



Ordinary Meeting

Council Chambers

Date: 6 April 2016

Time: 9:45 am

MINUTES

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

APPLICATION		PREMISES	
APPLICANT	M Ryan	ADDRESS	120 Ganyan Drive, Speewah
DATE LODGED	11 February 2016	RPD	Lot 6 on RP731084
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	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);

And

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

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

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Amended Lot Layout	-	-

(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 Building Envelope

For the purposes of protecting remnant ecosystems from vegetation/habitat clearing, the applicant/developer shall prepare and submit a building envelope plan for Lot 62 only. The proposed building envelope must not exceed 2,000m² in area and should be setback a minimum of 10 metres from any new or existing property boundary.

Any new building within Lot 62 must be contained within the building envelope.

3.11 Rural Addressing

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

3.12 Charges

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

4. Infrastructure Services and Standards

4.1 Access

Access to all lots shall be constructed/upgraded (from the edge of the road pavement to the property boundary) 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 Non-reticulated Water Supply

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

4.3.2 Where a bore is to be used as a source of water, bore installation will be in accordance with the requirements of D6.09 of the FNQROC Development Manual.

4.3.3 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.

4.3.4 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).

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

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

4.4 On-Site Wastewater Management

At the time of building construction on Lot 62, 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.

The location of the existing septic trench must be established and if necessary, the lot layout amended, to ensure the existing septic trench is entirely within proposed Lot 61.

4.5 Landslide

For any new buildings on a slope of 15% or greater, the land owner must provide a site-specific geo-technical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- The long term stability of the development site; and
- The development site will not be adversely affected by landslide activity originating on sloping land above the development site.

4.6 Electricity Provision/Supply

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

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

4.7 Telecommunications

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

5. 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 \$8,630.00 (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)
 - The trunk parks and open space 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) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- an approved building envelope plan
- flood immunity
- at the time of dwelling construction a 22,500L rainwater tank is to be provided in accordance with the Dwelling House Code to the satisfaction of Council's delegated officer
- an on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report
- an approved source of water supply via bore

(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.

(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.

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot not requiring Operational Works – two (2) 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 J & K PARKER - MATERIAL CHANGE OF USE -
 RESIDENTIAL UNITS (3 X 2 BEDROOM UNITS) LOT 23
 ON RP749169 - 15 TILSE STREET, MAREEBA -
 DA/16/0006**

Moved by Cr Davies

Seconded by Cr Graham

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

APPLICATION		PREMISES	
APPLICANT	J & K Parker	ADDRESS	15 Tilse Street, Mareeba
DATE LODGED	1 February 2016	RPD	Lot 23 on RP749169
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Residential Units (3 x 2 Bedroom Units)		

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 - Residential Units (3 x 2 Bedroom Units)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
5003A DA.01	Title Sheet/General Info	-	-
5003A DA.02	3D Documents	-	-
5003A DA.08	Landscape Plan	-	-
5003A DA.09	Typical Layout	-	-
5003A DA.13	Building Elevations	-	-

(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 Waste Management

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

Each unit is to be provided with an individual letter box.

3.7 Clothes Drying area

Sufficient area for clothes drying is to be provided in addition to the open space requirements of the units and is to be appropriately screened from view of adjoining properties and the street.

4. Infrastructure Services and Standards

4.1 Access

A **Commercial** access crossover must be constructed (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 is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to 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.
- (c) The Stormwater Management Plan must consider, at minimum, a Q10 weather event.
- (d) The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.
- (f) 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 the development is provided with five (5) on-site car parking spaces, comprising of one (1) covered parking space per unit and two (2) visitor parking spaces, 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, bitumen or

asphalt sealed, 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.

4.4 Landscaping & Fencing

- (a) The development is to be landscaped generally in accordance with the submitted landscape plan (Drawing No. 5003A - DA.08), to the satisfaction of Council's delegated officer.

