



## **Ordinary Meeting**

**Council Chambers**

**Date: 2 March 2016**

**Time: 9:00am**

## **MINUTES**

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## **MEMBERS IN ATTENDANCE**

Members Present: Cr T Gilmore (Mayor), Crs A Holmes, M Graham, K Ewin, E Brown, A Pedersen and J Jensen

## **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 Jensen

Seconded by Cr Ewin

"That the Minutes of the Ordinary Council Meeting held on 17 February 2016 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 NC CAIRD - MATERIAL CHANGE OF USE - MOTOR HOME PARK - LOT 2 SP217458 - CHEWKO ROAD, MAREEBA - DA/15/0051**

Moved by Cr Pedersen

Seconded by Cr Ewin

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

APPLICATION		PREMISES	
APPLICANT	NC Caird	ADDRESS	Chewko Road, Mareeba
DATE LODGED	25 November 2015	RPD	Lot 2 on SP217458
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motor Home Park		

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

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

And

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p><b><u>State Planning Policy</u></b></p> <p><b>Mining And Extractive Resources</b></p> <p>(1) Development Ensures that:</p> <p>(a) for development within a resource/processing area for a KRA - the undertaking of an existing or future extractive industry development is not significantly impeded, and</p> <p>(b) sensitive land uses are avoided within the separation area for a resource/processing area of a KRA; and</p>	<p>The subject site is situated within a resource/processing area for a key resource area (KRA), this being KRA no. 151.</p> <p>Despite being situated within the KRA, the proposed intensification of the sites existing motor home use is not likely to impede on existing and future extractive industries for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed motor home park is separated from existing sand extraction operations in the KRA by a distance in excess of 1 kilometre. Extensive vegetation exists within this separation distance;</li> <li>• The soil type/structure and topography of the site is not conducive to extractive industry operations, with the majority of the site incorporating natural well established vegetation;</li> <li>• The proposed development involves short term stays of no longer than 5 consecutive days and does not involve any additional <u>permanent</u> residential component (i.e. park visitors can readily leave); and</li> <li>• Both the existing and proposed motor home park areas contain minimal permanent infrastructure meaning should the use be abandoned, the site can easily be rehabilitated to its original pre-development state.</li> </ul>

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Motor Home Park

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
33346/0002 A	Plan of Proposed Motor Home Park	Brazier Motti	21/10/2015
33346/0003 A	Plan of Proposed Motor Home Park	Brazier Motti	21/10/2015

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

### 3.5 Noise Nuisance

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

### 3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the motor home park use 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 or 1.8m high solid fence.

### 3.7 Bushfire Management

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

### 3.8 Signage

- (i) No more than 1 advertising sign for the motor home park is permitted on the subject site.
- (ii) The sign must not exceed 2.4 metres x 1.2 metres or a maximum area of 2.9m<sup>2</sup>.
- (iii) The sign/s must be kept clean, in good order and safe repair for the life of the approval.
- (iv) The sign/s must be removed when no longer required.
- (v) The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### 3.9 The motor home park operations on site shall not accommodate more than 1,500 overnight stays per annum.

Records of all overnight stays must be kept and made available to Council upon request.

### 3.10 The motor home park must only accommodate self-contained motor homes/caravans. Self-contained motor homes/caravans must have an onboard toilet and shower, onboard water supply and wastewater holding tanks.

### 3.11 The maximum length of stay for each motor home/caravan must not exceed five (5) consecutive days.

## 4. Infrastructure Services and Standards

### 4.1 Access

The existing access crossover servicing the motor home park (Chewko Road) must be maintained to bitumen sealed standard (from the edge of the road pavement to the property boundary of the subject site) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer for the life of the development.

