



## **Ordinary Meeting**

**Council Chambers**  
**Date: 20 December 2017**  
**Time: 9:00am**

## **MINUTES**

---



## **MEMBERS IN ATTENDANCE**

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

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

Nil

## **BEREAVEMENTS/CONDOLENCES**

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

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

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

## **CONFIRMATION OF MINUTES**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That the Minutes of the Ordinary Council Meeting held on 15 November 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 **ALGAGRESU PTY LTD - MCU - FUNCTION FACILITY AND SHORT TERM ACCOMMODATION - LOT 97 NR273 - 549 MALONE ROAD, MAREEBA - DA/17/0009**

Moved by Cr Pedersen

Seconded by Cr Brown

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	Algagresu Pty Ltd	<b>ADDRESS</b>	549 Malone Road, Mareeba
<b>DATE LODGED</b>	4 April 2017	<b>RPD</b>	Lot 97 on NR273
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Function Facility and Short-Term Accommodation		

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

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Function Facility and Short-Term Accommodation

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan (Whole Site)	Urban Sync Pty Ltd	-
-	Site Plan (Emerald Lodge)	Urban Sync Pty Ltd	-
Job No. 841 Sheet W1	Floor Plan	Peter Dall'alba Design	March 2002

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

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must demonstrate to Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition/s within these conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.5 Noise Nuisance
    - 3.5.1 The applicant/developer must ensure the short-term accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
    - 3.5.2 Any noise generated by the functions facility component of the development will be managed in accordance with the Environmental Protection Act 1994 or by Liquor Licensing for any licensed functions.

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

### 3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the approved uses unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) On site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.7 Bushfire Management

3.7.1 The applicant/developer must ensure the development is provided with a minimum 5,000 litres of water storage for fire-fighting purposes. Where tank storage is proposed, a 50mm male camlock fire brigade fitting must be installed.

3.7.2 A Bushfire Management Plan for the approved uses, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved uses must comply with the requirements of the Management Plan at all times.

### 3.8 Length of Stay

The maximum length of stay for guests must not typically exceed three (3) consecutive months, unless otherwise approved by Council's delegated officer.

### 3.9 Signage

- 3.9.1 No more than one (1) advertising sign for the approved uses is permitted on the subject site, to be sited either on the fence line or within the property bounds.
  - 3.9.2 The sign must not exceed a maximum sign face area of 3m<sup>2</sup> and must not move, revolve, strobe or flash.
  - 3.9.3 The sign must be kept clean, in good order and safe repair for the life of the approval.
  - 3.9.4 The sign must be removed when no longer required.
  - 3.9.5 The erection and use of any advertising sign must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.
-

### 3.10 Notification of Potential Rural Zone Impacts

The applicant is to erect a sign at or near the reception building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

*"Guest should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

### 3.11 Function Capacity

Function events held on-site shall be limited to a maximum of 120 guests, unless otherwise approved by Council.

## 4. Infrastructure Services and Standards

### 4.1 Access

The existing bitumen sealed access crossover in the south-west corner of the site must be upgraded/constructed (from the edge of Malone Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

Access to the development is limited to the abovementioned access only. No guests are permitted to access the Lodge facility via any other site access point.

### 4.2 Stormwater Drainage/Water Quality

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.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

### 4.3 Car Parking/Internal Driveways

4.3.1 Prior to the commencement of the use, the applicant/developer must ensure the development is provided with the following car parking facilities which are available solely for the parking of vehicles associated with the use of the premises:

- six (6) sealed parking spaces that are delineated and appropriately drained; and
- easily accessible, relatively level grassed area/s within proximity to the Lodge building capable of accommodating a minimum of 31 standard sized vehicles.

All car parking areas must be maintained in the abovementioned condition for the life of the development, to the satisfaction of Council's delegated officer.

Should Council receive any substantiated dust complaints as a result of lack of maintenance over any grassed parking areas, the applicant/developer must surface treat affected areas to a compacted gravel standard in order to minimise dust nuisance, to the satisfaction of Council's delegated officer.

Spill over parking is not permitted within the Malone Road road reserve or within the road reserve adjacent the Lodge building.

- 4.3.2 The internal driveway servicing the development must be maintained to a bitumen/asphalt sealed standard and in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.4 Lighting

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

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

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

#### 4.5 Water Supply

- (i) The development must be provided with a potable water supply that satisfies the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).



- (ii) All non-potable water supplied to the development must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

#### 4.6 On-Site Wastewater Management

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

**Note:** Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

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

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The applicant/developer must pay \$9,135.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
  - The trunk transport network servicing the land (\$9,135.00)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
  - Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
  - Comply with the reasonable direction of Council officers in relation to the completion of the works;
  - Complete the works to the standards required by the Council; and
  - Complete the works prior to endorsement of the plan of subdivision.

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

---

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

- (b) Food Premises (restaurants/bed & breakfasts etc.)

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

- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

- (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) Compliance with Acts and Regulations

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

- (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) RELEVANT PERIOD

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

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

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

- Nil

**(G) OTHER APPROVALS REQUIRED FROM COUNCIL**

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

**CARRIED****ITEM-2 REEDLODGE PTY LTD - MCU - SHOPPING CENTRE - LOT 78 SP152626 - 232 BYRNES STREET, MAREEBA - MCU/17/0011**

Moved by Cr Wyatt

Seconded by Cr Davies

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

APPLICATION		PREMISES	
APPLICANT	Reedlodge Pty Ltd	ADDRESS	232 Byrnes Street
DATE LODGED	29 September 2017	RPD	Lot 78 on SP152626
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shopping Centre		

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

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

And

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

**(A) APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Shopping Centre

**(B) APPROVED PLANS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
4777 SD1001 A	Location Plan	Cotteeparker	18/08/2017
4777 SD1201 A	Existing Site Plan	Cotteeparker	08/09/2017
4777 SD1002 G	Site Plan	Cotteeparker	22/09/2017
4777 SD2001 C	Ground Floor Plan	Cotteeparker	08/09/2017
4777 SD2002 C	Roof & Mezzanine Plan	Cotteeparker	08/09/2017
4777 SD3001 D	Elevations	Cotteeparker	12/09/2017
4777 SD3101 B	Sections	Cotteeparker	08/09/2017
4777 SD0201 A	3D Drawings & Renders	Cotteeparker	08/09/2017
4777 SD0202 A	3D Drawings & Renders	Cotteeparker	08/09/2017

**(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 and the conditions of the State Referral Agency.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions have been complied with, except where specified otherwise in these conditions of approval.
  - 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.

### 3. General

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

#### 3.4 Noise Nuisance

- 3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations after 10p.m. on a day to 7a.m. on the next day.
- 3.4.2 The applicant/developer 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.
- 3.4.3 The use, including the unloading or loading of goods, is not to include the use of any sound projecting objects or systems that may cause a nuisance to adjoining properties.

#### 3.5 Waste Management

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

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

### 3.6 Trolley Bays

Trolley bay areas must be provided on the site generally in accordance with Drawing No. SD1002 Issue G.

### 3.7 Rubbish Bins

Waste bins must be provided at each pedestrian entrance to the proposed development.

### 3.8 Amenity

3.8.1 Any walls built to the boundary must be finished as a blank wall including low maintenance finishes and materials, to the satisfaction of Council's delegated officer.

3.8.2 All building materials and colours to be used must be non-reflective and be generally in accordance with the approved plans to the satisfaction of Council's delegated officer.

3.9 No trucks, other than service vehicles for the shopping centre, are permitted to park on the subject land when the shopping centre is closed to the public. All service vehicles must leave the subject land as soon as reasonably practical after serving the shopping centre.

## 4. Infrastructure Services and Standards

### 4.1 Access

Any crossover/s used to access the development must be constructed to **Commercial** standard (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

### 4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all reasonable steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 Prior to the issue of a development permit for operational works, the applicant/developer must submit a revised Stormwater Management Plan prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.3 Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:

- I. Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (<http://www.ipweaq.com/qudm>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP. The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.
- II. Provide engineering drawings showing the design of the proposed detention basin(s), including invert levels and outlet pipe and overflow, outlet configurations, and how they will connect to the existing drainage at the nominated legal point(s) of discharge.
- III. Include revised details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is no worsening impact for all relevant design events.

4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan.

4.2.5 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure that the development is provided with at least 139 on-site car parking spaces, generally in accordance with Drawing No. SD1002 Issue G, which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

Car parking shade structures must generally be provided in accordance with Drawing No. SD1002 Issue G.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications, prepared by a Registered Professional Engineer of Queensland (RPEQ) or an Architectural Building Designer, for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility;
- A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.