Plant species used should be generally native species, and in accordance with Schedule A of Planning Scheme Policy No. 9 - Landscaping. The landscaping of the site must be carried out prior to the commencement of the use and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- (b) (i) Prior to the commencement of the use, solid 1.8 metre high timber or colorbond fencing of neutral colour is to be erected along the site's northern, southern and western property boundaries.
- (ii) Prior to the commencement of the use, solid 1.8 metre high timber or colorbond fencing of neutral colour is to be erected between each dwelling unit, separating areas of private open space, as shown on the submitted landscape plan (Drawing No. 5003A - Da.08).

The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.5 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.

4.6 Water Supply

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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Each dwelling unit is required to be separately metered.

4.7 Sewerage Connection

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

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

(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) 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.

- (d) 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.

- (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.

- (g) Environmental Protection and Biodiversity Conservation Act 1999

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

- (h) Cultural Heritage

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

- (i) 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) 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

- 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).

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per EDC	EDC		EDC	
Augmentation of the Road Network Contributions (Mareeba South)	\$4,315.00	1.5	\$6,472.50	1 (\$4,315.00)	\$2,157.50
Open Space Contributions	\$4,315.00	2.1	\$9,061.50	1 (\$4,315.00)	\$4,746.50
Water Supply Headworks Contributions	\$4,315.00	2.19	\$9,449.85	1 (\$4,315.00)	\$5,134.85
Sewerage Headworks Contributions	\$4,315.00	2.19	\$9,449.85	1 (\$4,315.00)	\$5,134.85
TOTAL CURRENT AMOUNT OF CHARGE					\$17,173.70

CARRIED

ITEM-3 APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD - LOT 144 ON HG625, PARISH OF DYNES

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council offer no objection to the conversion to freehold of the term lease over land described as Lot 144 on HG625, Parish of Dynes and advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

CARRIED

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>Rural Zone Code:</p> <p>4.80 Reconfiguring a Lot</p> <p>PS1.1 Allotments to have a minimum area of 30 hectares and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.</p>	<p><i>The proposed development is in conflict with the rural subdivision provisions contained within the Planning Scheme as both proposed lots are significantly smaller than the desired minimum resultant lot size of 30 Ha for land within the Rural zone (where not GQAL).</i></p> <p><i>Despite this conflict, the Coty principle (legal precedent) allows Council to give weight to a future planning scheme and its provisions during the assessment of a development application. The draft Mareeba Shire Council Planning Scheme, which is approaching adoption by Council, places the subject site within the Rural Residential zone (2 Ha Precinct). The proposed development is consistent with the intent of the site's future rural residential zoning and associated 2 Ha minimum lot size.</i></p> <p><i>Should Council refuse this development application against the officer's recommendation, the applicant could simply re-apply once the draft Mareeba Shire Council Planning Scheme is in effect. A fresh application for the same proposal would not conflict with the future planning scheme.</i></p> <p><i>Despite the identified conflict, for reasons discussed above, it is recommended that the application be approved.</i></p>

(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
7443 - LL2	Proposed Reconfiguration of a Lot (1 Lot into 2 Lots)	Twine Surveys Pty Ltd	9/12/2015

(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 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 to 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 671 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 (servicing Lot 672) shall be constructed/upgraded (from the edge of the road pavement to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

An access crossover must be constructed to Lot 671 (from the edge of the road pavement to property boundary) 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 Frontage Works - Koah Road

Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of Lot 671 in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual.

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

4.4 Non-reticulated Water Supply

4.4.1 Each Lot must be provided with a potable water supply via bore or perennial stream 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 either allotment.

4.4.6 If an existing bore is proposed as a potable water supply for either allotment, 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 671, any associated on-site wastewater disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (AS/NZS 1547), 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 each allotment in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.

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

4.7 Telecommunications

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

5. 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 \$8,630.00 (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)
- The trunk parks and open space 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) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding bushfire management
- an approved bushfire management plan
- flood immunity
- waterway setback
- An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report (Lot 671 only).
- an approved source of water supply via a watercourse (Clohesy River)

(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.

