



## **Ordinary Meeting**

**Council Chambers**  
**Date: 24 January 2018**  
**Time: 9:00am**

## **MINUTES**

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## **MEMBERS IN ATTENDANCE**

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

## **APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**

Nil

## **BEREAVEMENTS/CONDOLENCES**

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

## **DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST**

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

## **CONFIRMATION OF MINUTES**

Moved by Cr Davies

Seconded by Cr Graham

"That the Minutes of the Ordinary Council Meeting held on 20 December 2017 be confirmed as true and correct."

**CARRIED**

## **BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS**

Nil

**CORPORATE AND COMMUNITY SERVICES****REGIONAL LAND USE PLANNING****ITEM-1                      DARREN JOHN CLELAND - MCU - TOURIST PARK (SELF-CONTAINED ACCOMMODATION VEHICLES) - LOT 1 RP 708214 - 59 ROGERS ROAD, BIBOOHRA    MCU/17/0001**

Moved by Cr Pedersen

Seconded by Cr Toppin

- “1. In relation to the written representations made by D Cleland (the applicant) regarding conditions of the following development approval:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	D Cleland	<b>ADDRESS</b>	59 Rogers Road, Biboohra
<b>DATE OF NDN REQUEST</b>	21 December 2017	<b>RPD</b>	Lot 1 on RP708214
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Motor Home Park		

and in accordance with the Planning Act 2016, the following

- (A) Condition 4.2.1 as per Council's Decision Notice issued on 16 November 2017 remain unchanged.
2. A Negotiated Decision Notice be issued to the applicant and submitter advising of Council's decision”

**CARRIED**



- *The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.*
- *The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.*

*Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.*

- (C) Conditions 3.4.1, 3.4.2 and 3.4.3 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

#### 3.4 Noise Nuisance/Control

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

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

- 3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

- 3.4.3 Within three (3) months of the commencement of use, the applicant/developer or subsequent owner/operator, at their sole cost, must commission a suitably qualified acoustical consultant (Member of the Australian Acoustical Society (AAS) or eligible for membership to the AAS) to conduct an acoustic assessment to verify that the noise emissions from the site are compliant with the conditions of approval and the Environmental Protection (Noise) Policy, 2008. The assessment report will be supplied to Council within fourteen (14) days of receipt by the applicant/developer or subsequent owner/operator, and no longer than six (6) months after the commencement of the use.

Where compliance with the Environmental Protection (Noise) Policy, 2008 is not achieved, the applicant/developer or any subsequent owner/operator is required







**ITEM-5 ANTE SALINOVIC TTE & ANICA SALINOVIC TTE - OPERATIONAL WORKS (VEGETATION CLEARING) - LOT 101 SP 202702 & LOT 102 SP 202702 & LOT 103 SP 202702 & LOT 104 SP 202702 - 65-71 MASONS ROAD, KURANDA - OPW/17/0001**

Moved by Cr Pedersen

Seconded by Cr Brown

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	A & A Salinovic	<b>ADDRESS</b>	25, 67-71 & 73 Mason Road, Kuranda
<b>DATE LODGED</b>	28 July 2017	<b>RPD</b>	Lots 101 to 104 on SP202702
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works – Clearing of Vegetation		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Operational Works – Clearing of Vegetation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
31059-01 B	Proposed Clearing Mason Rd, Kuranda	Veris	28/11/17

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- found necessary by 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;
- to ensure the works comply in all respects with good engineering practice; and
- to ensure compliance with the following conditions of approval.

Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy.

## 2. Timing of Effect

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

## 3. General

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

### 3.2 Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
  - 7.00am to 6.00pm, Monday to Friday;
  - 7.00am to 1.00pm Saturdays;
  - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

### 3.3 Specific Vegetation Clearing Requirements

- 3.3.1 No vegetation clearing is to occur within 100 metres of Lot 1 on AP19290.
- 3.3.2 No vegetation clearing is to occur within 50 metres of Jumrum Creek and 25 metres of any other waterway.
- 3.3.3 Chemical clearing/thinning of vegetation is not permitted.

### 3.3.4 The clearing of vegetation must:

- retain all habitat trees; and
- retain all mature trees; and
- retain at least 70 immature trees per hectare below 430m AHD contour and at least 150 immature trees per hectare from the 430m AHD contour and above. The retained trees must retain:
  - the range of species in the area; and
  - the range of tree and shrub sizes; and
  - be spaced in a manner that closely represents the natural distribution as possible.

**Habitat tree** means a habitat or nest tree, where:

*habitat trees are living trees with one or more visible hollows of 10 cm or more in diameter that are positioned at least two metres above the base of the tree. Habitat trees are used or potentially used by hollow-dwelling fauna.*

*nest trees contain an active bird's nest or the nest of a raptor or other bird which utilizes the same nest each year.*

**Immature tree** is a tree or shrub, other than mature trees, that are two metres or more in height.

**Mature tree** is a tree with a diameter at 1.3 metres above ground (if there are several trunks, add the diameters of the two largest trunks together) of:

- 30 cm or more for *Eucalyptus*, *Corymbia*, *Lophostemon* and *Angophora* species, such as 'gum' or 'box' trees
- 20 cm or more for other tree species, such as wattles

### 3.3.5 The mechanical clearing of vegetation must:

- not involve the use of two tractors pulling a cable or chain
- not occur within 5 metres of the trunk of a mature or habitat tree
- retain at least 50% of the required immature trees beyond the 5 metre buffer around the mature trunks
- not damage a mature, habitat or retained immature tree
- not stack debris against a mature, habitat or retained immature tree

## 3.4 Prevention of the spread of weeds and pests

The applicant must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

#### 4. Infrastructure Services and Standards

##### 4.1 Erosion and Sediment Control

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land and waterways as a consequence of the development.
- (b) Where required appropriate interception devices that ensure removal of suspended matter and treatment of contaminated stormwater prior to crossing the boundary of the development or discharge into downstream roadside gutters, stormwater drainage systems or waterways are to be installed.