#### 4.2 Stormwater Drainage/Water Quality

- (i) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (ii) Prior to works the development commencing, the applicant must submit a Stormwater Quality Management Plan, including 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. The plan must detail what measures will be implemented to prevent erosion in the event the surface of the motor home parking area deteriorates due to wet weather and/or high traffic.
- (iii) The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

#### 4.3 Car Parking/Internal Driveways

- (i) All car parking associated with the motor home park must be accommodated within the subject site.
- (ii) All internal roads used for the motor home park must be constructed and maintained with a gravelled surface 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.

#### 4.5 Landscaping

Prior to the commencement of the use, the applicant/developer must prepare and submit a landscape plan for consideration and approval by Council's delegated officer.



The landscape plan must illustrate, at minimum a 2 metre wide landscape buffer planted along the Chewko Road frontage of the site for the full length of the motor home park area, excluding access point/s.

The landscape buffer must be planted prior to the commencement of the use and should include shrubs and trees that will grow to form an effective visual buffer of no less than 3 metres in height. The landscape buffer must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.6 Non-Reticulated Water Supply

Any water supplied to the park visitors must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines) or if there is not any potable water, it must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

#### 4.7 On-Site Wastewater Management

- (i) No black or grey water from motor homes is to be discharged on site unless discharged in an approved 'dump ezy' style holding tank.
- (ii) The design of the 'dump ezy' style holding tank must be certified by a RPEQ (Registered Professional Engineer of Queensland) and must include an overflow trench and warning/alarm system to notify the applicant when stored waste levels reach 75 percent capacity, unless otherwise approved by Council's delegated officer.
- (iii) The 'dump ezy' style holding tank must be emptied by a licensed waste collector and taken to a licensed waste water facility (sewage treatment plant).
- (iv) When in use, the 'dump ezy' style holding tank must be emptied at least once (1) per week to minimise the potential for odour nuisance, unless otherwise approved by Council's delegated officer.
- (v) The applicant must keep receipts for the transportation and dumping of waste and must make these records available for Council's inspection upon request.
- (vi) Any spills or overflows from the 'dump ezy' style holding tank must be reported to Council immediately.

#### 4.8 Electricity Easement Requirements

- (i) The easement area is excluded from the proposed motor home park area, with no short term parking of motor homes / caravans permitted within the easement area.
- (ii) Motor home vehicle movements across the easement are limited to the area shown as proposed driveway (as amended in red on the attached plan).
- (iii) Natural ground level within the easement should not be altered without approval from Ergon Energy. Should any cut and/or fill be proposed within the easement, detailed civil drawings showing the proposed levels (and the location of Ergon Energy assets in relation to the proposed development) must be approved by Ergon Energy prior to any works commencing on site. Should changes (i.e. realignment) to Ergon Energy infrastructure be proposed or required as part of the development, those changes are made with Ergon Energy's consent and at the developer/owner's expense (unless otherwise agree to by Ergon Energy).
- (iv) Access to the easement and access along the easement must be available to Ergon Energy personnel and equipment at all times. Where fencing prohibits access to and along the easement area, gates must be supplied and installed at the developer/owner's expense.
- (v) If required, the developer will be required to negotiate electricity supply arrangements by applying in writing to Ergon Energy, or by contacting Ergon Energy on 13 10 46. Early contact is recommended. Should the development require additional onsite infrastructure (i.e. additional or upgraded pad mounted transformer), early contact with Ergon Energy (i.e. prior to detailed design) can ensure any easement requirements are accounted for in a timely and efficient manner.

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

- (a) 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.

- (b) The change in the use of any building may also require a change in the classification of that building under the Building Act. The applicant is advised to contact a Building Certifier to establish if a change in the classification of the building is required.

- (c) 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.

(d) 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.

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(g) Motor Home Park

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the motor home park/caravan park/camping ground.

(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);

(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)

2. The Council refund \$7,824.00 of the augmentation of the road network contribution paid for development approval DA/13/0129."

