: 02 Gravel Resheet		
2021/22 Gravel Resheet Programul	Construction	A short section of unsealed road at the southern end of Martin Avenue is programmed to be resheeted in conjunction with the yearly maintenance grading program. This section of Martin Avenue requires "topping up" to lift the running surface above the table drain. Mines Road included on gravel resheet programme.
Program: 03 Urban Streets		
R2R Reynolds Street, Mareeba - Replace Kerb and Channel	Procurement	Pre-start meeting held late March, works to commence late April 2022, weather permitting.
Program: 04 Rural Roads		
TIDS Euluma Creek Road, Julatten Ch 7.01-9.325 Rehabilitate & Widen 3 sections within chainage	Construction	Project suspended due to wet weather.
TIDS Euluma Creek Road, Julatten Ch 9.350-10.130 Rehabilitate & widen 3 sections within chainage	Design	Funding no longer split over two (2) financial years. Project will be delivered as part of 2022/23 Capital Works Program.
R2R Wolfram Road, Dimbulah Priority Sections Stage 2	Construction	Full rehabilitation of 210m was sealed mid-March. Remaining sections have been widened, awaiting seal early April.
Borzi Road, Mareeba - Widen and Seal Ch 0.03-0.67	Design	Project in design phase.
DRFA Betterment 2019 - Clacherty Road, Shanty Creek Road & Fossilbrook Road	Construction	Fossilbrook Causeway has reached Practical Completion, minor works to establish rock protection required prior to closing project. Wet weather delays have occurred, works targeted for completion post-wet season, May 2022.
Fallon Road, Kuranda - Rehabilitate Pavement Ch 0.874 - 0.948	Planning	QRA approved remediation works to be quoted and completed in the 2022 calendar year.
Program: 05 Bridges		
BRP Davies Creek Road Bridge Replacement	Procurement	Steel supply received late March, fabrication of girders to commence early April.
Granite Creek, Mareeba - Replace Footbridge Deck (Eales Park)	Design	Project in design phase.
Palm Close, Mareeba - Replace Footbridge Boards	Design	Project in design phase.
Bicentennial Lakes Footbridge Safety Upgrade	Design	Project in design phase.
BRP Kanervo Road, Replace Timber Bridge over Davies Creek	Construction	All pier extensions complete. Crew will complete all activities that can be carried out under traffic and then return to site when the wet season has ended to remove the bridge deck and do abutment renewals and deck replacement. Officers have concerns that if the bridge deck is removed now, residents may become flooded in as alternate route is via Bolton Road bridge which can go underwater for up to a week.
Program: 06 Drainage		
2021/22 Minor Culvert and Causeways Renewal	Construction	Waiting on designs for Leafgold Weir Road and McIver Road culvert installations.
Amaroo Mareeba - Drainage Upgrade Stage 2 of 3 - Karobean Drive to Yarabee Close (300m)	Design	Project in design phase.
Program: 08 Parking		
Borzi Park, Mareeba - Carparking Masterplan	Planning	Scoping out potential options, investigations and concept layouts to be developed for consideration March 2022.
Program: 09 Footpaths		
2021/22 Footpath Renewal Program	Procurement	Quotations received for extension of the Rankin Street footpath to the intersection of Rankin and Constance Street and then down to the pedestrian gate of the theatre group building in Constance Street. Pre-start meeting with successful contractor mid-April 2022.

Infrastructure Services Capital Works Summary Report - March 2022

Project Description	Project Stage	Progress Comment
Program: 10 Parks and Gardens		
Parks & Open Spaces Strategy	Completed	Parks and Open Spaces Strategy and 3 year action plan adopted by Council in February 2022. Refer attached report for progress updates on individual projects.
Program: 11 Water		
Chillagoe Bore and Water Main Construction	Construction	Ergon completed running the power lines but have misplaced the electrical connection agreement from the mains power lines to the bore site. Pensar are working with Ergon to resolve this.
W4Q4 Barang Street, Kuranda - Water Main Upgrade	Completed	Project essentially completed except for some minor close out works which will be completed during April.
W4Q4 Mareeba AC & Defunct Pipe Replacement 2.5km	Construction	Work is progressing well, Starcke Street completed along with the underbores. Contractor will now progress to Hampe Street; however ground water from recent rain has slowed progress. They are still awaiting delivery of the 300mm pipe for Moody Street.
2021/22 Water Telemetry/SCADA Upgrades	Planning	IT to confirm estimated delivery dates on new servers.
2021/22 Valve Replacement Program (Reticulation)	Construction	Works progressing with more materials on order to allow continuation of works.
Mareeba WTP Study and potential upgrade of wastewater system to improve supernatant quality	Planning	This project will be delayed due to ongoing lockdowns in NSW affecting the ability of City Water Technology to perform their work.
Mareeba Water Treatment Plant Filtration Upgrade	Not comments	Project on hold pending outcome of BOR grant application for new filter block.
Mareeba and Kuranda Water Treatment Plant - Staged start-up of raw water pumps upgrade	Design	Propose to seek grant funding for this delivery of project
Mareeba Water Treatment Plant - Filter 3 Install dedicated backwash pumps and reconfigure wash water feed pipes	Not Commenced	Project on hold pending outcome of BOR grant application for new filter block.
Mareeba Water Treatment Plant - Optimise clarifier performance upgrade	Design	Report on project received from City Water Technology with recommendations for further works.
Mareeba Water Treatment Plant - Backwash operation renewal	Not Commenced	Project pending outcome of grant application for new filter 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.
Program: 12 Wastewater		
Kuranda Wastewater Treatment Plant - Replace Sludge Conveyor Belts	Procurement	Original supplier has advised they are too busy to manufacture a new belt, and alternate supplier has been sourced and they are currently manufacturing a belt.
Telemetry/SCADA Upgrades	Planning	Procuring new server grade PC's. Once these arrive the upgrading of the sites to the new version of Citect can commence.
New Sewer Pump Station Standby Generators x2	Procurement	Waiting on delivery of the new generators prior to installation and connection works. Anticipated date is mid-June 2022.
2021/22 Mareeba Sewer CCTV & Relining Program	Construction	Contractor has advised the final materials required for the project should arrive during April and the remaining works will then be completed.
2021/22 Mareeba Wastewater Treatment Plant Component Renewals	Procurement	Installation and replacement of equipment scheduled from March to June.
Granite Creek, Mareeba Sewerage Pump Station Refurbishment	Construction	Project progressing well despite some inclement weather delays, demolition company currently on-site. Structures should be demolished by week ending 15 April.
2021/22 Mareeba Pump Station Magflow Install Program	Construction	One flow meter has been installed at Kenneally Road Pump Station; the second flow meter is to be installed at Robins Street Pump Station. Some service locations works are required prior to commencement at this site.
2021/22 Mareeba Wastewater Reticulation Pump Renewal	Planning	Currently assessing which further pumps require replacement, with one pump being replaced to date and following scheduled servicing in May a final decision will be made on which pump/pumps are to be replaced.

Infrastructure Services Capital Works Summary Report - March 2022

Project Description	Project Stage	Progress Comment
Minor Sewerage Pump Stations H2S protection and refurbishment.	Construction	Contractor currently working on Arara Street and Thooree Street Pump Stations. Once these two pump stations are completed, contract will focus on Palm Close Pump Station.
Mareeba Wastewater Treatment Plant - Aeration diffusers replacement (every 5 years)	Construction	Equipment has arrived and arrangements will be made for installation in 2022 after wet season.
Mareeba Gravity Sewer Main installation from Cedric Davies to Lifestyle Sewerage Pump Station	Construction	Works substantially completed however there is some extra works required to establish the final connection which is scheduled for Tuesday 5 April.
Program: 13 Waste		
Mareeba Waste Facility Weighbridge Data Recording System	Completed	New PC's and software installed and running well with some minor teething problems which are being resolved.
Kuranda Waste Transfer Station Weighbridge & Gatehouse	Construction	Weighbridge working well, essentially major component of the project is completed; some minor works being completed over the coming weeks including some close out documentation with the supplier.
Mareeba Waste Facility - Buy Back Shop Construction	Construction	Construction works on new shed completed, the Indent survey works and works being done to address tenure of road access to the WTS which State Government required as part of DA process.
Mareeba Waste Facility - Design for New Landfill Cells	Procurement	New cell design underway, consultant working in conjunction with Council officers and work expected to be completed by early to mid-2022.
Program: 15 Fleet		
Fleet Replacement #1336 - LLOs Dual Cab Ute	Completed	Project completed Vehicle in service March 2022
Fleet Replace #676 Civil Works Truck	Procurement	Purchase Order raised 4 August 2021: Anticipated delivery is April 2022. Truck is currently having the body fabricated
Fleet Replacement #1317 - Western Roads Landcruiser	Procurement	Purchase Order raised 4 August 2022, anticipated delivery June 2022. Severe delivery delays due to COVID and production shortages.
Fleet Replacement #509 Backhoe	Procurement	Due to Brisbane floods the backhoe Council had ordered, was deemed a total loss due to being flooded with water. A replacement has been ordered anticipated delivery July / August 2022.
Fleet Replacement #4053 - Husqvarna Zero Turn	Procurement	Purchase Order raised 26 October 2021, anticipated delivery has been pushed back June 2022 due to supply issues.
Fleet Refurbishment #400 - Cat Excavator (Track) (Procurement	Purchase Order raised December 2021; waiting parts, anticipated delivery April 2022.
Fleet Refurbishment Truck Mounted Water Tank	Planning	Works postponed due to private contractor's unavailability to undertake the work. Assessing option for replacement of truck and water tank with a purpose-built water truck in lieu of refurbishment of existing tank.
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.
Program: 16 Depots and Council Offices		
Rankin Street, MSC Admin Office Refurbishment	Construction	External works variation awarded. Works to run congruent with internal refurbishment works.
Kowa Street, MSC Depot - Air conditioning Replacement	Completed	Monitoring auctions and will procure when suitable plant identified.
Kowa Street, MSC Depot - Emergency Generator	Planning	Electrician engaged to assess loads and switchboard capacities providing a report back.
Program: 17 Community Buildings		
Dimbulah / Mareeba / Kuranda Pools Chlorine Dosing Improvements	Planning	Scope of works being finalised and quotes sourced. Anticipate works commencing after wet season, May 2022.
Mareeba Leagues Club Grandstand Refurbishment	Procurement	Plumber / Roofing Contractor engaged. Pre-start meeting mid-April 2022.
Mareeba PCYC Shire Hall Part Roof Replacement (Partial roof replacement)	Construction	Contract awarded, works to commence early May once materials are received.