#### 4.4 Frontage Works - Byrnes Street

The applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer and the Department of Transport and Main Roads:

- 4.4.1 Kerb and channelling for the full frontage of Lot 78 on SP152626.
- 4.4.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).
- 4.4.3 On street car parking and service road generally in accordance with the extent of works shown on Drawing No. SD1002 Issue G.
- 4.4.4 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Byrnes Street to the general extent indicated on Drawing No. SD1002 Issue G. The footpath must be constructed in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the construction of proposed works.

#### 4.5 Frontage Works - Rankin Street

The developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- 4.5.1 Kerb and channelling for the full frontage of Lot 78 on SP152626.
- 4.5.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).



- 4.5.3 The applicant must construct Rankin Street with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual.
- 4.5.4 On street car parking and service access generally in accordance with the extent of works shown on Drawing No. SD1002 Issue G (as amended by the Department of Transport and Main Roads).
- 4.5.5 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Rankin Street to the general extent indicated on Drawing No. SD1002 Issue G. The footpath must be constructed in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the construction of proposed works.

#### 4.6 Landscaping and Fencing

- 4.6.1 The development must be landscaped in accordance with an approved landscape plan.
- 4.6.2 Prior to the issue of the development permit for operational works, a detailed landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
- 4.6.3 The landscape plan should be generally consistent with landscaping shown on the submitted site plan (Drawing No. SD1002 Issue G) and demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- 4.6.4 The planting of street trees along the Byrnes Street and Rankin Street frontages must be included in the landscape plan.
- 4.6.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.
- 4.6.6 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

#### 4.7 Lighting

Prior to the issue of a development permit for operational works, the applicant/developer must provide to Council a detailed lighting plan prepared by a qualified professional detailing:

- (a) The lux levels on site and surrounding the site, particularly the footpaths.

- (b) The access and the car parking areas must be lit during trading hours in accordance the requirements of Australian Standard AS 1158.1.
- (c) Outdoor lighting must be in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.
- (d) All lighting except for security lighting, internal lighting and street lighting must be turned off no later than an hour after the close of trading.

#### 4.8 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend 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 requirements in accordance with FNQROC Development Manual Standard (as amended).

- 4.8.2 Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated water supply system demonstrating compliance with Condition 4.8.1.

The engineering plans and specifications for the connection, including any requirement for onsite firefighting storage, must be accompanied by an engineering report demonstrating that Council's existing infrastructure will be able to provide the minimum acceptable standard of service for water reticulation.

#### 4.9 Sewerage Connection

- 4.9.1 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 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).

- 4.9.2 Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated sewerage system demonstrating compliance with Condition 4.9.1.

(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) Food Premises

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

- (d) A Trade Waste Permit will be required prior to the commencement of use.

- (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) Compliance with Acts and Regulations

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

- (h) 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).

- (i) 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 30 November 2017 (Appendix 1)

(F) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
<b>Proposal</b>					
Commercial (Retail)	Shopping Centre	Per m2 of GFA	\$108.00	3,594	\$388,152.00
<b>Credit</b>					
High Impact Industry	Sawmill	Per m2 of GFA	\$42.00	6,000	\$252,000.00
<b>TOTAL</b>					<b>\$136,152.00</b>

**CARRIED**

**ITEM-3 TELSTRA CORPORATION LIMITED - MCU - TELECOMMUNICATIONS FACILITY - LOT 3 ON L3148 - MACDONALD STREET, IRVINEBANK - MCU/17/0005**

Moved by Cr Graham

Seconded by Cr Davies

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	Telstra Corporation Limited	<b>ADDRESS</b>	MacDonald Street, Irvinebank
<b>DATE LODGED</b>	4 September 2017	<b>RPD</b>	Lot 3 on L3148
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Telecommunications Facility		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Telecommunications Facility

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q114355 Sheet No. S1	Site Access and Locality Plan	Servicestream Mobile Communications	8/08/17
Q114355 Sheet No. S1-1	Site Layout	Servicestream Mobile Communications	8/08/17
Q114355 Sheet No. S1-2	Antenna Layout	Servicestream Mobile Communications	8/08/17
Q114355 Sheet No. S3	North West Elevation	Servicestream Mobile Communications	8/08/17

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

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; and
- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

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

## 3. General

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

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

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 must be installed and maintained. 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.

## 4. Infrastructure Services and Standards

### 4.1 Lighting

- 4.1.1 Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all

areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

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

- 4.1.2 Warning lights shall not be installed on the tower, unless specifically required by other relevant legislation.

#### 4.2 Building Materials & Finishes

- 4.2.1 Any equipment cabinets shall be a neutral colour.
- 4.2.2 The monopole tower shall be painted a colour equivalent to Colorbond 'Pale Eucalypt' in order to help achieve an effective visual blend with the surrounding landscape.

#### 4.3 Operational Requirements

- 4.3.1 The radiofrequency field emissions from the installed tower shall not exceed the Australian Radiation Protection and Nuclear Safety Agency mandated exposure limits for continuous exposure to radio frequency transmissions from mobile phone base stations at any time, at any location.
- 4.3.2 Within three (3) months of the site becoming operational, a site compliance certificate is to be carried out by an appropriately qualified person to verify that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard, 2002 Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz. This certificate is to be submitted to Council for consideration within three (3) months of the tower becoming operational.

#### 4.4 Decommissioning and Site Rehabilitation

If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

- (i) The monopole and associated infrastructure is removed from the site; and
- (ii) The site is made suitable for other uses compatible with the locality; and
- (iii) Restores the visual amenity of the site.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

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

(e) 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.

(E) CONCURRENCE AGENCY CONDITIONS

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

(F) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);



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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work"

**CARRIED**

**ITEM-4 PIONEER NORTH QLD PTY LTD - MCU - EXTRACTIVE INDUSTRY - LOT 77 CP902753 - KIMALO ROAD, ARRIGA - MCU/17/0009**

Moved by Cr Brown

Seconded by Cr Toppin

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	Pioneer North QLD Pty Ltd	<b>ADDRESS</b>	Kimalo Road, Arriga
<b>DATE LODGED</b>	4 October 2017	<b>RPD</b>	Lot 77 on CP902753
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Extractive Industry		

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), referral agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Extractive Industry

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR137274-2	Site Layout Plan	RPS	28-08-2017

(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 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 commencement of the use except where specified otherwise in these conditions of approval.

- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The 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 commencement of the use and at the rate applicable at the time of payment.

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

3.5 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to

be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

3.6 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.

3.7 All operations pursuant to the extractive industry must be carried out in accordance with an Environmental Management Plan, except where modifications are required by the conditions of this approval. A copy of the Environmental Management Plan must be provided to Council prior to the commencement of extraction.

3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.9 Scale and Intensity

The extraction volume must not exceed 100,000 tonnes per annum.

3.10 No extractive industry operations, other than access, are to occur within 10 metres of:

- Kimalo Road;
- any property boundary;
- any existing easement; and
- any mapped remnant vegetation.

3.12 Rehabilitation

A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works.

Site rehabilitation works must be provided in a progressive manner in accordance with extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

A Commercial access crossover/s, for the extractive industry access, must be constructed and maintained, to the property boundary of the Sales Permit area in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

#### 5. Additional Payment Condition – **Note:** The applicant's obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council's adopted annual budget.

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$51,795.00 for each 3,333haul truck movements (\$15.54 per truck) from the site towards trunk transport infrastructure, with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land - specifically the upgrading of Kimalo Road and North Walsh Road to rural road (8 metres wide) bitumen sealed standard.

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

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

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

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

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

- (b) Compliance with applicable codes/policies

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

- (c) Compliance with Acts and Regulations

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

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

- (e) Cultural Heritage

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

- (f) 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 the 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.

**(E) REFERRAL AGENCY CONDITIONS**

Department of Infrastructure, Local Government and Planning (no requirements) dated 7 November 2017

(F) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

**CARRIED**

**ITEM-5**

**NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION - MCU EDUCATIONAL ESTABLISHMENT, LOW IMPACT INDUSTRY, OFFICE & TRANSPORT DEPOT (MECHANICS WORKSHOP, CONSTRUCTION BUSINESS, OFFICES & MEETING ROOMS) LOT 322 SP118917 - ARARA STREET, KURANDA - MCU/17/0006**

Moved by Cr Toppin

Seconded by Cr Wyatt

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	Ngoonbi Community Services Indigenous Corporation	<b>ADDRESS</b>	Arara Street, Kuranda
<b>DATE LODGED</b>	1 September 2017	<b>RPD</b>	Lot 322 on SP118917
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)		

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

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

And

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

- (A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
13-NGO-01 WD-01	Site Plan	-	July 2017
13-NGO-01 WD-02	Ground Floor Plan	-	July 2017
13-NGO-01 WD-03	Proposed Mezzanine Plan	-	July 2017
13-NGO-01 WD-04	Proposed Floor Plans	-	July 2017
13-NGO-01 WD-05	Elevations 1	-	July 2017
13-NGO-01 WD-06	Elevations 2	-	July 2017
13-NGO-01 WD-07	Elevations 3	-	July 2017
13-NGO-01 WD-08	Elevations 4	-	July 2017

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

- (a) Development assessable against the Planning Scheme

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

### 3. General

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

#### 3.4 Noise Nuisance

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

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

#### 3.5 Waste Management

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

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

#### 3.6 Hours of Operation

The operating hours shall be between 6am and 6pm Monday to Friday and between 6am and 12pm Saturday. No operations are permitted on Sunday or Public Holidays.