(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

GOVERNANCE AND COMPLIANCE

ITEM-6 MAREEBA INDUSTRIAL ESTATE - SALE OR LEASING OF LOTS ON TERMS

Moved by Cr Graham

Seconded by Cr Toppin

"That Council:

1. Delegate authority to the Chief Executive Officer to enter into negotiations with applicants for purchase or lease of land in the Mareeba Industrial Park in accordance with the terms and conditions set out in this report, with any negotiated lease or purchase arrangements to be given final approval by Council.

2. Approve the offer of a 5 year lease with option to purchase over Lot 46 on SP198053 in the Industrial Park to North Queensland Haulage Pty Ltd trading as Mareeba Concrete Company."

CARRIED

ITEM-7 NOMINATION FOR LGAQ EXECUTIVE DISTRICT REPRESENTATIVE 2016-2020

Moved by Cr Brown

Seconded by Cr Toppin

"That Council recommend Councillor Bob Manning for nomination as the candidate for the Far North LGAQ Executive position."

CARRIED

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES

ITEM-8 MAREEBA SHIRE COUNCIL INFRASTRUCTURE SERVICES CAPITAL WORKS 2015/2016 & COMMITTED WORKS 2016/2017

Moved by Cr Pedersen

Seconded by Cr Brown

"That Council note the Infrastructure Services Capital Works 2015/2016 and Committed Works 2016/2017 Summary Report."

CARRIED

BUSINESS WITHOUT NOTICE

Nil

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Mareeba 9:00 am on Wednesday 20 April 2016.

There being no further business, the meeting closed at 10:11 am.

.....
Cr Tom Gilmore
Mayor

**APPENDIX 1- ITEM-4 S & A GRIST - RECONFIGURING A LOT - SUBDIVISION
1 INTO 2 LOTS) - LOT 267 ON NR6781 - 1 COPLAND ROAD, KOAH - DA/15/0056**Department of Infrastructure,
Local Government and PlanningOur reference: SDA-0116-027474
Your reference: DA/15/0056

16 February 2016

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

Dear Sir/Madam

Concurrence agency response—with conditions

Development application for a Development Permit – Reconfiguration of a Lot (1 into 2 lot subdivision) on land located at 1 Copland Road, Koah, or otherwise described as Lot 267 on NR6781.

(Given under section 285 of the *Sustainable Planning Act 2009*)The referral agency material for the development application described below was received and deemed properly referred by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 25 January 2016.**Applicant details**

Applicant name:	Steven John Grist and Amanda Maree Grist
Applicant contact details:	1 Copland Road Koah QLD 4881

Email: SteveGrist@gmail.com**Site details**

Street address:	1 Copland Road, Koah, QLD, 4881
Lot on plan:	Lot 267 on NR6781
Local government area:	Mareeba Shire Council

SDA-0116-027474

Application details

Proposed development: Development Permit for the Reconfiguration of a Lot – 1 into 2 lot subdivision

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development Permit	1 into 2 lot subdivision	Code Assessment

Referral triggers

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

Referral trigger Schedule 7, Table 2, Item 4—Vegetation clearing

Conditions

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

Reasons for decision to impose conditions

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

Further advice

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

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Development Permit for the Reconfiguration of a Lot (1 into 2 lot subdivision)				
Referral Agency Response (Vegetation) Plan (RARP)	Queensland Government (SAK – stars135)	11 February 2016	RARP SDA-0116-027474 – Sheet 1 of 1	-

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

SDA-0116-027474

For further information, please contact Chris Adamson, Principal Planning Officer, SARA Far North QLD on 4037 3233, or email chris.adamson@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager, Planning

cc: Steven John Grist and Amanda Maree Grist, SteveGrist@gmail.com
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

SDA-0116-027474

Our reference: SDA-0116-027474

Your reference: DA/15/0056

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for the Reconfiguration of a Lot – 1 into 2 lot subdivision		
Schedule 7, Table 2, Item 4—Vegetation clearing—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The permit holder is responsible for ensuring that: (a) a full copy of the permit is held by; and (b) that the extent of clearing authorised by this permit is properly understood by, any person(s) engaged or employed to carry out the clearing of the vegetation under this permit.	At all times
2.	a) No clearing as a result of the reconfiguration is to occur within Area A (Parts A1-A4) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0116-027474 dated 11 February 2016. b) No infrastructure, including, but not limited to, buildings, fences and roads is to be established or located within Area A (Parts A1-A4) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0116-027474 dated 11 February 2016. c) No infrastructure except fences, roads and underground services is to be established or located within Area B (Parts B1-B3) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0116-027474 dated 11 February 2016.	At all times