#### (D) ASSESSMENT MANAGER'S ADVICE

##### (a) Compliance with applicable codes/policies

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

##### (b) 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](http://www.environment.gov.au)

##### (c) Cultural Heritage

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

##### (d) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.





## (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q174001-003-PR-01E	Curraghmore Station Proposed Reconfiguration - Stage 1	Cardno	27 November 2017
Q174001-003-PR-02G	Curraghmore Station Proposed Reconfiguration - Stages 2A, 2B and 2C	Cardno	27 November 2017
Q174001-003-PR-03G	Curraghmore Station Proposed Reconfiguration - Stages 2A, 2B and 2C	Cardno	27 November 2017

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

 (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the respective stage, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey for the respective stage 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 approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.6 Prior to the endorsement of the plan of survey for each respective stage, the applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with and/or that they have no objection to Council's endorsement of the plan of survey.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.8 Flood Immunity
- 3.8.1 For Stage 2A and 2B, the applicant/developer must provide a plan showing the extent of a 100 ARI year flood event for proposed Lots 4, 5 and 8, certified by RPEQ (Registered Professional Engineer of Queensland). Where a proposed lot is impacted by the 100 ARI year flow, a building envelope of 2,000m<sup>2</sup> (minimum dimensions of 40m x 30m) must be provided at least **300mm** above 100 ARI year flood levels.
- Alternatively, proposed Lots 4, 5 and 8 must be amalgamated into an adjoining allotment (either Lot 3, 6, 7 or 9 respectively).
- 3.8.2 For all stages, all buildings on the proposed allotments must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.9 No new building is to be erected within fifty (50) metres of the high bank of the McLeod River.
- 3.10 Bushfire Management
- 3.10.1 Any new dwelling erected on each lot shall:
- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
  - (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where



necessary, to be provided at the same time the dwelling is constructed.

3.10.2 A Bushfire Management Plan will be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

### 3.11 Rural Addressing

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

### 3.12 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 (Stages 2A, 2B and 2C)

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

### 4.2 Roadworks – Internal

The internal road (from the Mulligan Highway to the access into Lots 21 and 22) must be constructed to Rural Road Type 100-999vpd standard in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

The applicant may **defer** the bitumen sealing of the internal road until the endorsement of the plan of survey to create the first lot in Stage 2B.

A temporary turnaround area, with gravel surface, must be provided at the end of the new road construction adjacent to the balance area of the overall subdivision to allow traffic manoeuvring.

### 4.3 Stormwater Drainage

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

#### 4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, 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.

#### (D) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding bushfire management
- a registered easement over the subject site
- flood immunity
- waterway setback
- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report

(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental

significance. Further information on these matters can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

(g) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 21 December 2017 (Appendix 1).

(F) RELEVANT PERIOD

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

- Reconfiguring a Lot requiring Operational Works – four (4) years (starting the day the approval takes effect);

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1"

**CARRIED**

## GOVERNANCE AND COMPLIANCE

### ITEM-8

### BODY WORN CAMERA POLICY REPORT

Moved by Cr Toppin

Seconded by Cr Pedersen

"That Council adopt the Body Worn Camera Policy, attached to these Minutes as Appendix 2."

**CARRIED**



## COMMUNITY WELLBEING

### **ITEM-13                      2017 COMMUNITY WELLBEING OUTCOMES**

Moved by Cr Graham

Seconded by Cr Toppin

"That Council note the community outcomes delivered in 2017 by the Community Wellbeing Group to enhance the wellbeing of residents, grow the economy and improve the liveability of the Shire."

**CARRIED**

### **ITEM-14                      DIMBULAH COMMUNITY KINDERGARTEN**

Moved by Cr Brown

Seconded by Cr Graham

"That Council approve the request from Dimbulah Community Kindergarten for a \$15,000 interest free loan and in-kind support of foregone interest of \$375 per annum under the Community Partnerships Program."

**CARRIED**

## INFRASTRUCTURE SERVICES

### TECHNICAL SERVICES

### **ITEM-15                      MAREEBA CENTRAL BUSINESS DISTRICT (CBD) TRAFFIC MANAGEMENT STUDY**

Moved by Cr Pedersen

Seconded by Cr Davies

"That Council adopt the Mareeba CBD Traffic Management Study prepared by AECOM in draft form for consultation purposes."

**CARRIED**

### **ITEM-16                      RIVERSIDE CARAVAN PARK, MAREEBA - FENCE INSTALLATION**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council install the new fencing to Riverside Caravan Park at the corner of Egan Street and Loudon Street as per the existing alignment."

**CARRIED**

**ITEM-17 MOUNT SPURGEON ROAD, MOUNT CARBINE**

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council authorise officers to close Mt Spurgeon Road annually for duration of the wet season. Subject to weather the road should be opened for the Easter school holidays."

**CARRIED****ITEM-18 STREET TREE MASTER PLAN**

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council adopt the Street Tree Master Plan prepared by LANDPLAN in draft form for consultation purposes."

**CARRIED****ITEM-19 APPLICATION FOR PERMANENT ROAD CLOSURE OF AN AREA OF ESPLANADE ABUTTING LOT 510 HG748 - RA 1291 BRAUND ROAD, NORTHCOTE VIA DIMBULAH**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council advise the Department of Natural Resources, Mines and Energy (DNRME) of no objection to the permanent road closure as detailed in this report."

**CARRIED****ITEM-20 MAREEBA AIRPORT UPGRADING - DECEMBER 2017 PROGRESS REPORT**

Moved by Cr Davies

Seconded by Cr Graham

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

**CARRIED****ITEM-21 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - DECEMBER 2017**

Moved by Cr Graham

Seconded by Cr Wyatt

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

**CARRIED**

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**BUSINESS WITHOUT NOTICE**

Nil

**NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 21 February 2018.

There being no further business, the meeting closed at 9:40 am.