- 3.7 Vegetation clearing on the site must be limited to that necessary for the siting of the proposed shed, ancillary car parking facilities, access



driveways and any security fencing. A vegetation clearing plan, showing the extent of clearing works proposed, must be prepared and submitted to Council for approval prior to the commencement of any clearing works or building works.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

A commercial access crossover must be constructed (from the edge of the Arara Street road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to building works commencing, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

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

4.2.3 Prior to Building works commencing, the applicant must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

4.2.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

4.2.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

4.2.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### 4.3 Car Parking/Internal Driveways

- 4.3.1 The applicant/developer must ensure the development is provided with 13 on-site car parking spaces including one (1) disabled car parking space which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete, asphalt or bitumen sealed, line marked and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

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

- 4.3.2 Bicycle parking for a minimum of ten (10) bicycles must be provided in conjunction with the car parking requirements.

#### 4.4 Lighting

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

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

#### 4.5 Water Supply

- 4.5.1 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).

- 4.5.2 A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

- 4.6.1 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.
- 4.6.2 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. Additional Payment Condition/s

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay a one-off payment of **\$15,300.00** as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk water supply, sewerage and transport (road) network servicing the land.
- 5.4 The developer may elect to provide or upgrade part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide or upgrade part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the works to be undertaken;
  - Obtain the necessary approvals for the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;

- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

(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) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

- (c) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

- (d) The reticulated sewerage main to service the subject site is in place in anticipation of the future sewerage reticulation of Tolga and the industrial estate. Please ensure that the on-site effluent disposal system is appropriately designed to enable the future connection to the reticulated sewerage system.

- (e) A Trade Waste Permit will be required prior to the commencement of use.

- (f) 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.

- (g) Compliance with Acts and Regulations

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

(h) 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)

(i) 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)

(j) 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 the 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.

(E) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 12 October 2017 (see attached).

(F) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)."

**CARRIED**

**MAISEL AG PTY LTD - MCU - CAR WASH - LOT 2 M35663  
- 308 BYRNES STREET, MAREEBA - MCU/17/0007**

Seconded by Cr Pedersen

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

APPLICATION		PREMISES	
APPLICANT	Maisel Ag Pty Ltd	ADDRESS	308 Byrnes Street, Mareeba
DATE LODGED	18 September 2017	RPD	Lot 2 on M35663
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Car Wash		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Car Wash

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
17-025 DA Sheet 1 of 7	Existing Conditions Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 2 of 7	Proposed Site Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 3 of 7	Elevations	TMC Building Design Group	Nov 2017
17-025 DA Sheet 4 of 7	Sections	TMC Building Design Group	Nov 2017
17-025 DA Sheet 5 of 7	Proposed Stormwater & Sewer Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 6 of 7	Proposed Landscaping & Lighting Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 7 of 7	Car Swept Paths & Car Parking Layout	TMC Building Design Group	Nov 2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
  - 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.4 Noise Nuisance/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 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the *Environmental Protection (Noise) Policy 2008*.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

### 3.5 Waste Management

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

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

### 3.6 Hours of Operation

#### 3.6.1 Car Wash Bays



The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week.

#### 3.6.2 Vacuum/dog Wash Bays

The vacuum bays and dog wash bays are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week. No operation of these components of the approved use are permitted to operate outside these hours.

### 3.7 Signage

#### 3.7.1 Building Signage

Any signage erected on any buildings:

- Must only contain content relating to the approved use;
- Must not exceed the height of the building they are mounted on; and
- Must not move, revolve, strobe or flash;

#### 3.7.2 Freestanding Signage

One (1) freestanding sign is permitted to advertise the approved use only, and must generally be constructed in accordance with the dimensions, location and construction notes shown on the approved plan/s (Drawing No. 17-025 DA Sheet 2 of 7 Proposed Site Layout dated Nov 2017).

All signage must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Council's delegated officer.

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

### 4. Infrastructure Services and Standards

#### 4.1 Access

A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

#### 4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- Lerra Street 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.

#### 4.3 Stormwater Management

4.3.1 Prior to building works commencing, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

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

4.3.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.

4.3.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### 4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with one (1) designated employee car park which is available solely for the parking of employee vehicles.

All car parking spaces and internal driveways/vehicle manoeuvring areas (as shown on the approved plans) must be concrete sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.5 Landscaping & Fencing

4.5.1 Prior to the commencement of the use, the applicant/developer is to provide landscaping on the site in accordance with the submitted landscape plan (Drawing No. 17-025 DA Sheet No. 6 of 7 Proposed Landscape & Lighting Plan dated Nov 2017), to the satisfaction of Council's delegated officer.

All landscaping must be mulched, irrigated and maintained for the life of the development.

4.5.2 The external faces of the concrete panel walls along the western and northern boundaries of the site (as shown on the approved plans) are to be painted a neutral colour agreed to by Council's delegated officer.

1.8-metre-high solid screen fencing of neutral colour, is to be erected along the northern boundary of the site between the bin area/oil separator wall and super wash bay wall, and between the super wash bay wall and the north-east corner of the site, to the satisfaction of Council's delegated officer.

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

No fencing is to be erected along the Byrnes Street frontage of the site.

#### 4.6 Lighting

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

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

#### 4.7 Water Supply

A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend 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 requirements in accordance with FNQROC Development Manual Standard (as amended).

#### 4.8 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 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).

### (D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(c) Property Connection to existing sewer main

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(d) The reticulated sewerage main to service the subject site is in place in anticipation of the future sewerage reticulation of Tolga and the industrial estate. Please ensure that the on-site effluent disposal system is appropriately designed to enable the future connection to the reticulated sewerage system.

(e) A Trade Waste Permit will be required prior to the commencement of use.

(f) 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.

(g) Compliance with Acts and Regulations

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

(h) 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)

(i) 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)

(j) 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.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 31 October 2017 (Appendix 3).

(F) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work
- Development Permit for Operational Works (road widening works)

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work"

**CARRIED**

**TILT RENEWABLES AUSTRALIA PTY LTD - MCU  
RENEWABLE ENERGY FACILITY (SOLAR FARM) & ROL  
(2 INTO 3 LOTS) & ACCESS EASEMENT - LOT 156 SP251  
SP129910 - 15 CANE ROAD, MAREEBA - MCU/17/0008**

Seconded by Cr Davies

APPLICATION		PREMISES	
APPLICANT	Tilt Renewables Australia Pty Ltd	ADDRESS	15 Cane Road Mareeba
DATE LODGED	19 September 2017	RPD	Lot 156 on SP124698 & access via Lot 251 on SP129910
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use for Renewable Energy Facility (Solar Farm) and associated substation, and Reconfiguring a Lot - Subdivision by Lease (2 lots into 3 lots) & Access Easement		

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), referral agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AP01	Project Layout Plan	ERM	01/09/2017
AP02	Preliminary Subdivision Plan	ERM	11/09/2017

(a) Development Permit for Reconfiguring a Lot – Subdivision by lease (2 lots into 3 lots) and Access Easement

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
  - 2.2 The proposed substation must be substantially constructed within the proposed substation lot prior to the endorsement of the plan of survey
3. General
  - 3.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.3 The applicant 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.
  - 3.4 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 applicant 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 (as amended) and to the satisfaction of Council's delegated officer.
  - 3.7 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.

### 3.8 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 Easement

An access easement in favour of the proposed substation lot must be provided within the solar farm lot for the purposes of access/drainage/services.

An all-weather (minimum gravel surface) access track must be constructed within the proposed access easement.

The approved easement document must be submitted at the same time applicant seeks approval for signing and dating of the plan of survey and must be lodged and registered in the Department of Natural Resource and Mines in conjunction with the plan of survey.

### (b) Development Permit for Material Change of Use for Renewable Energy Facility (Solar Farm) and associated substation

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

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

### 2. Timing of Effect

2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval (i.e. prior to operational/building work commencing).