Infrastructure Services Capital Works Summary Report - March 2022

Project Description	Project Stage	Progress Comment
2021/22 Shire-wide Ablution Refurbishment Program	Construction	Mt Molloy septic refurb completed January 2022. Dimbulah (Tennis Club) toilets to be completed by 30 June 2022.
Koah Tennis Court - Remove/replace the unstable timber light poles (with metal poles and caged footings within concrete)	Planning	Quotations exceeded budget, scope being re-assessed.
Program: 18 Non-Infrastructure Items		
DRFA Flood Warning Infrastructure Network MbaSC.0016.1819E.FWI - River Gauge (Biboohra)	Construction	Design stage complete; construction to commence 22 April 2022.
DRFA Flood Warning Infrastructure Network MbaSC.0018.1819E.FWI - Rain Gauge (7 locations)	Construction	Design stage complete; construction to commence 22 April 2022.
Kuranda New Cemetery	Planning	Cemetery Concept to be considered by Council, detailed design to be completed 2022.
Program: 20 KIAC		
KIAC - New Wayfinding Signage	Construction	Arrangements made for defective signage to be sent back to fabricator in February for rectification. Delays expected as supplier is based in northern NSW and impacted by flooding. Anticipated pick up is early April 2022.

9.3 PARKS AND OPEN SPACES ACTION PLAN MONTHLY PROGRESS REPORT - MARCH 2022

Date Prepared: 28 March 2022

Author: Manager Projects

Attachments: 1. Parks and Open Spaces Action Plan Update - March 2022

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on projects being delivered under the Parks and Open Spaces 3 Year Action Plan during the month of March 2022.

RECOMMENDATION

That Council receives the Parks and Open Spaces Action Plan Monthly Progress Report for the month of March 2022.

BACKGROUND

Council adopted its Parks and Open Spaces Strategy and 3 Year Action Plan in February 2022.

The Parks and Open Spaces Strategy 2022-2031 has been developed to achieve Council's vision to enhance the Shire's liveability and visual appeal, and to encourage active communities and economic development. The Strategy was developed using a structured community engagement and internal consultation process.

Alongside the Strategy, a 3 Year Action Plan was developed for implementation of initial priority projects, with monthly updates provided to Council on the progress of the action plan, with each project presented to Council in detail prior to construction.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

The 3 Year Action Plan is fully funded at no additional cost to ratepayers.

Is the expenditure noted above included in the current budget?

Yes

Operating

The 3 Year Action Plan has been developed with an objective of no increase to the operational budget.

Is the expenditure noted above included in the current budget?

Yes

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

Updates will be provided to Council on a monthly basis, with targeted engagement to be undertaken on specific projects.

Parks and Open Spaces 3 Year Action Plan - Project Update - March 2022

Project	2022	2023	2024	Monthly Update to Council
RAIL TRAIL				
Mareeba Rail Trail Stage 1 (Mareeba to Airport)				Draft design has been completed by MSC Technical Services team. Design is currently under constructability review and cost verification with Works team (refer below).
BETTER PLAYGROUNDS				
Geraghty Park (Julatten)				Not commenced. Design to commence in 2023. Grant funding application lodged for funding under Community Gambling Benefit Fund for partial funding.
Pat Kinnear Memorial Park (Chillagoe Town Hall)				Not commenced. Design to commence later in 2022.
Dimbulah Town Hall Park Revitalisation				Irrigation upgrade completed in late 2021. Design for playground to commence later in 2022. Initial engagement with Dimbulah Lions commenced (refer below).
Kuranda Community Precinct				Not commenced. Design to commence later in 2022.
General Playground and Fitness Equipment Renewals - Various Locations				Sunset Park, Mareeba and Roscommon Park, Speewah are next priorities for replacement of exercise equipment and can be brought forward if Council wishes to commence.
IMPROVE BICENTENNIAL LAKES				
Bicentennial Lakes (Southern) Upgrade				Preparing scope of work to invite tenders/quotes for design of both sections – grant funding has been applied for under Local Government Grants and Subsidies Program.
Bicentennial Lakes (Northern) Upgrade				Preparing scope of work to invite tenders/quotes for design of both sections – grant funding has been applied for under Local Government Grants and Subsidies Program.

Parks and Open Spaces 3 Year Action Plan - Project Update - March 2022

Project	2022	2023	2024	Monthly Update to Council
IMPROVE PARKS AND OPEN SPACES				
New Mareeba East Park – Hastie Road				Propose to proceed without changing tenure from road reserve. Design to commence later in 2022. Propose to bring forward from 2023/24 to 2022/23 Capital Program.
Mareeba Town Walking Trails Upgrades				Project has kicked off with TMR and ARUP Consulting Engineers. Project Inception Meeting 29 March 2022 (refer below).
Gregory Terrace (Kuranda) Park Upgrade				Not commenced. Design to commence in 2023.
Kuranda Town Walking Trails Upgrades				Council has applied for grant funding under the Walking Local Government Grants program to undertake a Walking Network Planning project in Kuranda and is awaiting an outcome of its application.
Kuranda Tourism Parks and Open Space Upgrades*				Kuranda Township Master Plan (KTMP) being updated for approval following the State Government approving extension of the Kuranda Infrastructure Agreement in late 2021. Projects and timing will be subject to approval of KTMP by the State Government which is anticipated by mid-2022.
Bill Newman Park (Irvinebank) Upgrade				Draft proposal being updated for discussion at the May workshop following discussions in March.
Byrnes Street Beautification				The project commenced in mid-March and works undertaken so far include the removal of old broken kerb and channel, garden beds, trees, and vegetation.
Anzac Park (Mareeba) Revitalisation				Council's comments have been communicated to Landscape Architect who is updating Plans for re presentation to Council
Toilet Facilities Improvements - Various Locations				Dimbulah Tennis Court toilet refurbishments to be completed by end of June 2022.
Footpaths Improvements - Various Locations				Footpaths renewed along Rankin St and Basalt Gully (Stewart St), Mareeba. Pedestrian bridge improvements for Basalt Gully (Stewart St) and Granite Creek (Eales Park to Ward St) under design. Further renewals to occur in the future.

Parks and Open Spaces 3 Year Action Plan - Project Update - March 2022

Park Entrance Signage Improvements - Various Locations				10 No. Park entrance signs have been replaced in February 2022 with further replacements to occur in the future.
WATER PARK				
New Mareeba Water Splash Park**				Concept design presented by Tobias from Urban Play to Council on 16 March and Deed of Agreement has been received by Council from Queensland Government (refer below).

*Tourism projects in Kuranda to be funded by the Kuranda Infrastructure Levy

**Subject to State Government Funding

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MARCH 2022

Date Prepared: 28 March 2022
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 March 2022.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for March 2022.

BACKGROUND**Technical Services**Design, quality and investigations:

Investigation activities undertaken in March included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	59	51
Drainage Investigations	16	9
NHVR Permit Applications	0	19
Aerodrome Investigations	1	0
Traffic Count Surveys	0	0
Parks Investigations	2	0
Dial Before You Dig Requests	0	162

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services.

Supplier	No. of Tests
Internal	46
External	7

Asset Inspections:

Scheduled inspections of Council's transport infrastructure assets have been undertaken during the month of March. Field inspections were directed towards kerb and channel assets to assist in the revaluation process of the asset class. In addition to field inspections, work was completed towards improving data for the water, sewerage, roads, underground stormwater and kerbs assets.

Inspection Type	No. of inspections
Kerb and Channel	534
Subtotal	534

Inspections planned for April will continue to focus on the 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	Amaroo Stage 12	Under construction
Koah	123 Fantin Road (Two Chain Road)	On-maintenance
Mareeba	Kenneally Estate Stage 4	On-maintenance
Mareeba	The Edge Stage 3	On-maintenance
Mareeba	Amaroo Stage 11	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

Disaster Recovery Funding Arrangements (DRFA)

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
2022 DRFA	Mareeba Shire activated DRFA assistance measures linked Far North Queensland Low Pressure Trough, that occurred 1 – 7 February 2022. Council has commenced assessment of damage, emergency repairs and immediate restoration of impacted roads throughout the Shire. A consultant will be engaged to assist with delivery of the 2022 DRFA Program in the coming months.
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