.....  
Cr Tom Gilmore  
Mayor

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**APPENDIX 1 - ITEM-7MALCOLM HUGH MCDUGALL - RECONFIGURING A LOT  
- SUBDIVISION (1 INTO 23 LOTS IN TWO STAGES) LOT 191 SP 284406 - 8579  
MULLIGAN HIGHWAY, DESAILLY - DA/17/0011**Department of Infrastructure,  
Local Government and PlanningSARA reference: SDA-0717-040765  
Council reference: DA/17/0011  
Applicant reference: HRP16290

21 December 2017

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

Attn: Carl Ewin

Dear Sir / Madam

**Amended concurrence agency response—with conditions**Application for reconfiguring a lot (1 lot into 23 lots in two stages) on land situated at 8579  
Mulligan Highway, Desailly and described as Lot 191 on SP284406  
(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)The Department of Infrastructure, Local Government and Planning issued a concurrence agency  
response under section 285 of the *Sustainable Planning Act 2009* on 4 August 2017.On 6 December 2017, the department received representations from the applicant under section  
320(1) of the *Sustainable Planning Act 2009* requesting that the department amend its  
concurrence agency response under section 290(1)(b)(i) of the *Sustainable Planning Act 2009*.**Applicant details**

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Applicant name: Malcolm McDougall  
Applicant contact details: C/- Cardno  
PO Box 1619  
CAIRNS QLD 4870  
dominic.hammersley@cardno.com.au**Site details**

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Street address: 8579 Mulligan Highway, Desailly  
Lot on plan: Lot 191 on SP284406  
Local government area: Mareeba Shire Council

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Far North Queensland Regional Office  
Ground Floor, Cairns Port Authority  
PO Box 231-8  
Cairns QLD 4870

**Application details**

Proposed development: Development permit for reconfiguring a lot (1 lot into 23 lots in two stages)

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	One lot into 23 lots, new road and access easement	Code Assessment

**Referral triggers**

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

Referral trigger Schedule 7, Table 2, Item 2—State-controlled road

**Conditions**

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

**Reasons for decision to impose conditions**

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

**Further advice**

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

**Approved plans and specifications**

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Reconfiguring a Lot (1 Lot into 23 Lots in three stages)</b>				
Curraghmore Station: Proposed Reconfiguration – Stage 1 Proposed Lots 22 and 191 and Easement A in Lot 22 Cancelling Lot 191 on SP284406	Cardno	27 November 2017	Q174001-003- PR-01	E
Curraghmore Station: Proposed Reconfiguration – Stages 2A 2B and 2C, Proposed Lots 1-22 Cancelling Lot 22 on Q174001-003-PR-01	Cardno	27 November 2017	Q174001-003- PR-02 Sheet 1 of 2	G

SDA-0717-040766

TMR Layout Plan – Stage 1 (34B – 45.45km)	Queensland Government Transport and Main Roads	24/11/2017	TMR17-21827 (500-1132)	C
TMR Layout Plan – Stage 2 (34B – 45.42km)	Queensland Government Transport and Main Roads	26/07/2017	TMR17-21827 (500-1132)	B
TMR Layout Plan – Intersection (Stage 2A) (34B – 45.42km)	Queensland Government Transport and Main Roads	24/11/2017	TMR17-21827 (500-1132)	C
TMR Layout Plan – Intersection (Stage 2B/2C) (34B – 45.42km)	Queensland Government Transport and Main Roads	24/11/2017	TMR17-21827 (500-1132)	C
Rural property access specifically designed for articulated vehicles on a two-lane road	Austrroads: Guide to Road Design Part 4 Intersections and Crossings – General	2009	Figure 7.4	-
Basic right (BAR) turn treatment on a two-lane rural road	Austrroads: Guide to Road Design Part 4A Unsignalised and Signalised Intersections	2009	Figure 7.5	-

If you require any further information, please contact Jenny Sapuppo, Senior Planning Officer, Cairns SARA on 5644 3212, or via email [jenny.sapuppo@dlgp.qld.gov.au](mailto:jenny.sapuppo@dlgp.qld.gov.au) who will be able to assist.

Yours sincerely



Brett Nancarrow  
 Manager (Planning)

cc: Malcolm McDougall, C/- Cardno, email: [dominic.hammersley@cardno.com.au](mailto:dominic.hammersley@cardno.com.au)  
 enc: **Attachment 1**—Amended conditions to be imposed  
**Attachment 2**—Reasons for decision to impose conditions  
**Attachment 3**—Further advice  
**Attachment 4**—Approved Plans and Specifications

SDA-0717-040765

SARA reference: SDA-0717-040765  
 Council reference: DA/17/0011  
 Applicant reference: HRP16290

**Attachment 1—Amended conditions to be imposed**

No.	Conditions	Condition timing
<b>Development Permit - Reconfiguring a Lot (1 Lot into 23 Lots – Stages 1, 2A, 2B &amp; 2C)</b>		
Schedule 7, Table 2, Item 2: State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the <b>Department of Transport and Main Roads</b> to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
<b>Stage 1 – Reconfiguring a Lot (1 Lot into 2 Lots and Access Easement)</b>		
1.	<p>The road access and proposed access easement must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Curraghmore Station: Proposed Reconfiguration – Stage 1 Proposed Lots 22 and 191 and Easement A in Lot 22 Cancelling Lot 191 on SP284406, prepared by Cardno, dated 27 November 2017, Drawing No Q174001-003-PR-01 and Revision E.</li> <li>• TMR Layout Plan – Stage 1 (34B – 45.45km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C.</li> </ul>	Prior to submitting the Plan of Survey for Stage 1 to the local government for approval.
2.	<p>(a) The applicant must register a reciprocal access easement on the title of proposed Lot 22 for the shared access.</p> <p>(b) The applicant must provide to the Department of Transport and Main Roads, Cairns Corridor Management team (<a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a>), a copy of Registration Confirmation Statement/s and easement registration dealing number/s as evidence of the registration of the easement/s referred to in part (a) of this condition.</p>	<p>(a) At the time of survey plan registration for Stage 1.</p> <p>(b) Within 20 business days of registration of the easements.</p>
<b>Stage 2A – Reconfiguring a Lot (1 Lot into 5 Lots, Balance Lot and New Road)</b>		
3.	<p>The road access and proposed new road must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Curraghmore Station: Proposed Reconfiguration – Stages 2A, 2B and 2C, Proposed Lots 1-22 Cancelling Lot 22 on Q174001-003-PR-01, prepared by Cardno, dated 27 November 2017, Sheet 1 of 2 Drawing No Q174001-003-PR-02 and Revision G.</li> <li>• TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B.</li> </ul>	Prior to submitting the Plan of Survey for Stage 2A to the local government for approval.
4.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B.</p> <p>(b) Road access works comprising of a sealed rural property</p>	(a) At all times.