2.2 Prior to the commencement of use, the applicant must demonstrate to Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

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

### 3. General

- 3.1 The applicant is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.4 Amenity – Service Equipment
- (a) All service equipment, including air conditioning units, waste disposal units (bins) and lighting must be located so as not to cause a nuisance to the occupants of adjoining and neighbouring premises.
- (b) All mechanical plant must comply with the noise criteria below:

**Mechanical Plant Noise Limits**

Period	Time	Maximum noise limits at noise sensitive receiver (measured as LA90)
Day	7am – 6pm	51dB(A) + 5dB(A) = 56dB(A)
Evening	6pm – 10pm	46dB(A) + 5dB(A) = 51dB(A)
Night	10pm – 7am	40dB(A) + 5dB(A) = 45dB(A)

### 3.5 Bushfire Management

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

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

The BMP should consider any screening established in response to Condition 4.5 of this approval.

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

### 3.6 Signage

Advisory signage must be erected on the road approach to the proposed development to direct any sightseers to the Bunny Seary Lookout on Chewko Road.

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

### 3.7 Damage to Council Infrastructure

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

### 3.8 Solar Glare Nuisance Monitoring and Mitigation

When requested by Council, nuisance monitoring must be undertaken in the form of a Solar Glare Assessment report to investigate any genuine complaint of nuisance caused by solar glare. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within four (4) weeks from the date of Council's request, unless otherwise agreed. Any genuine complaint of nuisance caused by solar glare will require landscape mitigation measures, or other measures accepted by Council.

## 4. Infrastructure Services and Standards

### 4.1 Traffic Management Plan & Road Rehabilitation Program

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

- (i) 'Existing condition' surveys of Cane Road between the Chewko Road intersection and the property boundary, inclusive of the intersection, including details of the suitability, design, condition and construction standard of these roads;
- (ii) Details of how the construction of the project will be managed with respect to the Council controlled road network, including any intersections with the State controlled road network;
- (iii) Details of traffic routes for heavy vehicles, including any necessary route or timing restrictions for oversized loads;
- (iv) Details of how any potential safety hazards resulting from the increased vehicles movements along Cane Road and

Chewko Road will be mitigated during the construction phase;

- (v) Procedures for informing the public where any road access will be restricted as a result of the project.

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

- 4.1.2 As soon as reasonably practical following the completion of the construction stage of the development, as determined by Council's delegated officer, a rehabilitation program must be developed and certified by an RPEQ, to rehabilitate Cane Road from the Chewko Road intersection to the property boundary, inclusive of the intersection, to the pre-construction condition identified by the surveys required under Condition 4.1.1(i), to the satisfaction of Council's delegated officer.

Any works required to be completed as part of the program must be completed within 6 months of completion of construction stage of the development, to the satisfaction of Council's delegated officer.

Prior to the commencement of any works required by condition 4.1.1 and 4.1.2, plans for these works must be approved as part of a subsequent application for operational works.

#### 4.2 Construction Management Plan

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

- (i) Details of all relevant activities to be undertaken on site during construction including the anticipated staging for bulk earthworks and the construction works program;
- (ii) A description of the roles and responsibilities for all relevant employees involved in the construction stage of the development including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions and any Referral Agency conditions;
- (iii) Details of any construction sites and mitigation (including dust suppression measures for Cane Road), monitoring,

management and rehabilitation measures specific to the site that would be implemented;

- (iv) Statutory and other obligations that the applicant is required to fulfil during construction including all relevant approvals, consultations, and agreements required from authorities and other stakeholders, and key legislation and policies;
- (v) Details of how the environmental performance of construction will be monitored, and what actions will be taken to address potential adverse environmental impacts including soil and water contamination, dust and noise;
- (vi) Emergency management measures including measures to control bushfires during the construction stage.
- (vii) Establishment of a communication protocol with the general public, adjoining owners, rail authority, emergency services and local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues.
- (viii) Identification of complaint management procedures including:
  - (a) contact details for the on-site manager; and
  - (b) dispute resolution procedures.

#### 4.3 Stormwater Drainage/Water Quality

- 4.3.1 Prior to the commencement of construction stage of the development, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- 4.3.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.3.3 Prior to the commencement of construction stage of the development, the applicant must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

4.3.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

4.3.5 The applicant must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

4.3.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge. The ponding or runoff of stormwater onto existing Ergon Energy infrastructure and easement/s must be avoided at all times.

#### 4.4 Car Parking/Internal Driveways

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

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

4.4.2 The car parking spaces must be constructed to a compacted gravel standard, delineated and appropriately drained and maintained in this condition for the life of the development, to the satisfaction of Council's delegated officer.

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

#### 4.5 Screening and Fencing

4.5.1 Prior to the commencement of construction stage of the development, the applicant must prepare and submit a screening and fencing plan for consideration and approval by Council's delegated officer. The plan must include the following:

- (i) Screening works to be provided in response to the concerns raised in the three (3) properly made submissions.
- (ii) Fencing of the proposed substation and details of any other fencing to be established.

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

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

#### 4.6 Lighting

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

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

#### 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS1547) to the satisfaction of the Council's delegated officer.

#### 4.8 Decommissioning and Rehabilitation

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

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

- (i) The identification of structures, including but not limited to all solar panels and trackers/frames, substations, inverters, battery storage, offices, control buildings, fencing and electronic infrastructure including above ground infrastructure to be removed, except where any infrastructure has been transferred to or is in the control of Ergon Energy, and how that infrastructure will be removed;

- (ii) Measures to reduce impacts of the development on the environment and surrounding land uses; and
- (iii) Details of how the land will be rehabilitated back to its pre-development condition, including slope and soil profile.

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) 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 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) Compliance with Acts and Regulations

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

- (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).

(h) 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.

(E) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 1 November 2017 (Appendix 4).

(F) RELEVANT PERIOD

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

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

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

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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil"

**CARRIED**

**ITEM-8                      PROPOSED PERMIT TO OCCUPY OVER LOT A ON  
DRAWING TSV17165, LEAFGOLD WEIR ROAD,  
DIMBULAH**

Moved by Cr Davies

Seconded by Cr Graham

"That Council offer no objection to the issue of a permit to occupy for pipeline and pump site purposes over Lot A on Drawing TSV17165, Locality of Dimbulah."

**CARRIED**



**CARRIED**

**ITEM-14                                      ENTERPRISE      RISK      MANAGEMENT      POLICY,  
FRAMEWORK AND PROCESS**

Moved by Cr Davies

Seconded by Cr Graham

"That Council adopt the Enterprise Risk Management Policy, the Enterprise Risk Management Framework and the Enterprise Risk Management Process."

**CARRIED**

**ITEM-15                                      APPLICATION FOR APPROVAL TO KEEP STOCK IN  
URBAN AREA**

Moved by Cr Toppin

Seconded by Cr Pedersen

"That Council grants a temporary 'Approval to Keep Stock in an Urban Area' to allow for the keeping of two (2) horse maximum by Jeff Xhafer on land described as Lot 361 SP280080 in the areas identified in the application, subject to their adherence to the conditions detailed on the Approval."

**(A) COUNCIL'S CONDITIONS**

**(a)    Applicant's Conditions of Approval**

1. This Approval only relates to the keeping of two (2) horse maximum on the property noted in the Schedule and is not transferable to any other property. Should there be any changes to the configuration of the land on which the horse is kept or any changes to the configuration of adjoining land including the construction of dwellings within 60 linear meters, then this Approval will be withdrawn.
2. This Approval is not an approval for the purpose of breeding or any commercial enterprise involving horses.
3. The Approval is for a minimum size of 5000m<sup>2</sup> area
4. The approval holder must comply with the detailed conditions and minimum standards for keeping animals, enclosure requirements and air quality and noise control measures as set out in the attachment hereto.
5. The Horse must be kept in accordance with the requirements of any existing code of practice.

**(b)    Approval to keep stock in an urban area**

**1. Minimum Standards for Keeping of Animals**

The approval holder or any person responsible for the premises must:

- 1.1. Ensure the enclosure/s in which the animal is kept is cleaned regularly, and waste is disposed of in such a manner as not to create a nuisance to adjoining properties or be injurious or prejudicial to health; and
- 1.2. Take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of neighbouring properties; and
- 1.3. Ensure that any enclosure in which the animal is kept is properly maintained in
  - 1.3.1. a clean and sanitary condition; and
  - 1.3.2. an aesthetically acceptable condition; and
- 1.4. Ensure that the animal is wormed and vaccinated in accordance with the recommendations of the national veterinary association.