SDA-0116-027474

Our reference: SDA-0116-027474

Your reference: DA/15/0056

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 development minimises the impacts of vegetation clearing associated with the subdivision.
- To ensure that the clearing works are carried out in the location and to the extent specified in the attached Referral Agency Response Plan (RARP).
- To ensure the person undertaking the clearing works is aware of, and understands, all of the requirements and conditions associated with the carrying out the out the works above.
- To ensure the development achieves the applicable provisions and outcomes in the modules 8 of the State Development Assessment Provisions, version 1.7.

SDA-0116-027474

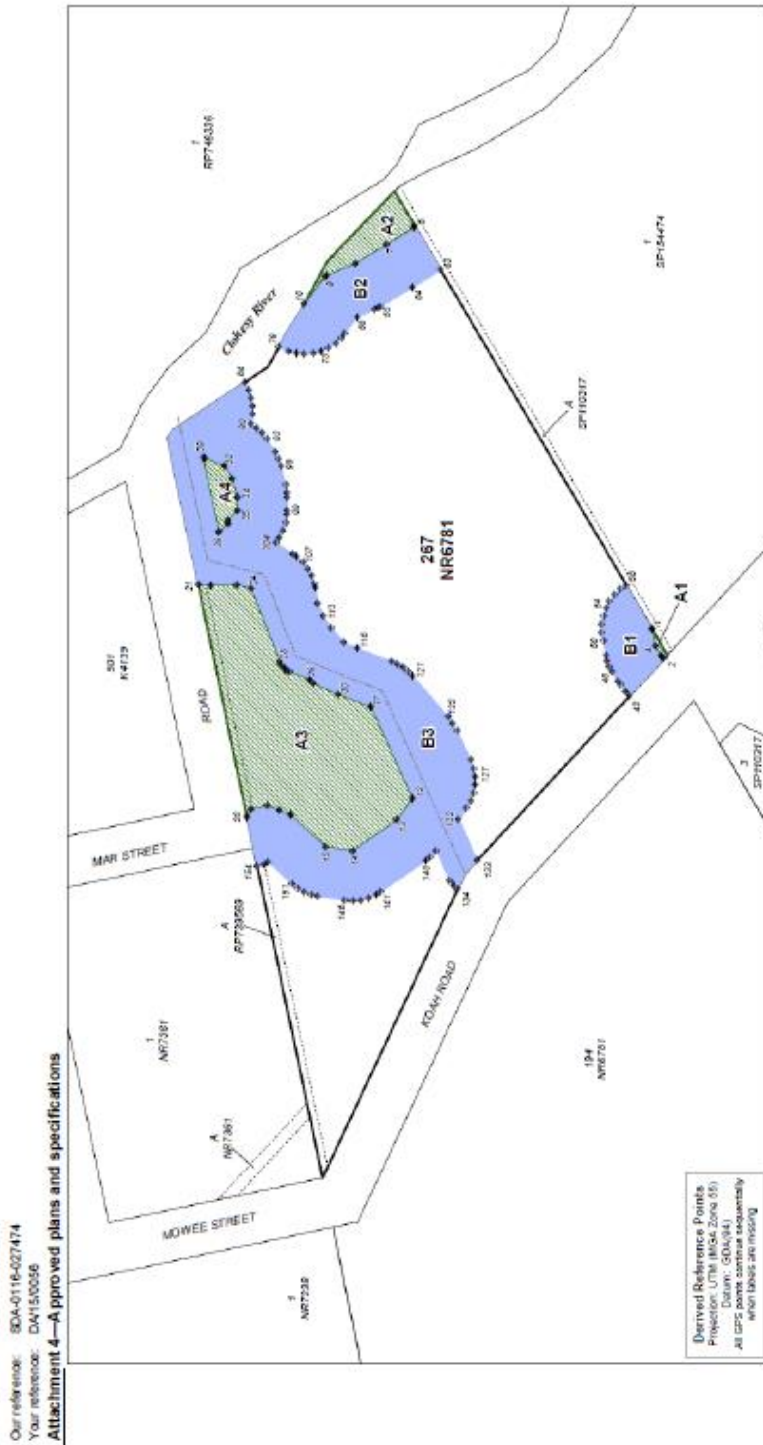
Our reference: SDA-0116-027474

Your reference: DA/15/0056

Attachment 3—Further advice

General advice	
Ref.	State Planning Policy
1	Mareeba Shire Council, in its role as assessment manager, must assess the part of the application against the State Planning Policy July 2014, in particular the interim development assessment provisions (such as natural hazards, risk and resilience), to the extent it is relevant to the development and where not appropriately reflected in council's planning scheme.

SDA-0116-027474



Our reference: SDA-0116-027474
Your reference: DA153056
Attachment 4—A proved plans and specifications

Derived Reference Points
Projection: UTM (MGA Zone 55)
Datum: GDA94
All GPS points continue sequentially when labels are missing

1:2000 @ A3 scale

Projection: UTM (MGA Zone 55) Datum: GDA94
Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries.
The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.
Note: This plan must be read in conjunction with the Referral Agency Response SDA-0116-027474

LEGEND

- + Derived Reference Points for GPS (refer to Attachment to Plan)
- Subject Lot(s)
- ▨ Area A (Parts A1-A4)
- ▨ Area B (Parts B1-B3)
- ▨ Proposed boundary

Referral Agency Response (Vegetation) Plan
Plan of Area A (Parts A1-A4) and Area B (Parts B1-B3) in Lot 267 on NR6781

REGION: NORTH
LOCAL GOV: MAREEBA SHIRE
GEOCS NO. 04330000800

CENTRE: MAREEBA
LOCALITY: DA153056
Map Reference: 2016
Prepared by: G.P. JAMES
Date: 11 February 2016