**CARRIED**

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## ITEM-2

**EXTENSION TO RELEVANT PERIOD - LANDGOLD PTY LTD - MATERIAL CHANGE OF USE - MOTEL - LOT 1 RP725711 - CNR KENNEDY HIGHWAY, MAREEBA CONNECTION ROAD & KENNEALLY ROAD, MAREEBA - MCU/08/0063**

Moved by Cr Graham

Seconded by Cr Jensen

- “1. That in relation to the application to extend the relevant period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	Landgold Pty Ltd	ADDRESS	Cnr Kennedy Highway, Mareeba Connection Road & Kenneally Road, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	30 January 2016	RPD	Lot 1 on RP725711
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motel		

and in accordance with the Sustainable Planning Act 2009, the following

- (A) The relevant period be extended for *one (1) year from 9 February 2016 to 9 February 2017.*
2. A Notice of Council's decision be issued to the applicant/ Department of Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email [CairnsSARA@dilgp.gov.au](mailto:CairnsSARA@dilgp.gov.au) (reference: SPD-0216-024766) advising of Council's decision".

**CARRIED**

### ITEM-3

**B & F COPLAND - RECONFIGURING A LOT -  
SUBDIVISION (1 INTO 2 LOTS) - LOT 64 N157400 - 38  
COPLAND ROAD, KOAH - DA/16/0005**

Moved by Cr Pedersen

Seconded by Cr Holmes

"Council's reasons for not adopting the assessment officer's recommendation are:

- *Council considers that the subject land is not suitable for intensive agricultural production, is not mapped as good quality agricultural land, and there is little likelihood of any adjoining properties being developed with incompatible land uses.*

- *The proposed lots are consistent in size with a number of other allotments in the immediate locality.*

The following set of conditions are proposed given Council's decision to approve this application.

### Conditions

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	B & F Copland	<b>ADDRESS</b>	38 Copland Road, Koah
<b>DATE LODGED</b>	1 February 2016	<b>RPD</b>	Lot 64 on N157400
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

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

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Current Aerial Google Map - Lot 64 Koah, Queensland	-	-

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

(a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the 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 the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved otherwise by Council's delegated officer.
- 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.
- 3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.7 Flood Immunity
- All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.8 No filling is to occur below the 100 ARI flood level unless approved in further Operational Works applications for works associated with the approved conditions of development.

### 3.9 Bushfire Management

#### 3.9.1 Any new dwelling erected on Lot 1 shall:

- be sited in locations of lowest hazard within the lot;
- achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
- be provided with a source of water for fire-fighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within 40 metres from the habitable buildings.

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

### 3.10 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.

### 3.11 Charges

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

## 4. Infrastructure Services and Standards

### 4.1 Access

The existing access crossover must be constructed/upgraded (from the edge of the road pavement to the property boundary of Lot 2) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

Should the applicant/developer elect to complete the works required by Condition 4.3, an access crossover must also be constructed (from the edge of the new road to the property boundary of Lot 1) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the

Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

#### 4.3 Roadworks - External Construction

Prior to the endorsement of a plan of survey, 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:

4.3.1 The poorly constructed section of road reserve to the north of the subject site (proposed to access Lot 1) is to be upgraded/constructed to a formed gravel standard (8 metre formation, 5.5 metre pavement width) from its intersection with Copland Road to a point 20 metres past the access crossover to Lot 1.

4.3.2 The intersection between Copland Road and the new section of road required under 4.3.1 must also be upgraded.

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

As an alternative to the external road works described above, the applicant/developer may provide an access easement through Lot 2 to service Lot 1. The applicant/developer must provide an all-weather gravel access road for the full length of the easement. The easement must be included on the plan of survey and a copy of the easement schedule must be provided to Council for review by Council's delegated officer.

#### 4.4 Non-reticulated Water Supply

4.4.1 Lot 1 must be provided with a potable water supply in accordance with Planning Scheme Policy No. 1 - Water Supply (Outside Reticulated Water Supply Area).

4.4.2 Where a bore is to be used as a source of water, bore installation will be in accordance with the requirements of D6.07 of the FNQROC Development Manual.

4.4.3 Where a bore is to be used as a source of potable water, it will be sited in accordance with the setback distances specified in the Queensland Plumbing and Wastewater Code.