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No.	Conditions	Condition timing
	<p>access, (at the road access location) must be provided generally in accordance with TMR Layout Plan – Intersection (Stage 2A) (34B – 45.2km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Part 4: Intersections and Crossings – General, Figure 7.4 Rural property access specifically designed for articulated vehicles on a two-lane road, dated 2009.</p>	<p>(b) and (c): Prior to submitting the Plan of Survey for Stage 2A to the local government for approval.</p>
5.	<p>Signage is to be relocated and /or installed in accordance with:</p> <ul style="list-style-type: none"> <li>• TMR Layout Plan – Intersection (Stage 2A) (34B – 45.2km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C; and</li> <li>• the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices.</li> </ul>	<p>Prior to submitting the Plan of Survey for Stage 2A to the local government for approval.</p>
<b>Stage 2B – Reconfiguring a Lot (1 Lot into 6 Lots and new road) and Stage 2C – Reconfiguring a Lot (1 Lot into 11 Lots and new road)</b>		
6.	<p>The road access and proposed new road must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> <li>• Curraghmore Station: Proposed Reconfiguration – Stages 2A 2B and 2C, Proposed Lots 1-22 Cancelling Lot 22 on Q174001-003-PR-01, prepared by Cardno, dated 27 November 2017, Sheet 1 of 2 Drawing No Q174001-003-PR-02 and Revision G.</li> <li>• TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B.</li> </ul>	<p>Prior to submitting the Plan of Survey for Stage 2B to the local government for approval.</p>
7.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan – Stage 2 (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 26/07/2017, File Reference TMR17-21827(500-1132), Issue B.</p> <p>(b) Road access works comprising of a sealed Basic right turn (BAR), (at the road access location) must be provided generally in accordance with TMR Layout Plan – Intersection (Stage 2B/2C) (34B – 45.42km), prepared by Queensland Government Transport and Main Roads, dated 24/11/2017, File Reference TMR17-21827(500-1132), Issue C.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads: Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, Figure 7.5 Basic right (BAR) turn treatment on a two-lane rural road, dated 2009.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey for Stage 2B to the local government for approval.</p>

SDA-0717-040765

SARA reference: SDA-0717-040765  
Council reference: DA/17/0011  
Applicant reference: HRP16290

**Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- to ensure the development is carried out generally in accordance with the plans of development submitted with the application;
- to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road the number of road access locations are minimised;
- to ensure the development is carried out generally in accordance with the plans of development submitted with the application;
- to ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road;
- to ensure the design of any road access maintains the safety and efficiency of the state-controlled road;
- to maintain the safety and efficiency of the state-controlled road generally; and
- to ensure that the development achieves the relevant performance outcomes of Module 19—State transport network functionality of the State Development Assessment Provisions (version 1.10).

SARA reference: SDA-0717-040765  
 Council reference: DA/17/0011  
 Applicant reference: HRP16290

**Attachment 3—Further advice**

General advice	
Ref	Advertising devices
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Further development permits, compliance permits or compliance certificates	
Ref	Road access works approval
2.	<p>Under sections 62 and 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 that are road access works (including driveways) on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. 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><b>The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</b></p>