RARP
SDA-0116-027474
Sheet 1 of 1

SDA-0116-027474

Page 1 of 1

Attachment to Plan: SDA-0116-027474
Derived Reference Points for GPS

Horizontal Datum: GDA04 Projection: Transverse Mercator MGA 04 Zone 65

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Referral Agency Response SDA-0116-027474. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Eastings	Northing	Parcel	ID	Eastings	Northing	Parcel	ID	Eastings	Northing
A1	1	341827	8138880	B2	82	341898	8138931	B3	123	341571	8138608
A1	2	341810	8138882	B2	83	341842	8138815	B3	124	341588	8138608
A1	3	341811	8138884	B2	84	341832	8138822	B3	125	341540	8138708
A1	4	341817	8138887	B2	85	341820	8138851	B3	126	341544	8138708
A1	5	341827	8138880	B2	86	341810	8138853	B3	127	341520	8138705
A2	6	341898	8138931	B2	87	341819	8138855	B3	128	341534	8138705
A2	7	341857	8138849	B2	88	341814	8138868	B3	120	341520	8138708
A2	8	341848	8138887	B2	80	341804	8138873	B3	130	341524	8138707
A2	9	341830	8138884	B2	70	341801	8138875	B3	131	341520	8138800
A2	10	341822	8138897	B2	71	341798	8138878	B3	132	341513	8138805
A3	11	341850	8138857	B2	72	341795	8138889	B3	133	341480	8138704
A3	12	341828	8138822	B2	73	341793	8138897	B3	134	341472	8138805
A3	13	341813	8138842	B2	74	341792	8138892	B3	135	341473	8138807
A3	14	341804	8138888	B2	75	341792	8138907	B3	136	341475	8138800
A3	15	341807	8138884	B2	76	341792	8138902	B3	137	341477	8138810
A3	16	341815	8138805	B2	77	341793	8138907	B3	138	341464	8138818
A3	17	341819	8138912	B2	78	341798	8138912	B3	139	341460	8138822
A3	18	341821	8138910	B2	79	341802	8138897	B3	140	341488	8138824
A3	19	341819	8138929	B2	80	341838	8138885	B3	141	341470	8138851
A3	20	341815	8138931	B2	81	341848	8138887	B3	142	341488	8138854
A3	21	341854	8138880	B2	82	341857	8138848	B3	143	341485	8138859
A3	22	341853	8138853	B2	83	341867	8138832	B3	144	341485	8138863
A3	23	341853	8138937	B3	84	341775	8138933	B3	145	341464	8138868
A3	24	341801	8138929	B3	85	341770	8138930	B3	146	341465	8138873
A3	25	341807	8138912	B3	86	341795	8138928	B3	147	341467	8138888
A3	26	341804	8138910	B3	87	341791	8138928	B3	148	341468	8138893
A3	27	341802	8138907	B3	88	341795	8138928	B3	149	341470	8138897