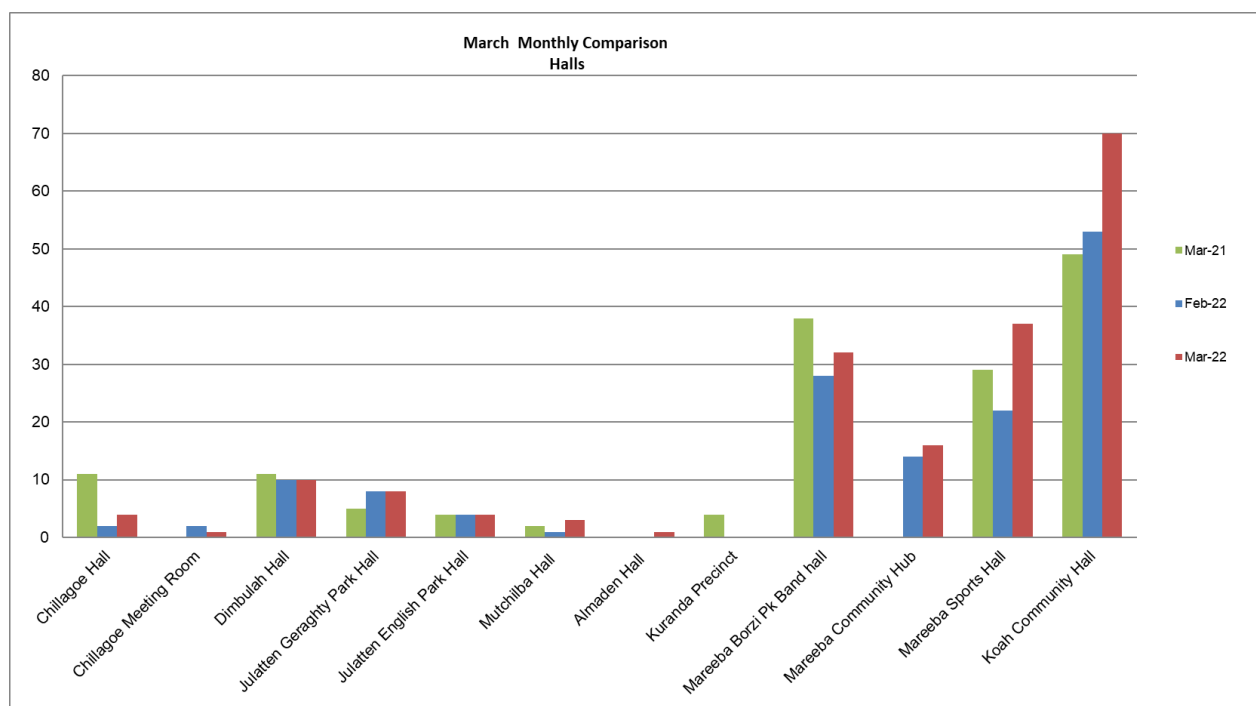
Program	Status
	Program. Betterment projects are to be identified and submitted in future funding rounds.
2021 DRFA REPA Program	Council at its Ordinary Meeting, 15 December 2021, endorsed award of the REPA Contracts on condition of endorsement by QRA. Works have commenced on the Dimbulah Package of Sites, with the Western and Mid-Western Contracts to commence in the near term.
2019 DRFA	Gamboola Crossing remains the only site not yet completed. Commencement occurred in late October however rainfall within the Mitchell River Catchment has required demobilisation from site. Works will be recommenced as soon as access to the site is available.
2019 Betterment	Fossilbrook Crossing remains the only outstanding site which was delayed due to wet weather. The crossing has reached practical completion, however minor works remain to finalise the project.

Facilities

Community Halls:

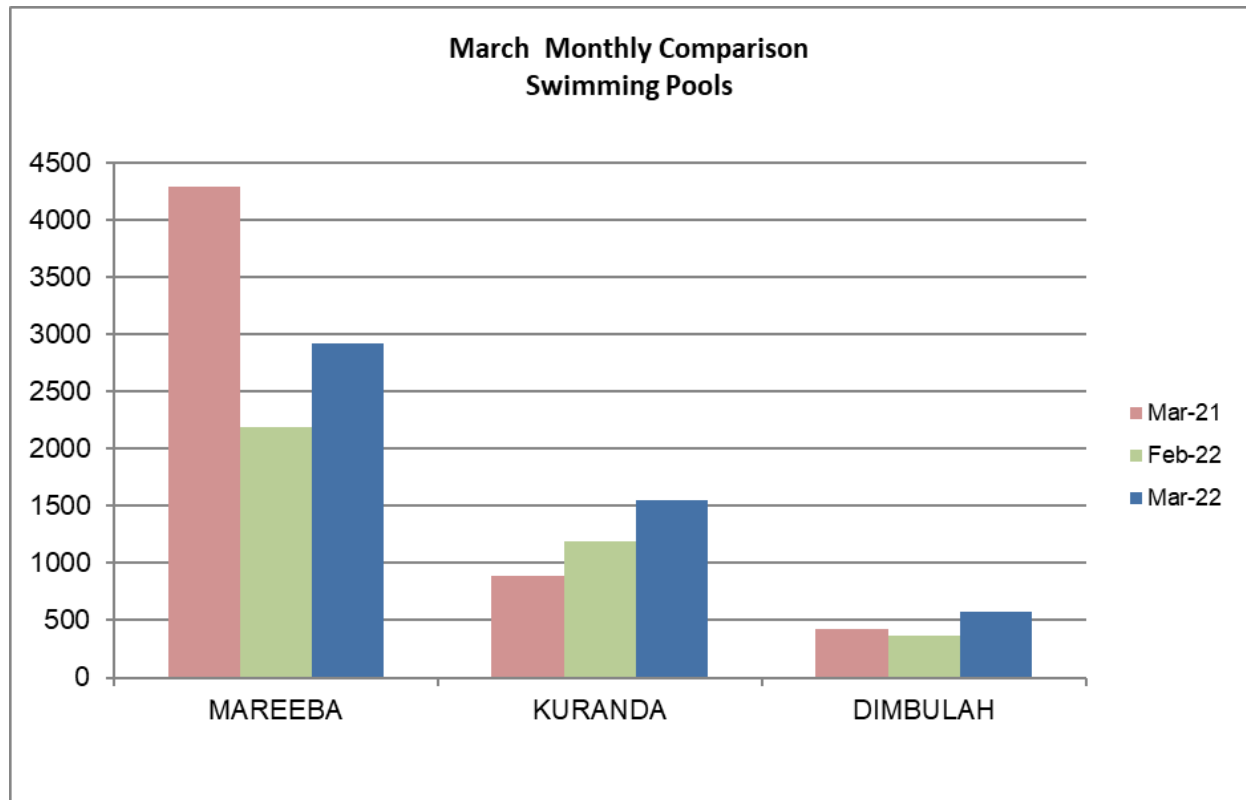
Maintaining safe and efficient access to Council Community Halls is recognised as an important aspect for the community's ongoing wellbeing. All facility users are required to comply with the conditions set out by the State Government's COVID-19 Restrictions.

March hall hires have generally increased against the previous month and the same period last year. Koah Hall bookings are indicative of the interest within the local community, bookings include several types of health and social activities (dance, yoga, jujitsu, healing and circus events).



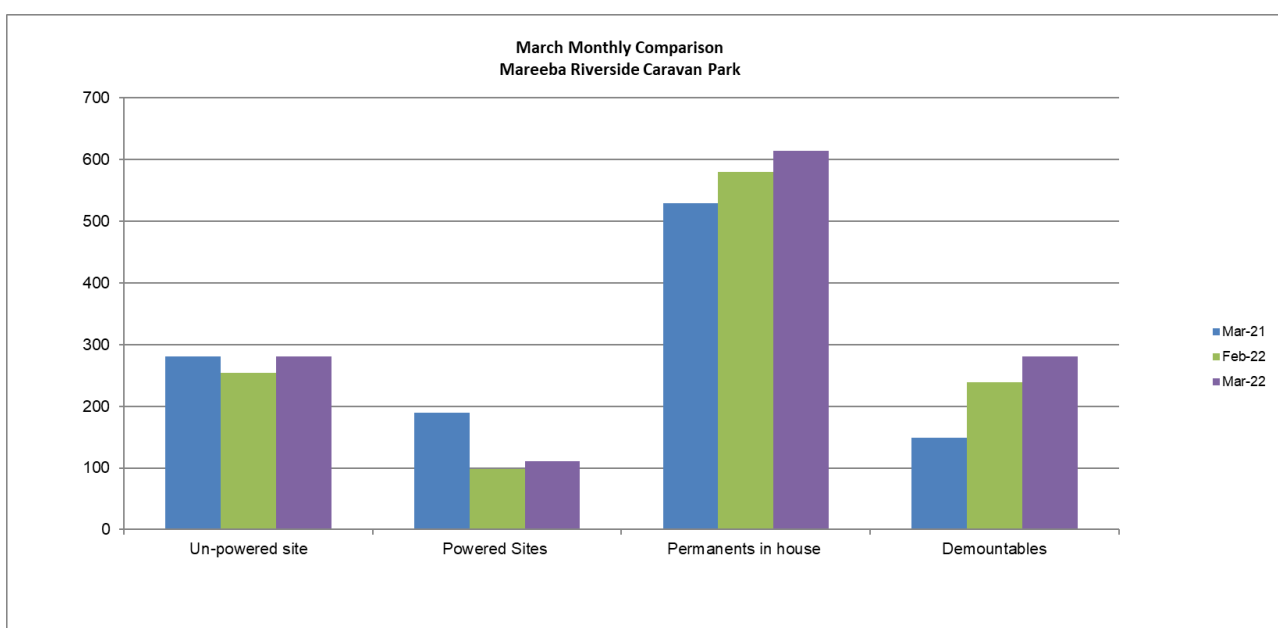
Swimming Pools

Although the numbers are still low in comparison to the same time last year they have increased quite significantly since last month. School groups are returning which is reflected in the improvement to patron numbers. Learn to swim has recommenced and numbers are expected to improve in the coming term.