## **2. Enclosure Requirements**

- 2.1. The size of the area to be suitably fenced is to be appropriate to the species and breed of the animals to be enclosed, so as to effectively enclose the animal within the property at all times.
- 2.2. Suitably fenced means a fence which is constructed of strong and firm materials and designed in such a way as to prevent the animal from attacking a person or escaping over, under or through the fence.
- 2.3. In any case, a part of a building or structure that does not have openings through which an animal may escape may form part of the enclosure in lieu of fencing.
- 2.4. Where gates form part of the enclosure, they must be kept closed and latched except when in actual immediate use.

## **3. Air Quality**

- 3.1. All areas associated with the animal keeping activity must be managed to minimise nuisance and impacts caused by odour, dust or particulate matter at any sensitive place.
- 3.2. No odour associated with the animal keeping activity determined to be strong or very strong (4 to 5 intensity on German Standard VDI 3882 (1) (1992)) by Council's delegated officer is to impact upon any nearby sensitive receptor at any time, when assessed every 10 seconds over a 20 minute assessment period in one (1) location at the sensitive receptor. The odour will impact if it is determined to be present more than 25% of the 20 minute assessment period or detected at a strong or very strong intensity level more than 30 times during the 20 minute assessment period.
- 3.3. When instructed by Council, the approval holder must commission an odour/dust assessment to monitor and investigate any complaint of a nuisance. The monitoring will establish if the animal keeping activity complies with the relevant standards for odour and dust conditions determined in accordance with the Environmental Protection Policy (Air) 2008, and the monitoring data, analysis of that data and a report must be provided within 10 business days of completion of the investigation, to the

satisfaction of Council's delegated officer. Where the odour/dust assessment determines that the animal keeping activity is not in compliance with the Environmental Protection Policy (Air) 2008, it must recommend mitigation measures to bring the activity into compliance.

- 3.4. Any recommendations or mitigation measures outlined in the odour/dust assessment must be implemented where practically possible within 20 business days of receiving the report findings, to the satisfaction of Council's delegated officer.

#### **4. Noise Control**

- 4.1. The animal keeping activity must be managed in such a way as to prevent offensive noise levels being emitted beyond the boundaries of the subject site, as determined by Council's delegated officer.
- 4.2. When instructed by Council, the approval holder must commission a noise monitoring assessment to monitor and investigate any complaint of a nuisance. The monitoring will establish if the animal keeping activity complies with the relevant standards for noise output determined in accordance with the Environmental Protection Policy (Noise) 2008, and the monitoring data, analysis of that data and a report must be provided within 10 business days of completion of the investigation, to the satisfaction of Council's delegated officer. Where the noise monitoring assessment determines that the animal keeping activity is not in compliance with the Environmental Protection Policy (Noise) 2008, it must recommend mitigation measures to bring the activity into compliance.
- 4.3. Any recommendation or mitigation measures outlined in the noise monitoring assessment must be implemented where practically possible within 20 business days of receiving the report findings, to the satisfaction of Council's delegated officer.

These conditions may be modified or the Approval withdrawn at Council's discretion following ten working days' notice.

**CARRIED**

## **FINANCE**

### **ITEM-16                      FINANCIAL STATEMENTS FOR PERIOD ENDING 30 NOVEMBER 2017**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council note the financial report for the period ending 30 November 2017."

**CARRIED**

## **COMMUNITY WELLBEING**

**ITEM-18****CHILLAGOE VAST COMMUNITY ASSISTANCE**

Moved by Cr Davies

Seconded by Cr Graham

"That Council endorses the approval of 29 applications for assistance from Chillagoe residents and engage a suitable contractor to supply and install VAST equipment at each of their residences as soon as possible."

**CARRIED****ITEM-19****RADF ADVISORY COMMITTEE NOMINATIONS**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council appoints Tonina Cleland, Ann-Marie Keating, Kylie Lambert, Caroline Lieber, Lynn Potter and Sandy Ryan as members of the Regional Arts Development Fund (RADF) Advisory Committee".

**CARRIED****ITEM-20****KURANDA FACILITIES**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council:

1. Endorse the recommendation by the Tourism Kuranda Advisory Committee for the Tourism Kuranda Executive Officer to relocate temporarily to the Kuranda Community Precinct; and
2. Approve the request by the Kuranda District Residents Group to establish a pilot museum at the office space in Centenary Park on a year-by-year management agreement and to access shared storage space at the Kuranda Community Precinct."

**CARRIED**

**ITEM-21****LIBRARY SERVICES EFFICIENCIES REVIEW**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council adopt the recommendations regarding the Library Service Efficiencies Review as outlined in this report."

**CARRIED****INFRASTRUCTURE SERVICES****TECHNICAL SERVICES****ITEM-22****APPLICATION FOR PERMANENT ROAD CLOSURE OF AN AREA ABUTTING THE SOUTHERN BOUNDARY OF RA 27 MYOLA ROAD KURANDA**

Moved by Cr Davies

Seconded by Cr Wyatt

"That Council, as the Road Manager, advises the Department of Natural Resources and Mines (DNRM) that use of the land as proposed is unable to be authorised by the road manager or trustee of the reserve land for the reasons detailed in this report and inform DNRM that Council has no objection to a temporary road closure."

**CARRIED****ITEM-23****PROPOSED ROAD NAMING OF UNNAMED ROAD RESERVES, LOCALITY OF ARRIGA, MUTCHILBA, DIMBULAH, CHILLAGOE, MAREEBA AND MT MOLLOY**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council:

1. Name the unnamed road reserves detailed in this report and amend Council's road asset register to reflect the following Council maintained roads:
  - Powell Road, off Emerald End Road, Mareeba
  - Ganly Road, off Henry Hannam Drive, Mareeba
  - Cane Road, off Chewko Road, Chewko
  - Lee Sye Road, off Tyrconnell Road, Arriga
  - Mutchilba Road, off Mutchilba Road, Mutchilba
  - Lowe Road, off Metzger Road, Mutchilba
  - Ferguson Street, off Eastern Street, Chillagoe
  - Linedale Road, off Aerodrome Road, Chillagoe
  - Barnes Street, off High Street, Irvinebank
  - Quinn Road, off Fraser Road, Mount Molloy; and

2. Not name the unnamed roads which branch off Roos Road approximately 180 metres south of the Martin Road intersection at Chewko and remove these roads from Council's maintained road register; and
3. Advise the owners of properties abutting these road reserves of this decision in writing."

**CARRIED**

**ITEM-24                      BICENTENNIAL LAKES MASTER PLAN**

Moved by Cr Wyatt

Seconded by Cr Pedersen

"That Council adopt the attached Bicentennial Lakes Masterplan draft concept drawing for consultation purposes."

**CARRIED**

**ITEM-25                      REPORT ON PETITION FOR REMOVAL OF SPEED  
HUMPS ON BARRON FALLS ROAD, KURANDA**

Moved by Cr Graham

Seconded by Cr Davies

"That Council do not remove the speed humps on Barron Falls Road near the Tully Court intersection in Kuranda."

**CARRIED**

**ITEM-26                      PROJECT   PRIORITISATION   APPRAISAL   CRITERIA  
REVIEW**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council adopt the Project Prioritisation Tool (PPT) criteria for prioritising Infrastructure Services capital works projects."

**CARRIED**

**ITEM-27                      MAREEBA AIRPORT UPGRADING - NOVEMBER 2017  
PROGRESS REPORT**

Moved by Cr Davies

Seconded by Cr Graham

"That Council:

1. Note the November 2017 progress report on the Mareeba Airport Upgrade Project: and
2. Adjust the capital budget for 2017/18 in accordance with the amended milestone dates in the funding deeds"

**CARRIED**



**ITEM-28                                      INFRASTRUCTURE SERVICES - TECHNICAL SERVICES  
MONTHLY ACTIVITIES REPORT - NOVEMBER 2017**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council:

1. Receive and note the Technical Services Monthly Report for the month of November 2017; and
2. Approve installation of a solar panel system to the Mareeba Heritage Museum and Tourist Information Centre (MHMTIC) subject to the conditions detailed in this report; and
3. Approve reallocation of \$32,000 Capital Works funding from "NDRRA Betterment" to a new project "Riverside Caravan Park Fence"; and
4. Approve reallocation of \$50,000 Capital Works funding from Mareeba Swimming Pool Business Case and Design" to a new project "Mareeba Swimming Pool - Small Pool Plant Room"

**CARRIED****WORKS****ITEM-29                                      INFRASTRUCTURE SERVICES - WORKS SECTION  
ACTIVITY REPORT - NOVEMBER 2017**

Moved by Cr Davies

Seconded by Cr Graham

"That Council receive and note the Works Section Activities Report for the month of November 2017."