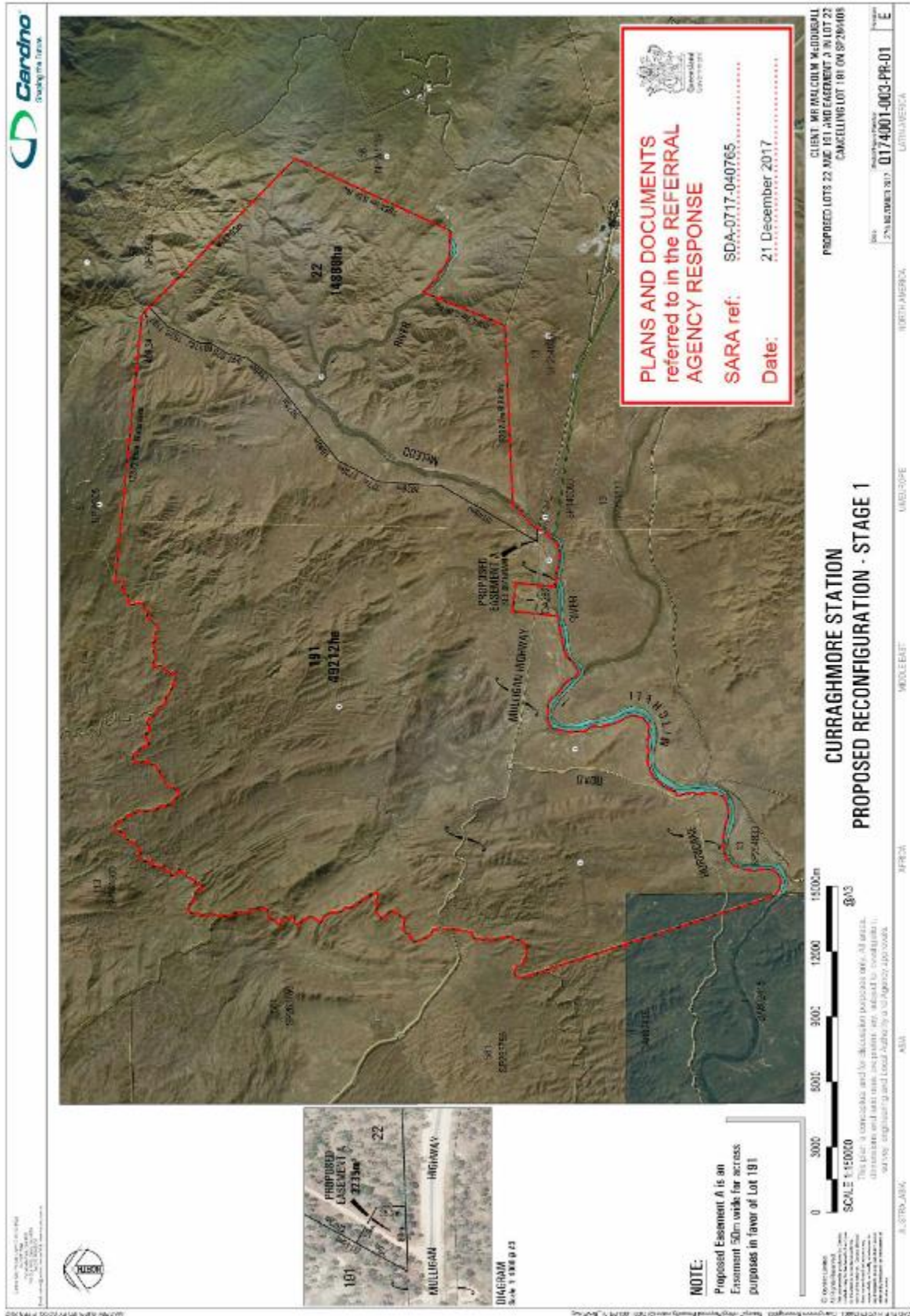


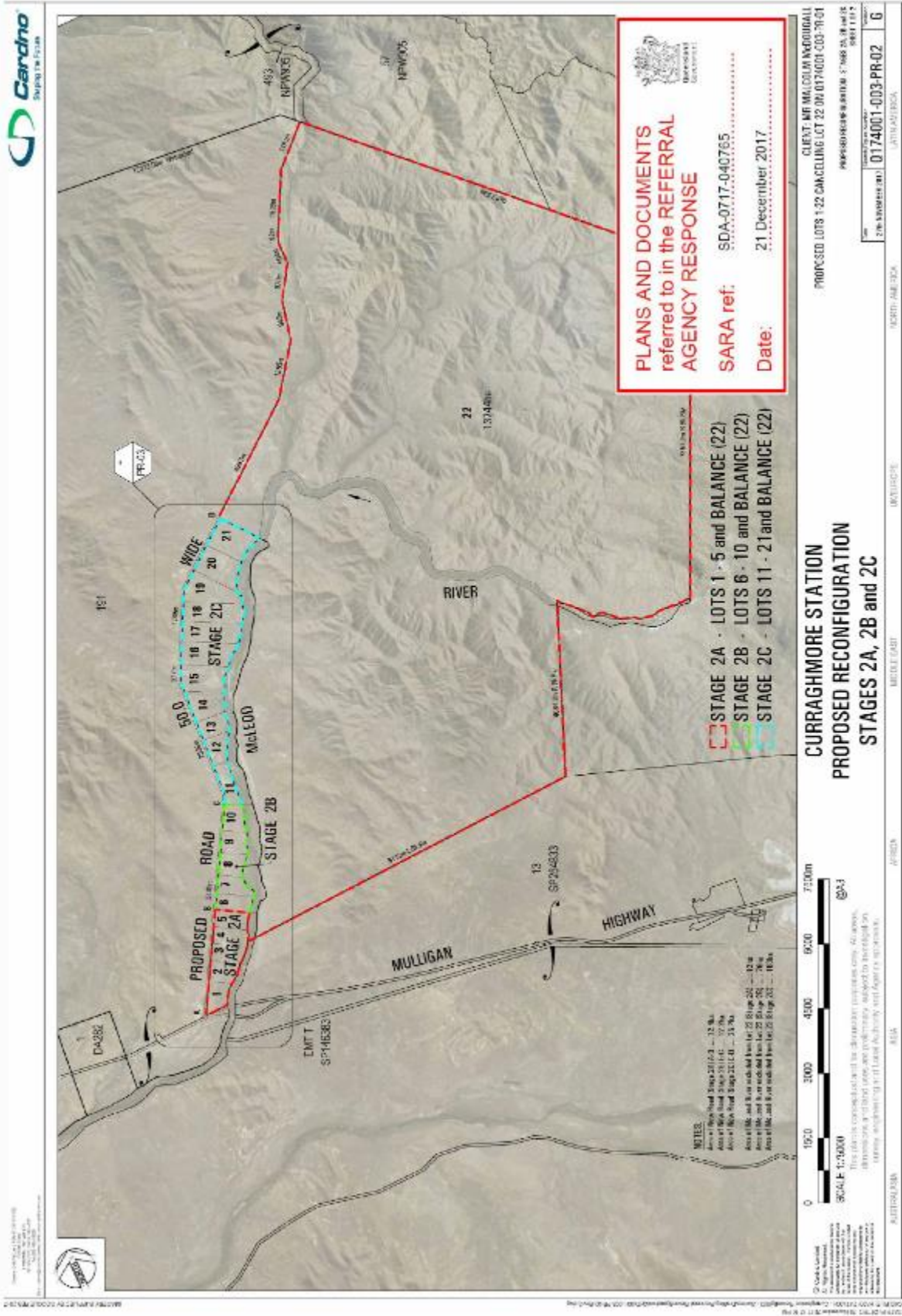
SDA-0717-040765

SARA reference: SDA-0717-040765  
Council reference: DA/17/0011  
Applicant reference: HRP16290