A3	28	341897	8138893	B3	89	341790	8138929	B3	150	341472	8138901
A3	29	341894	8138892	B3	90	341747	8138925	B3	151	341475	8138904
A3	30	341888	8138877	B3	91	341744	8138922	B3	152	341488	8138918
A3	31	341890	8138857	B3	92	341741	8138919	B3	153	341480	8138922
A4	32	341725	8138845	B3	93	341733	8138915	B3	154	341485	8138925
A4	33	341717	8138940	B3	94	341729	8138912	B3	155	341515	8138931
A4	34	341700	8138937	B3	95	341724	8138911	B3	156	341519	8138929
A4	35	341698	8138937	B3	96	341713	8138908	B3	157	341521	8138919
A4	36	341692	8138943	B3	97	341708	8138907	B3	158	341519	8138912
A4	37	341690	8138943	B3	98	341703	8138907	B3	159	341518	8138905
A4	38	341685	8138948	B3	99	341698	8138907	B3	160	341487	8138954
A4	39	341730	8138857	B3	100	341690	8138907	B3	161	341484	8138960
A4	40	341725	8138845	B3	101	341691	8138905	B3	162	341513	8138942
B1	41	341810	8138883	B3	102	341695	8138910	B3	163	341528	8138932
B1	42	341597	8138702	B3	103	341692	8138912	B3	164	341580	8138957
B1	43	341590	8138705	B3	104	341679	8138914	B3	165	341588	8138977
B1	44	341594	8138708	B3	105	341672	8138903	B3	166	341594	8138982
B1	45	341598	8138709	B3	106	341670	8138901	B3	167	341597	8138983
B1	46	341801	8138713	B3	107	341687	8138908	B3	168	341602	8138908
B1	47	341805	8138714	B3	108	341683	8138905	B3	169	341803	8138900
B1	48	341803	8138719	B3	109	341659	8138992	B3	170	341608	8138911
B1	49	341811	8138717	B3	110	341654	8138991	B3	171	341651	8138929
B1	50	341820	8138718	B3	111	341652	8138990	B3	172	341653	8138937
B1	51	341825	8138719	B3	112	341643	8138989	B3	173	341653	8138953
B1	52	341830	8138719	B3	113	341635	8138988	B3	174	341654	8138960
B1	53	341835	8138718	B3	114	341828	8138981	B3	175	341685	8138948
B1	54	341839	8138717	B3	115	341819	8138973	B3	176	341680	8138943
B1	55	341844	8138714	B3	116	341818	8138988	B3	177	341682	8138943
B1	56	341848	8138711	B3	117	341808	8138944	B3	178	341808	8138937
B1	57	341851	8138709	B3	118	341805	8138941	B3	179	341708	8138937
B1	58	341853	8138704	B3	119	341804	8138938	B3	180	341717	8138940
B1	59	341827	8138880	B3	120	341802	8138935	B3	181	341725	8138945
B1	60	341817	8138887	B3	121	341500	8138932	B3	182	341720	8138958
B1	61	341811	8138884	B3	122	341575	8138911	B3	183	341685	8138948