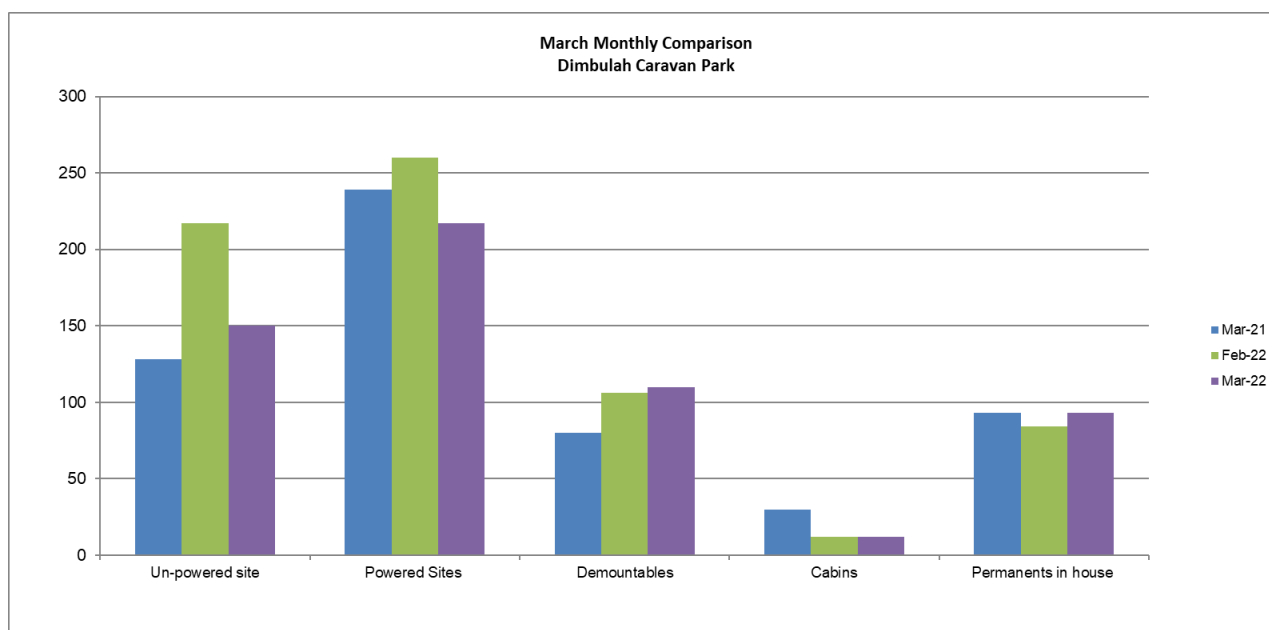


Caravan Parks:

Mareeba Riverside Caravan Park has seen a slight overall increase from the previous month, with this mainly from local residents having difficulty finding houses.



Dimbulah Caravan Park has shown a decrease compared to both the previous month and corresponding period from the previous year. The weather played a big part on the campers using powered and unpowered sites.



Vandalism & Graffiti:

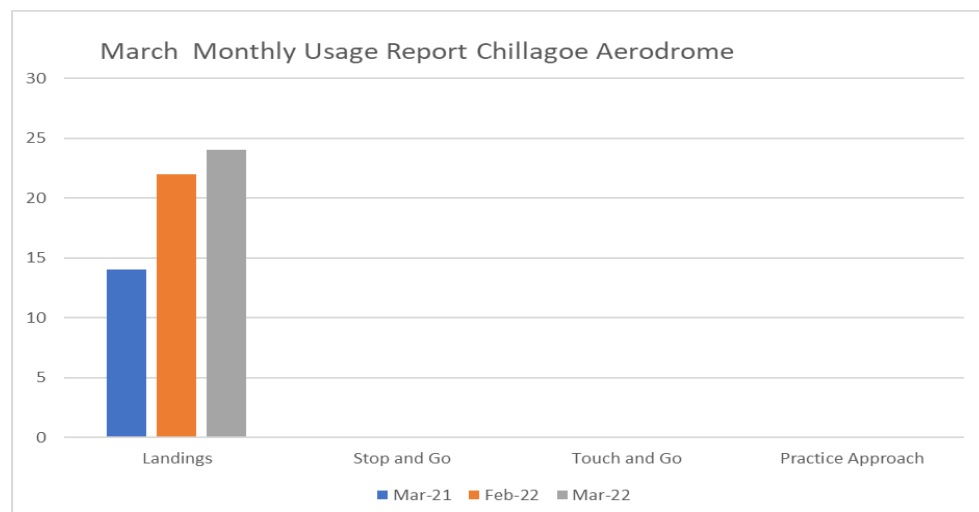
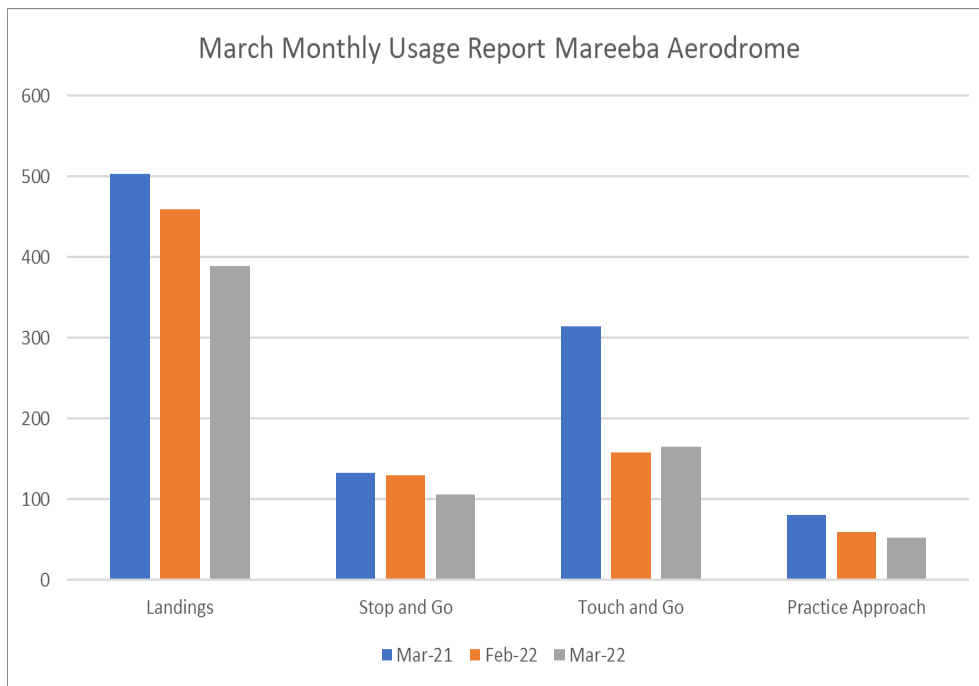
During March, 10 reports of vandalism/graffiti were recorded for Council facilities, with annual costs provided below;

Financial Year	Actuals	Comments – March 2022
2015/16	\$ 2,134.00	• Mareeba CWA Toilets/restroom - vandalism and graffiti x 4
2016/17	\$ 16,546.00	• Mareeba Rotary Park - vandalism x 1
2017/18	\$ 23,948.00	• Mareeba Arnold Park Shade sails burnt - vandalism x 1
2018/19	\$ 14,851.00	• Mareeba Sports Hall - vandalism x 1
2019/20	\$ 14,211.18	• Mareeba Pound fence - vandalism x 1
2020/21	\$ 62,199.62	• Mareeba Library - vandalism x 1
2021/22	\$35,374.70	• Kuranda Historical Society - vandalism x 1

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 March, potentially owing to inclement weather conditions. Chillagoe Aerodrome has only minor activity recorded for the period.



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

Programs are being delivered in line with expectations, a small surplus across the portfolio is anticipated.

Operating

Additional cost associated with graffiti and vandalism is expected and will be accommodated within existing budget allocations.

LINK TO CORPORATE PLAN

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

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

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MARCH 2022

Date Prepared: 28 March 2022
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 March 2022.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for March 2022.

BACKGROUND**Water and Wastewater Treatment:**

All treatment plants are performing satisfactorily. Water demand was varied across all schemes with rainfall in some catchments resulting in slightly lower consumption per connection whereas some were slightly higher due to lower rainfall compared to the previous month.

Routine environmental monitoring did not detect any exceedances of environmental discharge limits. No anomalies or reportable notifications were reported in relation to routine water quality testing conducted during the month.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	6,191	883	281	289	85
Number of Connections	4,385	982	157	272	137
Average daily water consumption per connection (L)	1,412	848	1,790	1,063	751

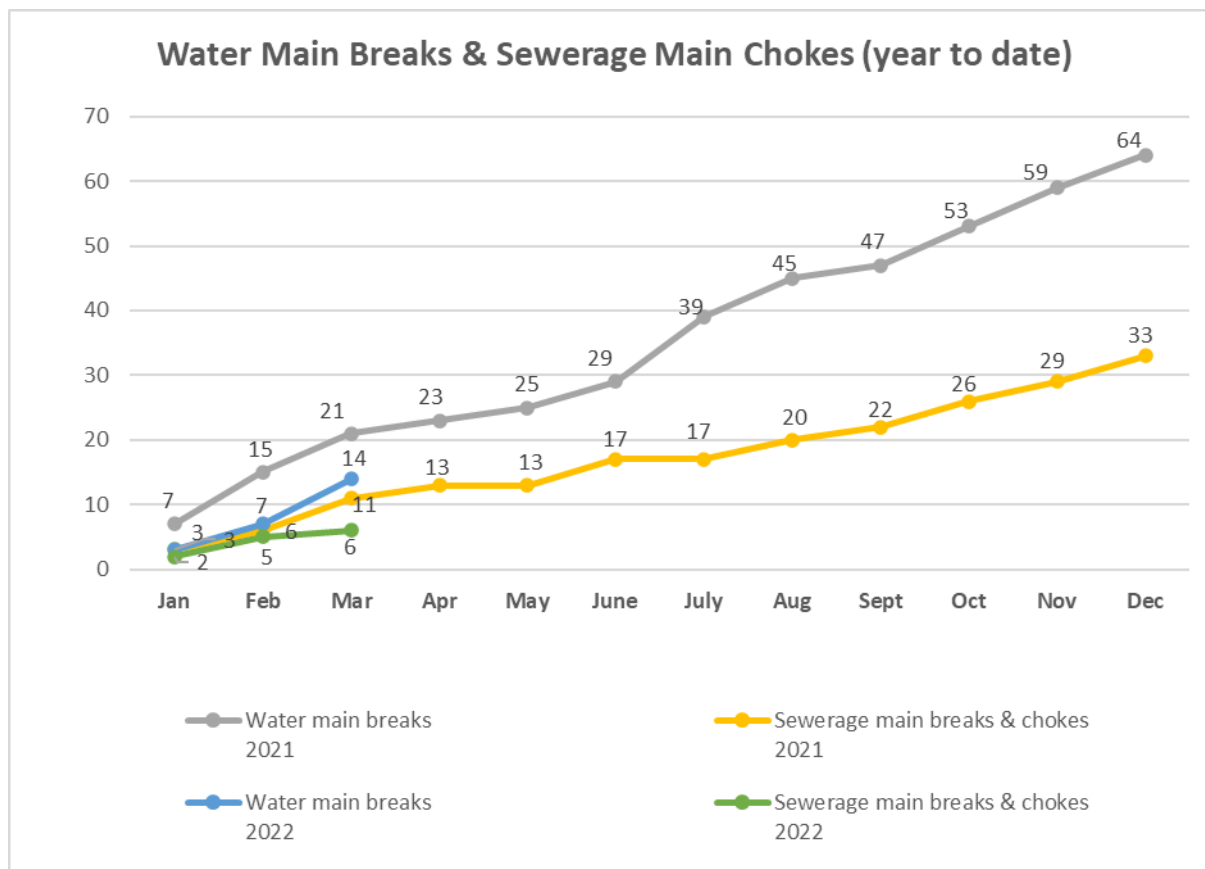
* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	4,690	252
Number of Connections	3,424	346
Average daily inflow per connection (L)	1,370	728