**CARRIED****WATER & WASTE****ITEM-30                                      WASTE      MANAGEMENT      KERBSIDE      COLLECTION  
POLICY**

Moved by Cr Toppin

Seconded by Cr Graham

"That Council receive and adopt the amended Waste Management Kerbside Collection Policy."

**CARRIED**

**ITEM-31                                      BARANG STREET SEWAGE PUMP STATION, KURANDA  
- CAPACITY UPGRADE CONCEPT DESIGN REPORT**

Moved by Cr Davies

Seconded by Cr Toppin

"That Council

1. Receive and note the report on the Barang Street Sewage Pump Station; and
2. Include the proposed work to upgrade the Barang Street Sewage Pump Station in the Long Term Financial Plan and PPT based on Option A: Offline storage + general upgrade; and
3. Endorse the Barang Street Sewage Pump Station project as a priority project for consideration in future grant applications."

**CARRIED****ITEM-33                                      INFRASTRUCTURE SERVICES - WATER AND  
WASTEWATER GROUP - MONTHLY OPERATIONS -  
NOVEMBER 2017**

Moved by Cr Pedersen

Seconded by Cr Toppin

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

**CARRIED****ITEM-34                                      INFRASTRUCTURE SERVICES - WASTE OPERATIONS  
REPORT - NOVEMBER 2017**

Moved by Cr Pedersen

Seconded by Cr Toppin

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, November 2017."

**CARRIED****CHIEF EXECUTIVE OFFICER****ITEM-35                                      PETITION FOR REQUESTING THE WITHDRAWAL OF  
DELEGATED AUTHORITY FROM THE CEO**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council receive the petition for consideration stand as an order of the day for the meeting or for a future meeting."

**CARRIED**

**ITEM-36                                      PETITION TO CLEAN UP KUR-WORLD DAM FAILURE IN  
OWEN CREEK CATCHMENT BEFORE THE SEDIMENT  
LOAD DESTROYS MORE ENDANGERED KURANDA  
TREE FROG HABITAT**

Moved by Cr Pedersen

Seconded by Cr Brown

"That Council receive the document as a petition and take no further action."

**CARRIED**

**ITEM-37                                      WATER USAGE FOR KURANDA ENVIROCARE**

Moved by Cr Wyatt

Seconded by Cr Davies

"That Council include Kuranda EnviroCare in Group 2 of the Water Usage Donation Scheme."

**CARRIED**

**CLOSURE OF MEETING**

Moved by Cr Pedersen

Seconded by Cr Toppin

"That in accordance with Section 275(1)(h) of the Local Government Regulation 2012, the meeting be closed to the public at 10:11am to discuss matters relative to other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage."

**CARRIED**

**OPENING OF MEETING**

Moved by Cr Toppin

Seconded by Cr Brown

"That the meeting be opened at 10:27am."

**CARRIED**

**ITEM-12                                      MAREEBA INDUSTRIAL PARK - SALE OF LAND  
CONFIDENTIAL**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council delegate authority to the Mayor and/or CEO to sell land in the Mareeba Industrial Park at the set price of \$55.00 per m<sup>2</sup> (excl GST)."

**CARRIED**

**SALE OF LAND DUE TO RATES AND CHARGES IN ARREARS CONFIDENTIAL**

Moved by Cr Pedersen

Seconded by Cr Toppin

"That Council:

1. Sell the land listed as below due to the rates and charges which have accrued on the rateable lands remaining unpaid for three (3) years or longer, in accordance with section 140 of the *Local Government Regulation 2012*:

Property No	Property Description
10772	Lot 2 RP 715132
12934	Lot 21 RP 749169
16686	Lot 54 RP 747669
17296	Lot 1 RP 861070
17297	Lot 2 RP 861070
20233	Lot 5 RP 892268
21218	Lot 2 & 3 MPH 25016
21345	Lot 41 SP 187435

2. Delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012* to effect sale of land (including, for avoidance of doubt, the power to end sale procedures including the authority to remove a property where circumstances arise whereby the continuation of this action is considered unwarranted or inappropriate)."

**CARRIED**

**ITEM-32**

1396 CONTRACT - SUEZ - CARBON TAX REBATE  
CONFIDENTIAL

Moved by Cr Davies

Seconded by Cr Graham

"That Council accept the offer made by SUEZ in regard to Contract CRC 1396."

**CARRIED**

## BUSINESS WITHOUT NOTICE

Nil

## NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 24 January 2017.

There being no further business, the meeting closed at 10:36 am.

.....  
Cr Tom Gilmore  
Mayor

## APPENDIX 1 - ITEM-2 REEDLodge PTY LTD - MCU - SHOPPING CENTRE - LOT 78 SP152626 - 232 BYRNES STREET, MAREEBA - MCU/17/0011

RA6-N

Department of Infrastructure,  
Local Government and PlanningOur reference: 1710-1793 SRA  
Your reference: MCU/17/0011

30 November 2017

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

Attention: Carl Ewin

Dear Sir / Madam

**Referral agency response—with conditions**  
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 5 October 2017.

**Applicant details**

Applicant name:	Reedlodge Pty Ltd
Applicant contact details:	C/- Urban Sync Pty Ltd PO Box 2970 Cairns QLD 4870 stuart@urbansync.com.au

**Location details**

Street address:	232 Byrnes Street, Mareeba
Real property description:	Lot 78 on SP152626
Local government area:	Mareeba Shire Council

**Application details**

Development permit	Material change of use for Proposed Shopping Centre
--------------------	---

**Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

1710-1793 SRA

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Advice to the assessment manager**

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material change of use – shopping centre</b>				
TMR Layout Plan (664 – 1.60km)	Department of Transport and Main Roads	27 November 2017	TMR17-22687 (500/310)	C
Proposed Site Plan as amended in red	Cottee Parker	22/09/2017	SD1002	G

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

For further information please contact Michele Creecy, Senior Planning Officer, on 40373206 or via email [CairnsSARA@dilgp.qld.gov.au](mailto:CairnsSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc     Reedlodge Pty Ltd, [stuart@urbansync.com.au](mailto:stuart@urbansync.com.au)

enc     Attachment 1—Conditions to be imposed  
         Attachment 2—Reasons for decision to impose conditions  
         Attachment 3—Advice to the assessment manager  
         Approved plans and specifications

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Aspect of development – Material change of use</b>		
State transport corridor - State-controlled road and Railway—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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.	The road access location(s) between Lot 78 on SP152626 and the state-controlled road, is to be in accordance with the <b>TMR Layout Plan (664-1.60km)</b> prepared by the Department of Transport and Main Roads, dated 27 November 2017, reference TMR17-22687 (500/310), Version C under section 62(1) of the <i>Transport Infrastructure Act 1994</i> .	At all times.
2.	<p>(a) The development access arrangements in relation to the Rankin Street level crossing of the Mareeba Mungana Railway must be generally in accordance with Proposed Site Plan, prepared by Cottee Parker, dated 22/09/2017, drawing number SD1002, and revision G as amended in red; in particular the following must be provided at the applicant's expense:</p> <ul style="list-style-type: none"> <li>A 'No right turn' sign must be provided on Rankin Street eastbound prior to the service vehicle egress to Rankin Street in accordance with Queensland Government drawing number R2-6 <i>Regulatory Sign "No Left (Right) Turn"</i>;</li> <li>A 'No left turn' sign must be provided on the site at the service vehicle egress to Rankin Street in accordance with drawing number R2-6 <i>Regulatory Sign "No Left (Right) Turn"</i>;</li> <li>The egress to Rankin Street must provide clearance to all railway level crossing safety controls (box marking, stop lines/pavement marking, signage and the like);</li> <li>There must be no car parking provided between the egress point on Rankin Street and the western property boundary.</li> </ul> <p>(b) RPEQ certification with supporting documentation must be provided to Program Delivery and Operations Unit, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	(a) & (b) Prior to the commencement of use and to be maintained at all times.
3.	<p>(a) Road works comprising of signalisation works to include a 4-way intersection and street lighting must be provided at Mareeba-Dimbulah Road (Byrnes Street) / Herberton Street intersection.</p> <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>Department of Transport and Main Roads Road Planning and Design Manual 2<sup>nd</sup> July 2013 – including the Guide to Road</li> </ul>	(a) and (b) prior to the commencement of use