4.4.4 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4.5 Rainwater tanks will not be accepted as a means of potable water supply for the allotment.



- 4.4.6 If an existing bore is proposed as a potable water supply, this bore must comply with 4.3.2 (minimum sustainable yield only), 4.3.3 and 4.3.4 above.

4.5 On-Site Wastewater Management

At the time of building construction on Lot 1, any associated on-site wastewater disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547), to the satisfaction of Council's delegated officer.

4.6 Electricity Provision/Supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to Lot 1 in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.

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

4.7 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to Lot 1 and arrange provision of necessary conduits and enveloping pipes.

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

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

- 5.2 the developer must pay \$4,315.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

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

- The trunk transport network servicing the land (\$4,315.00)

- 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) Endorsement Fees

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

- (c) 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.

- (d) Notation on Rates Record

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

- conditions regarding bushfire management
- an approved bushfire management plan
- flood immunity
- At the time of building construction, any associated on-site wastewater disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547), to the satisfaction of Council's delegated officer (Lot 1 only)
- an approved source of water supply via bore (Lot 1 only)

- (e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

**CARRIED**

**Cr Jensen recorded her vote against the motion**

## GOVERNANCE AND COMPLIANCE

### **ITEM-4                      BAR BARRUM CLAIM NO 5 AND CONSENT DETERMINATIONS**

Moved by Cr Jensen

Seconded by Cr Pedersen

"That:

1. Council accept the State's tenure analysis for the various land parcels contained within the Bar Barrum People No 5 Claim area as per the updated Streamlined Tenure Analysis Table provided for that claim.
2. Council consent to a determination of native title in the Bar Barrum People Claims No's 2, 3, 4, 5, and 6 (QUD6015/2001, QUD6017/2001, QUD6030/2001, QUD6031/2001 and QUD6032/2001) substantially in the terms of the draft consent determinations provided by MacDonnells Law and considered by Council, with such amendments as may be required to enable the consent determinations to be made by the Federal Court.

3. Council delegate to the Chief Executive Officer the power to negotiate and agree, on behalf of Council, to such changes to the draft consent determinations, referred to in 2. above, as are required to enable the Federal Court to make the consent determinations."

**CARRIED**

**ITEM-5                                      RESERVATION IN TITLE FOR ROAD PURPOSES - LOT  
31 ON HG712 BARBETTI ROAD MUTCHILBA**

Moved by Cr Ewin

Seconded by Cr Brown

"That Council advise the Department of Natural Resources and Mines that, with respect to the reservation in title for road purposes registered against Lot 31 on HG712, Barbetti Road, Mutchilba, Council has no interest in the subject road reservation and has no objection to it being purchased by the registered owner of Lot 31 on HG712."

**CARRIED**

## **INFRASTRUCTURE SERVICES**

### **TECHNICAL SERVICES**

**ITEM-6                                      CONTRACT TMSC2015-13 MAREEBA WASTEWATER  
TREATMENT PLANT - DESIGN AND CONSTRUCTION -  
FEBRUARY 2016 PROGRESS REPORT**

Moved by Cr Jensen

Seconded by Cr Graham

"That Council note the February 2016 progress report on the Mareeba Wastewater Treatment Plant."

**CARRIED**

**ITEM-7                                      AIRSTRIP UPGRADE - CHILLAGOE AIRPORT -  
FEBRUARY 2016 PROGRESS REPORT**

Moved by Cr Holmes

Seconded by Cr Brown

"That Council note this progress report on the Chillagoe airstrip."

**CARRIED**

**ITEM-8                      MAREEBA AIRPORT UPGRADING - FEBRUARY 2016**  
**PROGRESS REPORT**

Moved by Cr Brown  
Pedersen

Seconded by Cr

"That Council note the February 2016 progress report on the Mareeba Airport Upgrading."