Water and Wastewater Reticulation:

Council's water reticulation crew attended to seven (7) water main breaks and one (1) sewer main break 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:



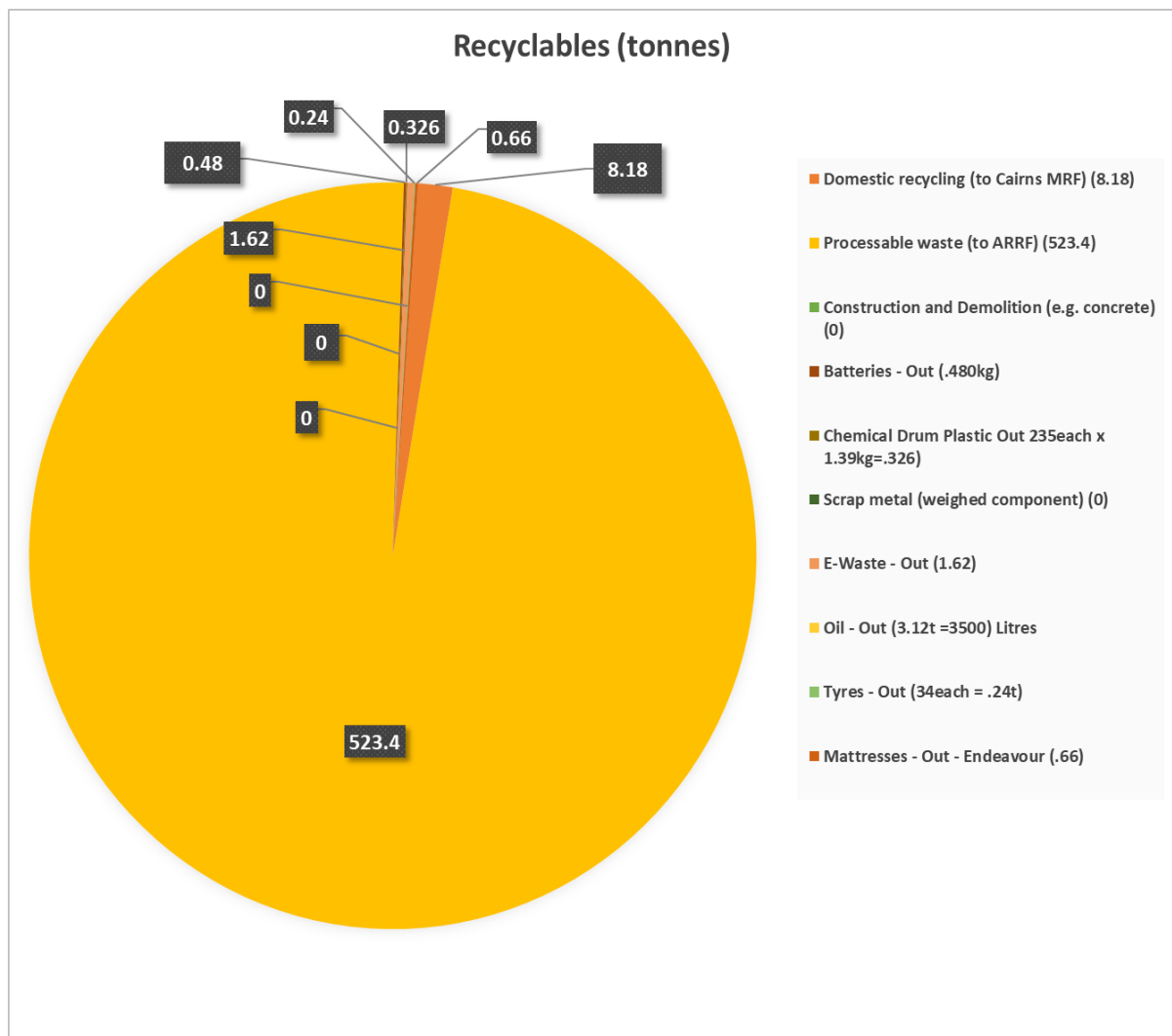
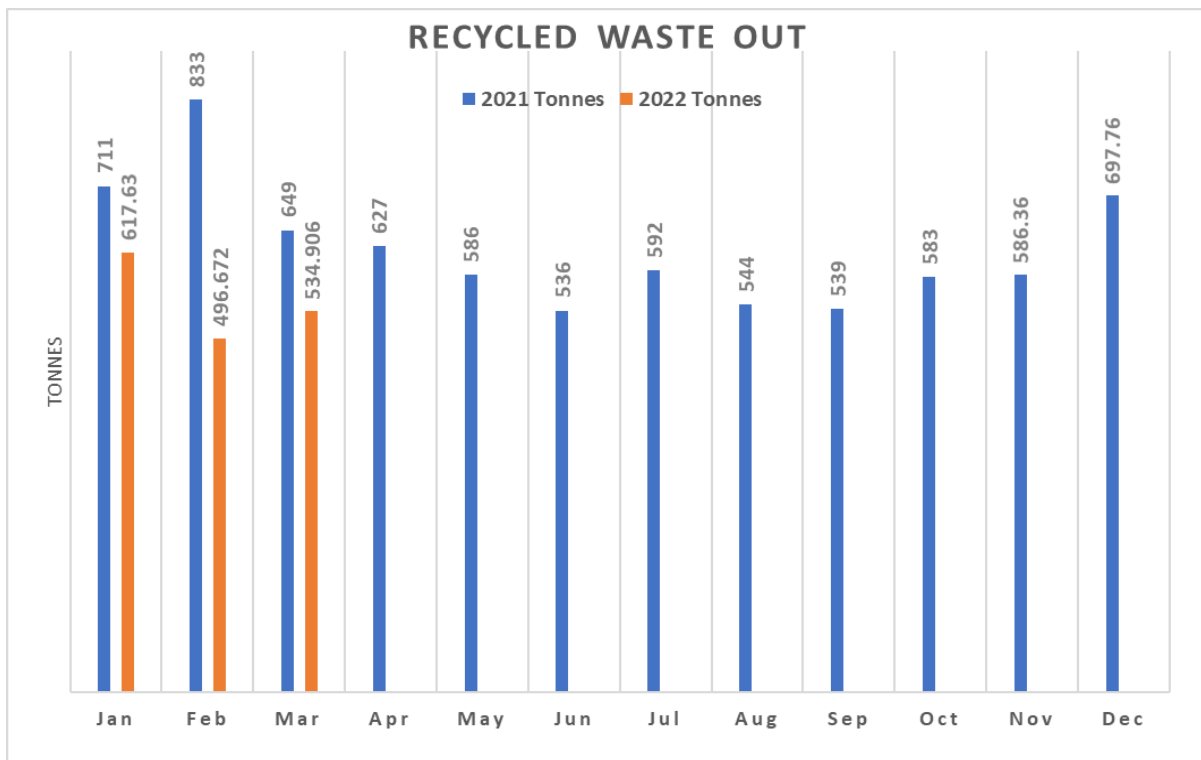
Waste Operations:

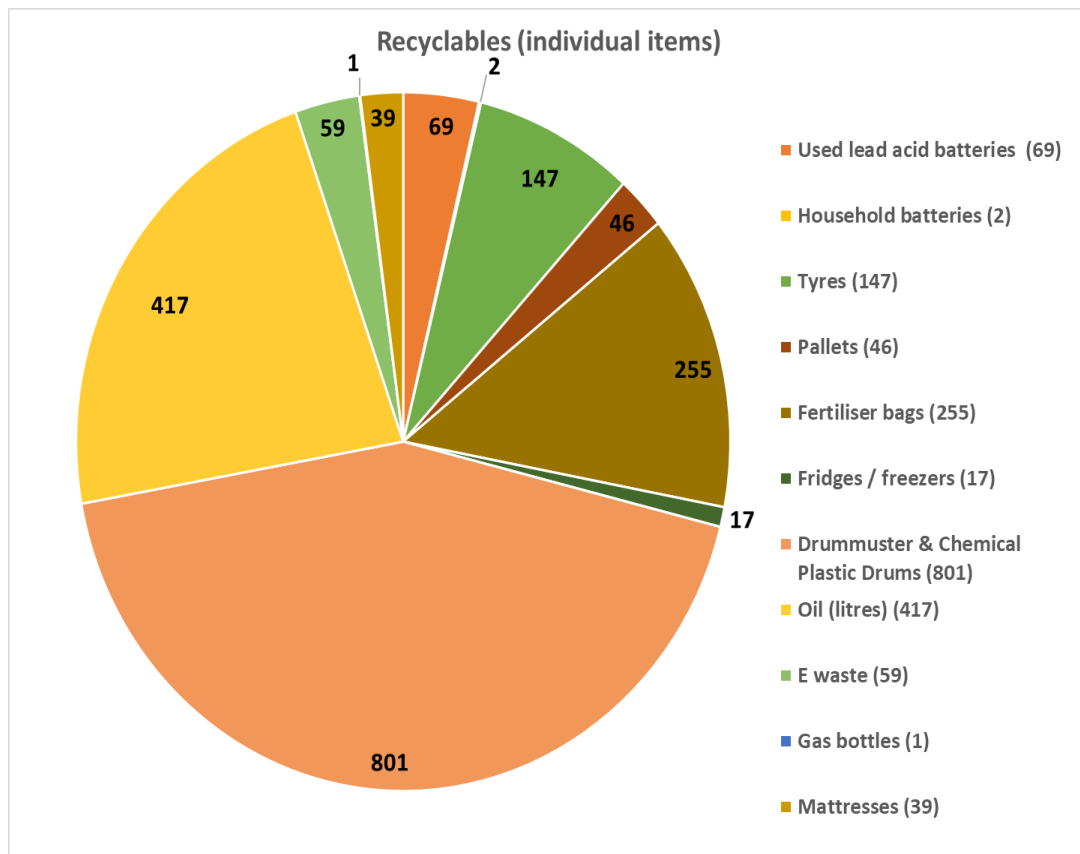
All transfer stations are currently operational. New iWeigh software has been implemented in the Kuranda and Mareeba Transfer Stations and new tablets for the other transfer stations have arrived and currently with MSC IT for setup and integration.