1710-1793 SRA

	<p>Planning and Design Manual 2<sup>nd</sup> Edition: Volume 3, March 2016, and</p> <ul style="list-style-type: none"> <li>The Department of Main Roads Road Planning and Design Manual (2<sup>nd</sup> edition), Volume 6: Lighting, dated July 2016.</li> </ul>	
4.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor and State-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> <li>create any new discharge points for stormwater runoff onto the railway corridor and State-controlled road;</li> <li>interfere with and/or cause damage to the existing stormwater drainage on the railway corridor and State-controlled road;</li> <li>surcharge any existing culvert or drain on the railway corridor;</li> <li>reduce the quality of stormwater discharge onto the railway corridor and State-controlled road.</li> </ol> <p>(c) RPEQ certification with a Stormwater Management Plan must be provided to the Program Delivery and Operations Unit, Far North Queensland Region (<a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a>) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) at all times</p> <p>(b) at all times</p> <p>(c) prior to the commencement of use</p>
5.	<p>(a) Road works comprising of a pedestrian refuge is to be constructed on the western leg of the Byrnes Street / Rankin Street roundabout to improve pedestrian crossing movements across the full carriageway consisting of two lanes of traffic.</p> <p>(b) The pedestrian refuge must be designed and constructed in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices, Part 10: Pedestrian Control and Protection, May 2017.</p>	<p>(a) and (b) prior to the commencement of use</p>

1710-1793 SRA

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

---

The reasons for this decision are:

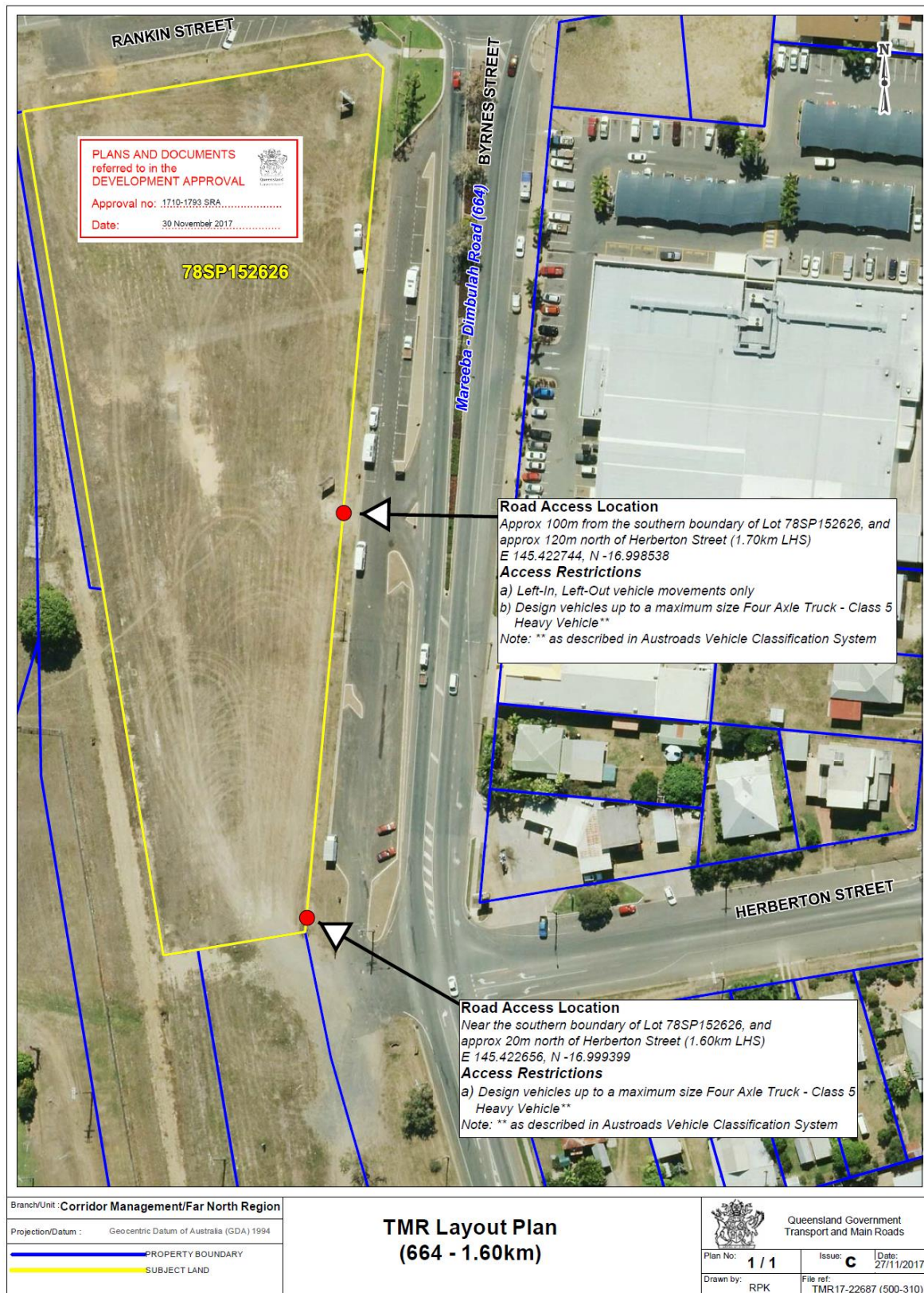
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the safety and integrity of the railway level crossing.
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

**Attachment 3—Advice to the assessment manager**

General advice	
Ref.	Condition 4 - Stormwater
1.	<p>Department of Transport and Main roads has advised that the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B does not demonstrate compliance with condition 4 of the concurrence agency response. A revised Stormwater Management Plan is required to demonstrate compliance with the concurrence agency condition 4, which addresses the following:</p> <ul style="list-style-type: none"> <li>determines the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (<a href="http://www.ipweaq.com/qudm">http://www.ipweaq.com/qudm</a>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP. The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.</li> <li>provide engineering drawings showing the design of the proposed detention basin(s), including invert levels and outlet pipe and overflow, outlet configurations, and how they will connect to the existing drainage at the nominated legal point(s) of discharge.</li> <li>Include revised details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is no worsening impact on the railway corridor and State-controlled road for all relevant design events.</li> </ul>
Ref.	Road Access Approval
2.	<p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. 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 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>







## APPENDIX 2 - ITEM-5 NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION - MCU EDUCATIONAL ESTABLISHMENT, LOW IMPACT INDUSTRY, OFFICE & TRANSPORT DEPOT (MECHANICS WORKSHOP, CONSTRUCTION BUSINESS, OFFICES & MEETING ROOMS) LOT 322 SP118917 - ARARA STREET, KURANDA - MCU/17/0006

GE78-N


Department of Infrastructure,  
Local Government and Planning

Department of Infrastructure, Local Government and Planning  
Statement of reasons for application 1709-1299 SRA  
(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

### Applicant details

Applicant name: Ngoonbi Community Services Indigenous Corporation  
C/- Gilvear Planning Pty Ltd

Applicant contact details: PO Box 228  
BABINDA QLD 4861  
kristy@gilvearplanning.com.au

### Location details

Street address: Arara Street, Kuranda

Real property description: Lot 322 on SP118917

Local government area: Mareeba Shire Council

### Development details

Development permit: Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

### Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions (SDAP), version 2.1 State code 2: Development in a railway environment

### Reasons for the department's decision

The reasons for the decision are:

- The proposed development complies with all applicable performance outcomes of the SDAP State code 2: Development in a railway environment (subject to conditions).
- The proposed development is located on a lot separated from the railway corridor by another lot, up to 10m wide so will not impact the operation, structural integrity or safety of the railway.
- The proposed development will ensure stormwater events associated with the development are minimised and managed to avoid creating any adverse impacts on the state transport (railway) corridor.

### Decision

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

1708-1299 SRA

- The development application is for a material change of use for educational establishment, low impact industry, office and / or contactor's depot (mechanics workshop, construction business, offices and meeting rooms) to be provided within a shed (18m x 34 m) and car parking for 13 cars.