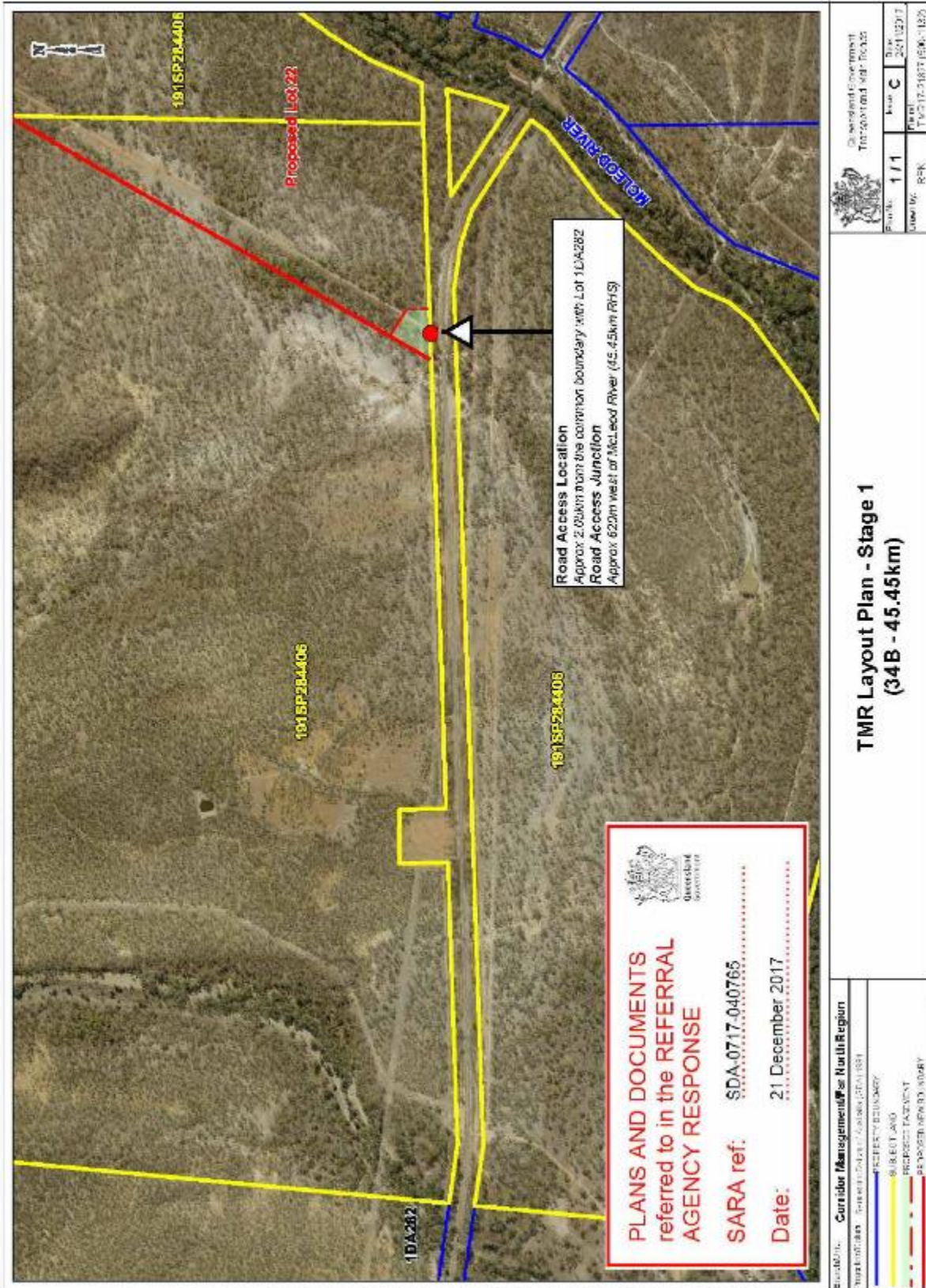
**Attachment 4—Approved plans and specifications**

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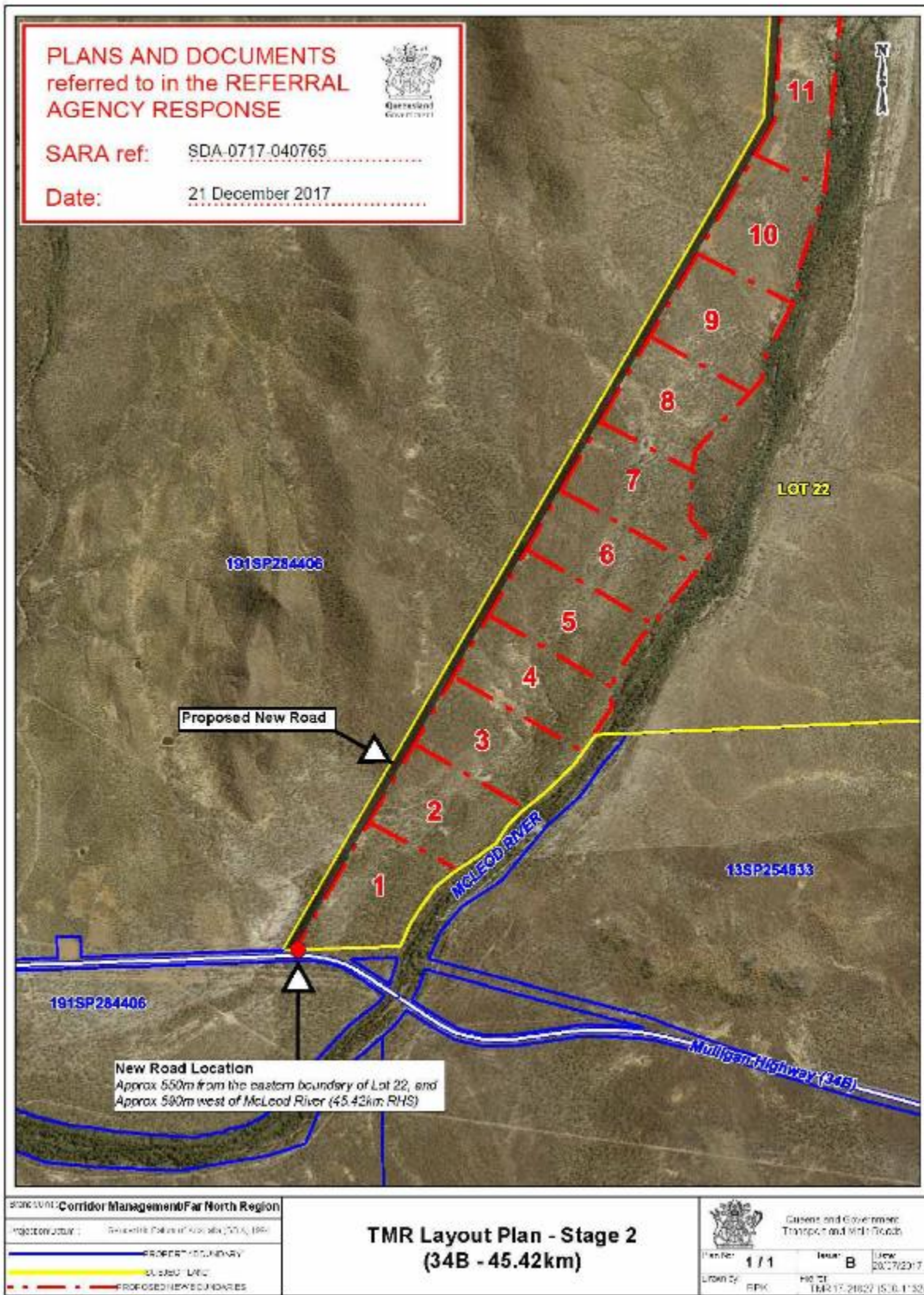