The Free Green Waste Weekends were a reasonable success with Mareeba having 540 loads delivered to site, Kuranda 89, Chillagoe 9, Mt Molloy 13, Mutchilba 2, Julatten 16, Dimbulah 22 and Irvinebank 1.

Recycling

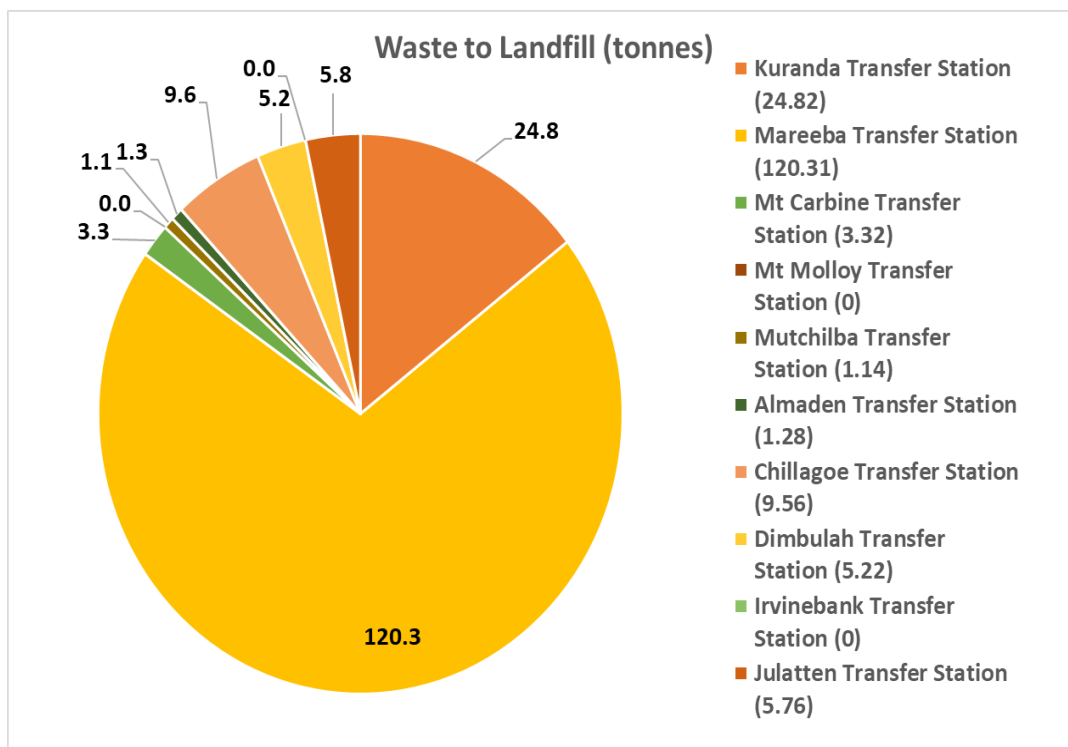
Waste material collected at each of the waste transfer stations are either deposited directly to the Springmount Waste Facility, recycled or transported to the SUEZ Advanced Resource Recovery Facility (ARRF) in Cairns for processing.





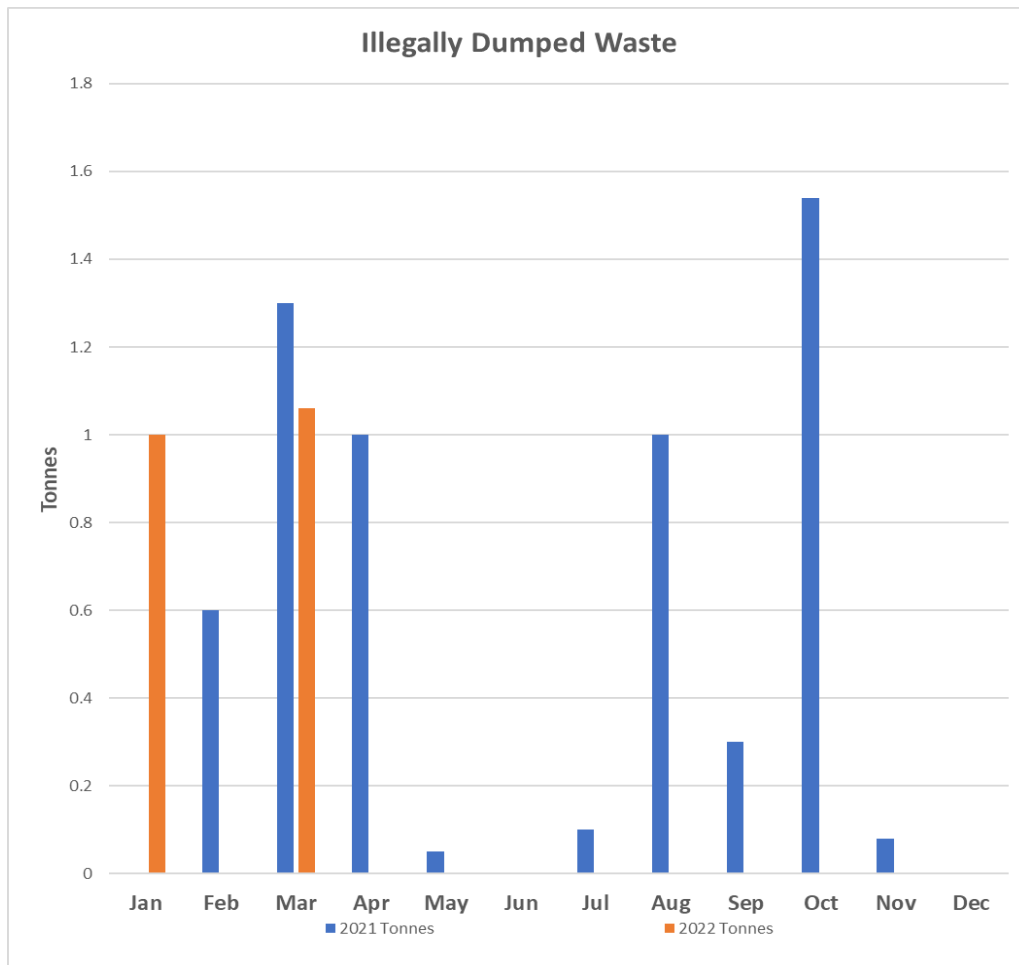
Waste to Mareeba Landfill

Mareeba Landfill is no longer receiving residual waste from the SUEZ Advanced Resource Recovery Facility (ARRF) plant in Cairns. Landfill waste in February was transported off site to the Springmount Waste Facility 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.