**CARRIED**

## ITEM-9 ANNUALISED LANDING FEES AT MAREEBA AIRPORT

Moved by Cr Jensen

Seconded by Cr Holmes

"That Council approve annualised landing fees for aircraft utilised in flight training at the Mareeba Airport of \$1,600 per year for aircraft under 2,000kg and \$3,200 per year for aircraft between 2,000kg and 5,700kg."

**CARRIED**

**ITEM-10                      BIGMATE FLEET MANAGEMENT SYSTEM - FEBRUARY  
2016 PROGRESS REPORT**

Moved by Cr Pedersen

Seconded by Cr Graham

"That Council note the BigMate Fleet Management System, February 2016 Progress Report".

**CARRIED**

## CHIEF EXECUTIVE OFFICER

**ITEM-11                      GINGERELLA QUARRY COMPLIANCE - MCU/09/0021 & DA/14/0059**

Moved by Cr Holmes

Seconded by Cr Graham

"That Council

1. Receive this report and confirm that officers' actions are in line with Councils policy and position.
2. Confirm that in approving DA/14/0059, it was Council's intention that DA/14/0059 operate in conjunction with and subordinate to MCU/09/0021, not as a replacement approval.
3. That a copy of this report be forwarded to the complainant and M & G Crushing and Materials Pty Ltd.
4. That Council write to M & G Crushing and Materials Pty Ltd acknowledging its advice that the company will only be extracting material under Development Approval

MCU/09/0021 until further notice and advise the company that Council expects all conditions of development approval MCU/09/0021 to be complied with, including the following action:

*Condition 3.5 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.*

Action Required by M & G Crushing

M & G Crushing is to ensure records are provided to Council each month even in the event of nil extraction.

*Condition 4.1 Access*

*The access/intersection to the site must be designed, constructed and maintained in accordance with the FNQROC Development Manual to the satisfaction of Council's delegated officer. Particular reference is made to Section D1 Road Geometry D1.12 Intersections.*

*Appropriate signage as per the relevant MRD Standard will be installed and stormwater culverts must be sized to carry all runoff to a Q10 Standard.*

Action Required by M & G Crushing

Council Subdivisions/Assets Officer carried out an inspection of the access on 15 February 2016.

M & G Crushing is to reinstate gravel to a depth of 150mm on each 25m radius of the Gingerella Quarry access.

*Condition 5.1 Roadworks Contribution*

*The developer must pay a contribution for roadworks to Council in accordance with Mareeba Shire Planning Scheme Policy 6 (Augmentation of the Road Network Contribution).*

*The contribution is \$149,785.00 for each 3,333 haul truck movements (carting extracted material from the site only) towards the upgrading of road external to the site. The contribution shall be paid by monthly instalments based on the actual number of haul truck movements. The initial instalment shall be paid to Council within thirty (30) days of this Development Approval taking effect.*

Action Required by M & G Crushing

M & G Crushing is to ensure contributions are paid to Council based on the quantity of material extracted each month.

Further, apart from Conditions 3.10, 3.12 and 3.13, all other conditions of DA/14/0059 must be complied with as soon as the use of the camp facilities within the westernmost quarry extension area re-commences."

**CARRIED**

## **BUSINESS WITHOUT NOTICE**

Cr Brown declared a conflict of interest with the following general business item and left the room at 9:43am taking no part in the discussion.

### **ADHOC-1**

### **DIMBULAH COMMUNITY CENTRE**

Moved by Cr Holmes

Seconded by Cr Pedersen

"That Council give in principle support for the redevelopment of the Dimbulah Memorial Hall to turn it into the Dimbulah Community Centre as outlined in the Dimbulah Community Centre Not for Profit Organisation's business plan.

And further that, significant community consultation would be required and a suitable lease being negotiated and entered in to should the necessary funding be sourced."

**CARRIED**

**Cr Jensen recorded her vote against the motion**

## **NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 16 March 2016

There being no further business, the meeting closed at 9:48am.

.....  
Cr Tom Gilmore  
Mayor