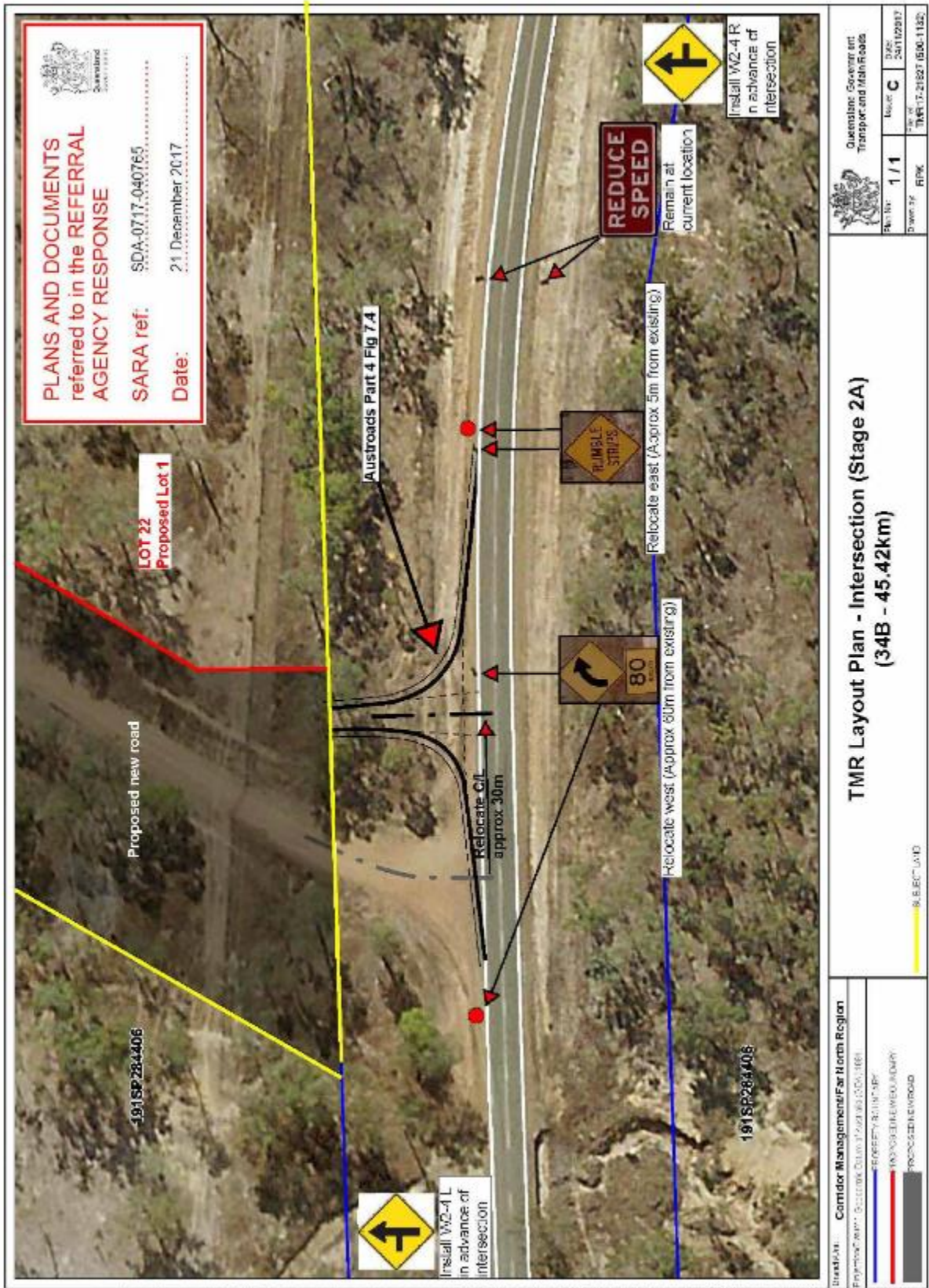










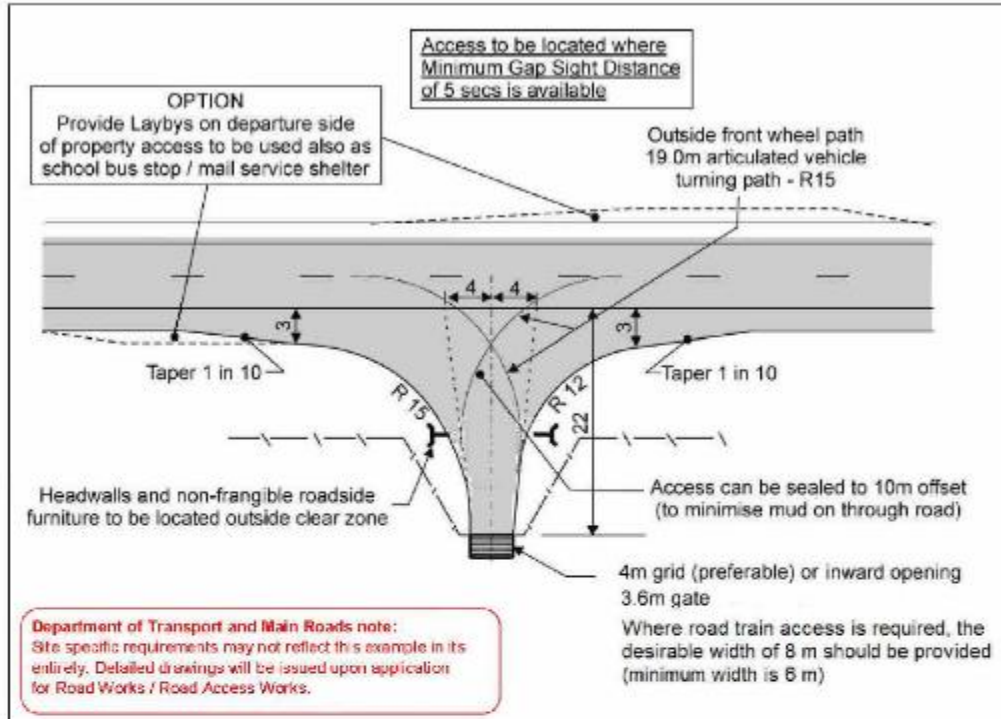






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GUIDE TO ROAD DESIGN PART 4: INTERSECTIONS AND CROSSINGS – GENERAL



Note: Minimum requirement for a single carriageway with design AADT <2000 or minimum requirement for dual carriageway left-in – left-out access for single truck. Where AADT >1000 and access is required for a semi-trailer then use the layout.  
Source: Based on Aurroads (2005)

Figure 7.4: Example of a rural property access specifically designed for articulated vehicles on a two-lane two-way road

### 7.3 Median Openings

#### 7.3.1 General

The spacing of median openings is an integral part of access management planning. A typical mid-block median opening is shown in Figure 7.5. The justification for a median opening is an economic issue, requiring comparison of the cost of providing the opening with the cost of extra travel and inconvenience. The increase in the number of potential conflict points must also be considered in comparison with the traffic manoeuvres likely to occur without median openings.