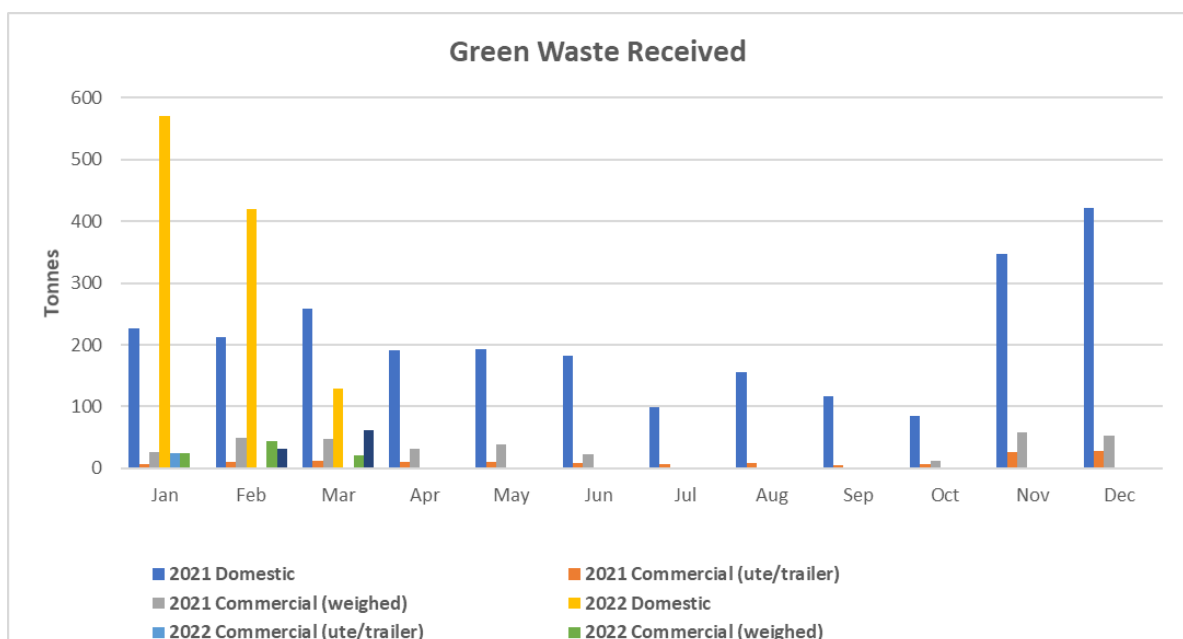
Illegally Dumped Waste

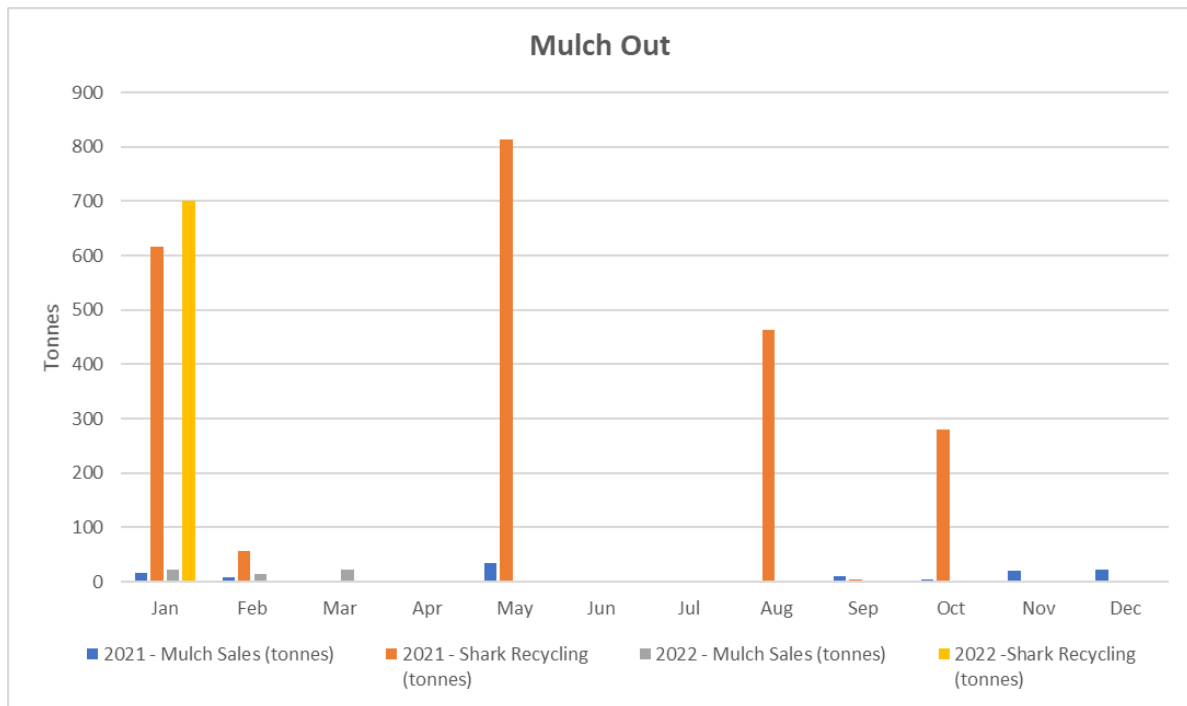
There was one (1.06) tonne of illegally dumped waste recorded through Mareeba Waste Transfer Station during the month of March. The illegally dumped waste was primarily from a Sunwater site.



Green Waste

Council received a total of 212 tonnes of green waste in the month of March. Green waste was last mulched in mid-January and will again be mulched late April.





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.

IMPLEMENTATION/COMMUNICATION

Nil

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MARCH 2022

Date Prepared: 28 March 2022

Author: Manager Works

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge Maintenance, RMPC and Land Protection operational activities undertaken by Infrastructure Services during the month of March 2022.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of March 2022.

BACKGROUND**Transport Infrastructure**Road Maintenance Activities

Emergency repairs to roads across the Shire have continued throughout March with pothole patching, repairs to scouring in the Mareeba, Kuranda and Western areas.

Officers have been inspecting both state controlled and local roads within the shire to document any damage and check on road safety and accessibility.

Council's Annual Maintenance Grading Program has continued in the Julatten, Mount Molloy and Mareeba areas, roads graded in March are as follows;

Road	Location
Nine Mile Road	Julatten
Clayton Lane	Julatten
Mount Perseverance	Julatten
Mount Lewis Road	Julatten
McDougall Road	Julatten
Wessell Road	Mount Molloy
Bradley Road	Mount Molloy
Mitchellvale Road	Mount Molloy
Bakers Road	Mount Molloy
Norris Road	Mount Molloy
Quinn Road	Mount Molloy
Fraser Road	Mount Molloy
Tye Road	Mount Molloy
Adil Road	Mareeba
Peters Road	Mareeba
Cowan Road	Mareeba
Fisher Road	Mareeba

Customer Requests

During the month of March, the Works Group received 233 Customer Requests (CRs) with 181 resolved (resolved requests include those received prior to March 2022). The table below shows the number of requests lodged per Works section for the month.

Month	Roads	Parks and Gardens	Pest Management
March	164	64	5

At the time of reporting, the Works Group had 89 open (unresolved) requests.

Fire Mitigation - Sheep Grazing Trail

On 2 March 2022, Council agreed to proceed with the option of trialling sheep grazing as an alternative method of reducing the vegetation fuel loads along the Barron River Esplanade in Mareeba.

Officers have been in contact with the operator regarding Public Liability. The operator is currently obtaining public liability cover and will adjust his price to suit Council's request.

In order to transport the herd between parcels of land, each sheep requires a tag under National Livestock Identification System (NLIS) for identification and traceability. The operator has confirmed an order for tags has been placed however there is a 3-6 week wait on supply.

It is proposed the trial will commence mid-May 2022.

Bridges and Major Culverts

Maintenance and inspections were carried out on the following bridges, causeways and major culverts during the month of March.

Location	Area	Structure
Ootann Road	Almaden	Major Culvert
Kanervo Road	Koah	Bridge
Clohesy River Road	Koah	Major Culvert
Davies Creek Road	Mareeba	Causeway
Stannary Hills Road	Irvinebank	Major Culvert
Davies Creek Road	Mareeba	Bridge
Bullaburra Creek Road	Dimbulah	Major Culvert
Boonmoo Road	Dimbulah	Major Culvert
Hales Siding Road	Irvinebank	Bridge
Leadingham Creek Road	Dimbulah	Bridge
Ootann Road	Almaden	Causeway
Wolfram Road	Dimbulah	Major Culvert
Fassio Road	Mareeba	Major Culvert

Location	Area	Structure
Pin Road	Mutchilba	Major Culvert
Lemontree Drive	Mutchilba	Causeway
Horse Creek Road	Dimbulah	Major Culvert
Top Eureka Road	Dimbulah	Major Culvert
Pinnacle Road	Julatten	Bridge
Henry Hannam Drive	Mareeba	Causeway
McLeod Road	Mutchilba	Bridge
Koah Road	Koah	Causeway
Nth Walsh Road	Mareeba	Bridge
Mutchilba Road	Mutchilba	Bridge
Fumar Road	Dimbulah	Major Culvert
Leadingham Creek Road	Dimbulah	Major Culvert
Black Mountain Road	Bridge	Bridge
Springmount Road	Mareeba	Major Culvert
Jeffrey Road	Kuranda	Bridge
Springmount Road	Mareeba	Bridge
Mutchilba Road	Mutchilba	Major Culvert
Price Creek Road	Dimbulah	Major Culvert
Collins Weir Road	Mareeba	Causeway
Bakers Road	Mt Molloy	Bridge
Fassio Road	Mareeba	Causeway
Euluma Creek Road	Julatten	Causeway
Bulimba Road	Chillagoe	Causeway
East Mary Road	Mt Carbine	Major Culvert
Springmount Road	Mareeba	Bridge
Selby Road	Mutchilba	Causeway
Springs Road	Mareeba	Causeway
Raleigh Street	Dimbulah	Major Culvert
Sides Road	Julatten	Major Culvert
Fossilbrook Road	Almaden	Causeway
McLeans Bridge Road	Julatten	Major Culvert

TMR Routine Maintenance Performance Contract (RMPC)

Slashing recommenced on the Burke Developmental Road between Mareeba and Dimbulah.

Slashing complete on the Mulligan Highway from Mareeba to Bibbohra and from Mount Molloy to the top of the Rex Range.

Herbicide completed on the Mulligan Highway from Mount Molloy and Mount Carbine Boundary. 190m² of pavement repairs were carried out on the Mulligan Highway between Mount Molloy and the Mount Carbine Boundary, this consisted of milling out the failed sections to a depth of 80mm and filled with AC 14 Asphalt.

Parks and Open Spaces

Mowing, brush cutting, and hedging were again the main activities undertaken by Parks and Gardens staff during March along with tree trimming in Byrnes Street and other areas in Mareeba.

Other points of note for the Parks and Gardens Section during March are:

- 14 burials
- Mow and brush cut Foxwood Run, Girl Guides block and SES Depot
- Slashing Stewart Street Reserve and Bicentennial Lakes
- Mow and brush cut the Mareeba Cemetery and Pioneer Cemetery

Land Protection

Parthenium Weed: Inspections were carried out on 12 active sites known to Mareeba Shire Council. All landholders are complying with their biosecurity obligation. Officers will continue to monitor one (1) site every two (2) weeks with the other 11 every three (3) weeks.

Giant Rats Tail Grass: Council's annual roadside spray program continued this month. Staff are treating roadsides and table drains throughout the Shire. Selective herbicides are used in order to allow other vegetation to provide competition for the weed.

Amazon Frogbit on the Mitchell River Catchment: Mareeba Shire Council maintain a sentinel site program on Two Mile Creek. Officers keep five (5) sites clear of all water weeds so that when inspections are carried out Frogbit is easily identified. All sites were clear on this visit.

Feral dogs: Several landholders have been in contact with Mareeba Shire Council and they are currently organising co-ordinated baiting to hopefully take place in the coming weeks in the top end of the Tinaroo Creek /Barron River area, weather permitting.