**Relevant material**

- Development application
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- Development Assessment Rules
- *Planning Act 2016*
- Planning Regulation 2017

RA6-N

Department of Infrastructure,  
Local Government and Planning

Our reference: 1709-1299 SRA  
Your reference: MCU/17/0006  
Applicant reference: J00580

12 October 2017

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

*Attention: Brian Millard*

Dear Sir / Madam

**Referral agency response—with conditions**(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 8 September 2017.

**Applicant details**

Applicant name:	Ngoonbi Community Services Indigenous Corporation
Applicant contact details:	C/- Gilvear Planning Pty Ltd PO Box 228 BABINDA QLD 4861 kristy@gilvearplanning.com.au

**Location details**

Street address:	Arara Street, Kuranda
Real property description:	Lot 322 on SP118917
Local government area:	Mareeba Shire Council

**Application details**

Development permit	Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)
--------------------	---

Far North Queensland regional office  
Ground Floor Cnr Grafton and Hartley



1709-1299 SRA

**Referral triggers**

---

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4 State transport corridors and future State transport corridors

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

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

For further information please contact Michele Creedy, Senior Planning Officer, on 40373206 or via email [CairnsSARA@dlgp.qld.gov.au](mailto:CairnsSARA@dlgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Ngoonbi Community Services Indigenous Corporation, [kristy@gilvearplanning.com.au](mailto:kristy@gilvearplanning.com.au)

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions

1709-1299 SRA

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Aspect of development: Material change of use - Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)</b>		
Schedule 10, Part 9, Division 4, Sub-division 2 Table 4 State transport corridor (railway)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.  (b) Any works on the land must not: <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the railway corridor;</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor;</li> <li>(iii) surcharge any existing culvert or drain on the railway corridor;</li> <li>(iv) reduce the quality of stormwater discharge onto the railway corridor.</li> </ul>	(a) and (b) At all times

1709-1299 SRA

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

---

The reasons for this decision are:

- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

---

**APPENDIX 3 - ITEM-6 MAISEL AG PTY LTD - MCU - CAR WASH - LOT 2 M35663  
- 308 BYRNES STREET, MAREEBA - MCU/17/0007**

RA6-N

Department of Infrastructure,  
Local Government and PlanningOur reference: 1709-1647 SRA  
Your reference: MCU/17/0007

31 October 2017

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

Attention: Mr Carl Ewin

Dear Sir/Madam

**Referral agency response—with conditions**  
(Given under section 56 of the *Planning Act 2016*)The development application described below was properly referred to the Department of Infrastructure,  
Local Government and Planning on 28 September 2017.**Applicant details**

Applicant name:	MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust
Applicant contact details:	C/- Freshwater Planning Pty Ltd, 17 Barron View Drive Freshwater QLD 4870 freshwaterplanning@outlook.com

**Location details**

Street address:	308 Byrnes Street, Mareeba
Real property description:	Lot 2 M35663
Local government area:	Mareeba Shire Council

**Application details**

Development permit	Material change of use for car wash facility
--------------------	--

**Referral triggers**The development application was referred to the department under the following provisions of the  
Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Page 1 of 7

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

1709-1647 SRA

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Advice to the assessment manager**

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
<b>Aspect of development: Material change of use</b>				
TMR Layout Plan (664-0.96km)	Queensland Government Transport and Main Roads	23/10/2017	RMR17-22649(500-1174)	B
Proposed Car Wash Development	TMC Building Design Group	August, 2017	17-025 DA Sheet 2 of 7	A

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

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email [CairnsSARA@dlgp.qld.gov.au](mailto:CairnsSARA@dlgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust c/- [freshwaterplanning@outlook.com](mailto:freshwaterplanning@outlook.com)

enc Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Advice to the assessment manager  
Approved plans and specifications

1709-1647 SRA

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.2.1 State transport infrastructure—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> <li>Proposed Site Layout prepared by TMC Building Design Group dated August 2017, reference Sheet No. 2 of 7 and revision A.</li> </ul>	Prior to the commencement of the use and to be maintained at all times
2.	(a) The road access locations, are to be located generally in accordance with TMR Layout Plan (664-0.96km), prepared by Queensland Government Transport and Main Roads, dated 23/10/2017, reference TMR17-22649(500-1174), Issue B. In particular road access location from Byrnes Street is to be located near the northern boundary of Lot 2 on M35663 and approximately 40m north of Lerra Street. The access is to be entry only and restricted to a design vehicle up to a maximum size single body truck – Class 5 heavy vehicle as described in Austroads Vehicle Classification System.  (b) The road access works comprising commercial and industrial crossover must be designed and constructed in accordance with the FNQROC Standard Drawing S1015.	(a) At all times  (b) Prior to the commencement of use
3.	Direct access is not permitted between Byrnes Street and the subject site at any location other than the permitted road access location identified in Condition 1.	At all times
4.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>(iii) surcharge any existing culvert or drain on the state-controlled road;</li> <li>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul>	(a) and (b) at all times

1709-1647 SRA

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

---

The reasons for the decision to impose conditions are:

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

## APPENDIX 4 - ITEM-7 TILT RENEWABLES AUSTRALIA PTY LTD - MCU RENEWABLE ENERGY FACILITY (SOLAR FARM) & ROL (2 INTO 3 LOTS) & ACCESS EASEMENT - LOT 156 SP251 SP129910 - 15 CANE ROAD, MAREEBA - MCU/17/0008

RA6-N

Department of Infrastructure,  
Local Government and Planning

Our reference: 1710-1837 SRA  
Council reference: MCU/17/0008  
Your reference: 0414798 Chewko Solar Farm

1 November 2017

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

Attention: Brian Millard

Dear Sir / Madam

**Referral agency response—with conditions**  
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 6 October 2017.

**Applicant details**

Applicant name:	Tilt Renewables Australia Pty Ltd c/- ERM Australia Pty Ltd
Applicant contact details:	PO Box 1400 SPRING HILL QLD 4004 michael.rookwood@erm.com

**Location details**

Street address:	15 Cane Road and Byrnes Street, Chewko
Real property description:	Lot 156 on SP124698 on Lot 251 on SP129910
Local government area:	Mareeba Shire Council

**Application details**

Development permit	Material change of use for renewable energy facility (solar farm) and associated substation, and Reconfiguring a lot (2 lots into 3 lots - subdivision by lease agreement and access easement)
--------------------	--



1710-1837 SRA

enc    Attachment 1—Conditions to be imposed  
         Attachment 2—Reasons for decision to impose conditions  
         Attachment 3—Advice to the assessment manager  
         Approved plans and specifications

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use for renewable energy facility (solar farm)</b>		
<b>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1</b> - State transport corridors and future State transport corridors —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the <b>Department of Transport and Main Roads</b> 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.	The development setbacks must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> <li>Project Layout Plan, prepared by Environmental Resources Management Australia, dated 06/10/2017, drawing number 0414798b_PLLB_G001_R0.mxd</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	(a) A Construction Management Plan must be prepared by a Registered Professional Engineer of Queensland (RPEQ) and given to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au).  (b) The Construction Management Plan must address traffic management impacts and demonstrate that there will be no disruption to railway level crossing safety on the Mareeba Mungana Railway at Cane Road (ID:02338) and that unauthorised access to the Mungana Railway is prevented along the access track abutting the railway corridor during the course of construction.  (c) The construction of the development must be in accordance with the Construction Management Plan.	(a) and (b) Prior to obtaining development approval for building work or operational work, whichever occurs first          (c) At all times during the construction of the development
3.	(a) Provide a RPEQ certified pre-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Mungana Railway at Cane Road (ID:02338) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District (Far.North.Queensland.IDAS@tmr.qld.gov.au).  (b) Provide a RPEQ certified post-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Mungana Railway at Cane Road (ID:02338) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District (Far.North.Queensland.IDAS@tmr.qld.gov.au).  (c) Where rectification works to the rail transport infrastructure are determined to be required (as a result of the pre and post development dilapidation surveys) to ensure the post development condition has a no worsening impact on the pre-development condition: <ol style="list-style-type: none"> <li>the applicant is required to undertake all necessary rectification works to the rail transport infrastructure at the applicant's expense; and</li> <li>RPEQ certification must be provided to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District</li> </ol>	(a) Prior to the commencement of works          (b) Within two weeks of the completion of works          (c) Prior to the commencement of use

1710-1837 SRA

	(Far.North.Queensland.IDAS@tmr.qld.gov.au) confirming that any necessary rectification works have been constructed.	
4.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the railway corridor;</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor;</li> <li>(iii) surcharge any existing culvert or drain on the railway corridor;</li> <li>(iv) reduce the quality of stormwater discharge onto the railway corridor.</li> </ul>	<p>(a) and (b) At all times.</p>

1710-1837 SRA

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

---

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the development does not compromise the safe and efficient operation and integrity of state transport infrastructure during construction.
- To ensure the safety and operational integrity of railway level crossing where development generated traffic may adversely impact on the track formation and structure.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

1710-1837 SRA

**Attachment 3—Advice to the assessment manager**

<b>General advice</b>	
<b>Ref</b>	<b>Construction Management Plan</b>
1.	<p>In relation to compliance with the concurrence agency condition 2 requiring the preparation of a construction management plan, the applicant should consult with the railway manager (Queensland Rail) prior to the preparation of the Construction Management Plan.</p> <p>The applicant should contact Queensland Rail property team on telephone number (07) 3072 1229 or at qrpropertywayleaves@qr.com.au in relation to the management measures that will be implemented during construction to ensure the safety and operational integrity of the railway.</p>
<b>Further development permits, compliance permits or compliance certificates required</b>	
<b>Ref</b>	<b>Works on a railway</b>
1.	<p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>The development generated traffic will implicate the existing railway crossing at Cane Road (ID:02338) on the Mareeba Mungana Railway.</p>