The desirable spacing of median openings is a complex question to which there is no definitive answer. On the one hand it is desirable to space openings as far apart as possible, keeping the number of potential conflict points to a minimum. On the other hand, infrequent openings can significantly increase travel distances for local traffic and the demand for turning manoeuvres at intersections. Where the median is too narrow to accommodate a sheltered right-turn lane, a good design practice is to provide openings at most, if not all, intersecting streets with an important local service function. Where the median width is sufficient to accommodate right-turn lanes, a spacing of 120 m will permit successive development of right-turn lanes. Greater spacing is required where high storage demands occur.

Aurroads 2009

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**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**



SARA ref: SDA-0717-040765

Date: 21 December 2017





**APPENDIX 2 - ITEM-8 BODY WORN CAMERA POLICY REPORT**

## Body Worn Camera Policy

Policy Type	Body Worn Camera Policy	Version:	1.0
Responsible Officer	Manager Development & Governance	Date Approved:	24 January 2018
Review Officer:	Manager Development & Governance	Review Due:	24 January 2022
Author:	Manager Development & Governance	Commencement:	24 January 2018

### 1. PURPOSE

The purpose of this policy is to outline principles relating to the implementation and operation of Body Worn Cameras (BWC) used by Mareeba Shire Council (Council) officers. It aims to ensure that any audio/video data collected through the use of these devices will only be used, or provided to any third party, in accordance with Council policies, procedures and legislative requirements.

### 2. POLICY STATEMENT

The purpose of Body Worn Cameras (BWC) is to protect staff and the public, discourage aggressive and abusive behaviour and provide evidence where required to investigate complaints.

The policy will set out the purpose of using BWC, what information will be recorded, who will have access to this information and how this information will be stored and disposed of.

### 3. PRINCIPLES

Authorised Officers who, as part of their normal duties, are responsible for engaging with individuals or entities for the purpose of compliance and enforcement activities, may utilise BWC. The use of these devices is intended to:

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

### 4. SCOPE

This policy applies to all personnel employed or otherwise engaged by Council who may use BWC devices and/or the Digital Evidence Management Software (DEMS) and the subsequent management of any images obtained.

The policy is not intended to create or confer any entitlement on an employee. It does not form part of any employee's contract of employment. Any entitlement conferred under this policy or any associated procedure or guidelines, is conferred at the absolute discretion of Council.

**Body Worn Camera Policy**

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.

This policy does not apply to the administration and operation of fixed CCTV systems.

## **5. DEFINITIONS**

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Definitions are needed to explain the terminology used in the policy.

## **6. RESPONSIBILITIES**

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### **6.1 TRAINING**

All operators 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 using such equipment.

### **6.2 EQUIPMENT SECURITY**

BWC 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 officer so that an investigation can be mounted to minimise damage, especially regarding the loss of any Personal Data.

### **6.3 USE PROTOCOLS**

BWC will only be used when wearing Council uniform or clearly displaying Council identification, whilst on duty.

BWC 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.

Officers must not indiscriminately record entire duties or patrols and must only use recording to capture video and audio of specific incidents. For the purposes of this policy, an 'incident' is defined as:

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

### Body Worn Camera Policy

In so far as is practicable, officers should restrict recording to areas and persons necessary in order to obtain evidence and intelligence relevant to the incident and should attempt to minimise collateral intrusion to those not involved.

Where practicable, officers will inform the individual (or group) that the BWC is switched on and recording. There may be occasions when to do so would escalate the incident or put the officer in danger if such a warning was given. However, in these cases, the officer may be required to justify such an action.

Recording should continue uninterrupted from the start of the recording until the conclusion of the incident. The officer should continue recording for a short period after any incident to clearly demonstrate that the incident has concluded. However, the nature of some incidents may make it necessary for the officer to consider the rationale for continuing to record throughout entire incidents.

If questioned, the officer must confirm to the enquirer that they are subject to recording and be prepared to answer questions as to the security of the data.

#### **6.4 DATA MANAGEMENT**

Any recordings must not be deleted from the BWC by the officer in the field, and must be retained as per the instructions in this policy.

Any recordings which have been made will be downloaded from the BWC for storage on Council's DEMS as soon as practicable, and subsequently deleted from the relevant BWC. All data will initially be classified as 'non-evidential' and stored for a period of 30 days, before being permanently deleted. In doing so Council will reduce the personal information it maintains greatly reducing the likelihood of misuse, loss and unauthorised access, modification or disclosure, as per Office of the Information Commissioner (OIC) guidelines.

If, at any time during the initial 30-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 and other law enforcement agencies, if it is deemed 'reasonably necessary' for a law enforcement activity. In such circumstances, the relevant recording will be re-classified for longer-term retention as per above.

Any member of the public who has been identified as being recorded by BWC may request access to the footage, as per the Right to Information Act 2009 and Chapter 3 of the IP Act.

#### **6.5 AUTHORISED OFFICERS**

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 Systems and Customer Service

Body Worn Camera Policy
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**7. RELATED DOCUMENTS AND REFERENCES**

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- *Information Privacy Act 2009 (QLD)*
- *Right to Information Act 2009 (QLD)*
- *Public Records Act 2002 (QLD)*
- *MSC Code of Conduct*
- *MSC Record Management Policy*
- *MSC Information Systems Access Policy*

**8. REVIEW**

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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.