Feral Pigs: A number of property owners were given advice on baiting, shooting and trapping of feral pigs. Land Protection officers are also currently in talks with a landholder in the Maryfarms area who is interested in trialling a "hog hopper" feeding station that he will be able to get on loan from the council.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

COVID-19 impacts in relation to operations 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 OFFICE OF THE CEO

10.1 MAREEBA MULTICULTURAL FESTIVAL

Date Prepared: 25 March 2022
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to appoint the members of the Mareeba Multicultural Festival Advisory Committee, including the Chair of the Committee.

RECOMMENDATION

That Council:

1. appoints Cr Mary Graham as the Chair of the Mareeba Multicultural Festival Committee.
2. appoints the following persons as members of the Committee:
Francesco Avolio;
Giuliano Cordenos;
Fred Cristaldi;
Sabrina Liaver;
Milabelle Krauss;
Fatima Metou;
Iuto Patolo.

BACKGROUND

The Mareeba Multicultural Festival committee was established in 2008 to organise and host a celebration of cultural diversity highlighting the 65 different nationalities represented in the Shire, and it has become recognised as one of the most significant events in Mareeba.

With support from local businesses, Council and the Queensland Government (Department of Children, Youth Justice and Multicultural Affairs) the festival continues to grow and attracts thousands of visitors to the Shire.

Following on from the resignation of the previous Chair earlier in 2022, a gap has been identified with the scope of tasks required to pull the event together. This includes arranging sponsorships and prizes, managing the performance schedule, planning the program for the day as well as advertising and marketing the event.

Whilst the continuing Committee members bring with them significant experience in their roles, and they assist with many aspects of the event, there are limits to their assistance.

Council will continue to provide secretariat and financial services to the Committee, however, there are tasks which cannot be completed by Council officers. As a result, at the Committee Meeting held on Tuesday, 20 March 2022, it was agreed to appoint a paid Event Coordinator to assist the Committee to deliver the 2022 event. An 'expression of interest' process will commence in due course, with a view to appointing the Event Coordinator after the Committee meeting on 24 May 2022.

Council will continue to provide in-kind assistance under the Community Partnerships Program by supplying access to Arnold Park and the Sports Hall as well as the equipment required for the festival.

RISK IMPLICATIONS

Legal and Compliance

The purpose of appointing the Mareeba Multicultural Festival organising committee as an advisory committee to Council is to ensure that all risks associated with the conduct of the annual event are appropriately managed. Risk assessment and management is a critical component of the organisation and conduct of any event.

Health and Safety

Council has implemented an Event Management Plan and Community Event Risk Management Hazard Checklist which is utilised for each significant event conducted by Council.

LINK TO CORPORATE PLAN

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

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

IMPLEMENTATION/COMMUNICATION

Formal advice will be provided to all appointees confirming their appointment to the Advisory Committee.

11 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:

11.1 Sale of Land Due to Rates and Charges in Arrears

This matter is considered to be confidential under Section 275 - h 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 other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

14 FOR INFORMATION**14.1 AUDIT COMMITTEE MEETING MINUTES MARCH 2022**

Date Prepared: 15 March 2022

Author: Director Corporate and Community Services

Attachments: 1. Audit Committee Meeting Minutes

Please see the following Minutes of the Audit Committee Meeting held on 8 March 2022.



MINUTES

Tuesday, 8 March 2022

Audit Committee Meeting

Audit Committee Meeting Minutes

8 March 2022

**MINUTES OF MAREEBA SHIRE COUNCIL
AUDIT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS
ON TUESDAY, 8 MARCH 2022 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), Andrew Cornes (Grant Thornton), Nicole Short (QAO) via teleconference

3 APOLOGIES

Carolyn Eagle, Pacifica

**4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY
AUDIT COMMITTEE AND OBSERVERS**

Nil

5 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION 2022/1**

Moved: Cr Mary Graham

Seconded: Ms Ruth Faulkner

That the minutes of Audit Committee Meeting held on 5 October 2021 be confirmed.

CARRIED

6 FINANCIAL MANAGEMENT, REPORTING AND INTERNAL CONTROL**6.1 AUDIT MATRIX REPORT****COMMITTEE RESOLUTION 2022/2**

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee note the attached report and support officers in their endeavours to implement the suggested recommendations.

CARRIED

Page 2

6.2 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2022

COMMITTEE RESOLUTION 2022/3

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee note the Financial Report for the period ending 31 January 2022.

CARRIED

7 INTERNAL AUDIT

7.1 INTERNAL AUDIT STATUS REPORT

COMMITTEE RESOLUTION 2022/4

Moved: Cr Mary Graham

Seconded: Ms Ruth Faulkner

That the Audit Committee note the report.

CARRIED

8 GOVERNANCE AND RISK MANAGEMENT

8.1 MSC ANNUAL REPORT 2020/21

COMMITTEE RESOLUTION 2022/5

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee note the MSC Annual Report for the 2020/21 Financial Year.

CARRIED

8.2 CYBER SECURITY CONTROL MATURITY ASSESSMENT

COMMITTEE RESOLUTION 2022/6

Moved: Cr Mary Graham

Seconded: Ms Ruth Faulkner

That the Audit Committee notes the report and agreed actions as outlined.

CARRIED

Audit Committee Meeting Minutes

8 March 2022

8.3 CYBER SECURITY TRAINING

COMMITTEE RESOLUTION 2022/7

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee notes the report.

CARRIED

9 EXTERNAL AUDIT

9.1 AUDIT STRATEGY 2021/22

COMMITTEE RESOLUTION 2022/8

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee note the reports.

CARRIED

10 LEGISLATIVE AND REGULATORY COMPLIANCE

10.1 PURCHASING REPORT JANUARY 2022

COMMITTEE RESOLUTION 2022/9

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee receive and note the report.

CARRIED

10.2 PROBITY AUDIT REPORT

COMMITTEE RESOLUTION 2022/10

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the report.

CARRIED

Audit Committee Meeting Minutes

8 March 2022

11 GENERAL BUSINESS**11.1 AUDIT COMMITTEE SELF ASSESSMENT****COMMITTEE RESOLUTION 2022/11**

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee discuss and note the self-assessment summary and identify any areas for improvement.

CARRIED**11.2 AUDIT COMMITTEE CHARTER COMPLIANCE CHECKLIST****COMMITTEE RESOLUTION 2022/12**

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee note the checklist.

CARRIED**11.3 AUDIT COMMITTEE REGULATORY GUIDELINES****COMMITTEE RESOLUTION 2022/13**

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That the Audit Committee note the recommendation from the Auditor General and request Council prepare and complete a checklist for regulatory self-assessment.

CARRIED**12 NOTIFICATION OF SIGNIFICANT LEGAL MATTERS - CEO**

Nil Legal. Decrease in FAG funding of \$1.5M over 3 years

13 MATTERS TO BE REPORTED TO COUNCIL

Nil

14 CLOSED SESSION

Not required

Page 5

Audit Committee Meeting Minutes

8 March 2022

Next Meeting date moved to 10 August 2022.

The Meeting closed at 11.40am.

.....
CHAIRPERSON

14.2 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF MARCH 2022
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Date Prepared: 1 April 2022
Author: Senior Planner
Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for March 2022

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/22/0002	09/03/2022	Kanjini Co-Op Ltd C/- Freshwater Planning Pty Ltd 545 Kay Road, Mareeba	Lot 66 on RP896904 & Lot 67 on SP328197 & Lot 68 on SP282408	MCU - Outdoor sport and recreation, Function Facility, Educational Establishment, Tourist Park & Operational Works Dam	In Confirmation stage
MCU/22/0003	21/03/2022	Mareeba 232 Pty Ltd C/- Urban Sync 232 Bymes Street, Mareeba	Lot 78 on SP298287	MCU - Shopping Centre, Food and Drink Outlet and Service Station	In Confirmation stage
RAL/22/0003	21/03/2022	A Clayton C/- RPS Australia East Pty Ltd 31 James Street, Watsonville	Lots 514, 515, 516 & 517 on W2631	ROL Boundary Realignment (4 into 2 Lots)	In Confirmation stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/22/0002	02/03/2022	K & N Hart C/- Scope Town Planning	14 Pares Street, Mareeba	Lot 3 on RP712658	ROL Subdivision (1 into 2 lots)
RAL/21/0017	17/03/2022	Russell Napier C/- RPS Australia East Pty Ltd	27 Barron Falls Road, Mareeba	Lot 1 on RP726343	ROL (1 into 2 Lots)

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

March 2022 (Regional Land Use Planning)

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/22/0005	21/03/2022	John Olson C/- Baker Building Certification	124 Koah Road, Koah	Lot 2 on SP178252	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA Dispensation)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
RAL/18/0025 & OPW/20/0001	02/03/2022	N Derakhshan	2-8 Black Mountain Road, Kuranda	Lot 1 on RP743970	Reconfiguring a Lot - Subdivision (1 into 4 Lots) and Operational Works (Roadworks, Stormwater, Water Infrastructure, Drainage and Earthworks)

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/16/0019	07/03/2022	Rodeo Acres Pty Ltd	Rodeo Close, Mareeba	LOTS 4 & 8 ON SP328243 (CANCELLING LOT 100 ON SP325387)	1 New Lot
RAL/21/0011	04/03/2022	Lynne Morgante C/- Twine Surveys Pty Ltd	542 Emerald End Road, Mareeba	PLAN OF LOTS 1 & 2 ON SP328238 (CANCELLING LOT 3 ON SP315714 & LOT 1 ON RP912880)	Nil - boundary realignment
REC/06/0108	17/03/2022	Colin Emery C/- Cardno	3 Hilltop Close, Kuranda	LOTS 1 - 5 ON SP315888 AND EASEMENT A IN LOT 2 (CANCELLING LOT 84 ON SP237138)	4 New Lots

March 2022 (Regional Land Use Planning)