



## **Ordinary Meeting**

**Council Chambers**  
**Date: 20 April 2016**  
**Time: 9:00am**

## **MINUTES**

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## **MEMBERS IN ATTENDANCE**

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

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

Cr Pedersen was granted a leave of absence.

## **BEREAVEMENTS/CONDOLENCES**

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month, with particular mention of Brad Maisel.

## **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 Brown

Seconded by Cr Graham

"That the Minutes of the Post-Election Council Meeting held on 6 April 2016 be confirmed as true and correct."

**CARRIED**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That the Minutes of the Ordinary Council Meeting held on 6 April 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                      NQ FREIGHT SERVICES PTY LTD - MATERIAL CHANGE OF USE - FREIGHT DEPOT - LOT 1 RP720061 - 173 MARTIN AVENUE, MAREEBA- DA/16/0001**

Moved by Cr Brown

Seconded by Cr Davies

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	NQ Freight Services Pty Ltd	<b>ADDRESS</b>	173 Martin Avenue, Mareeba
<b>DATE LODGED</b>	5 January 2016	<b>RPD</b>	Lot 1 on RP720061
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Freight Depot		

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Freight Depot

(B) **APPROVED**

**PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
n/a	Breakdown of Uses Plan	Urban Sync Pty Ltd	n/a

(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 applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.4 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.
- 3.5 Flood Immunity
- All buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above 100 ARI year level.
- 3.6 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.
- 3.7 Signage
- (i) No more than one (1) advertising sign for the freight depot is permitted on the subject site.
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- (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 must be kept clean, in good order and safe repair for the life of the approval.
- (iv) The sign 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.

### 3.8 Hours of Operation

The operating hours shall be between 6:00am and 6:00pm Monday to Friday and between 8:00am and 10:00am Saturday. No operations are permitted on Sunday or Public Holidays.

### 3.9 Number and Size of Permitted Vehicles

The freight depot use may operate a total of seven (7) vehicles with each vehicle having a maximum carrying capacity of two (2) tonnes.

3.10 Access between the freight depot and the Kennedy Highway shall be via the existing Kennedy Highway intersection situated approximately 190 metres north-west of Lot 1 on RP720061 and not via Seary Road/Kenneally Road, except for when deliveries are being made to properties in the Seary Road/Kenneally Road locality.

## 4. Infrastructure Services and Standards

### 4.1 Access

The southern-most access crossover servicing the Freight Depot 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.

### 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) All stormwater drainage must be discharged to an approved legal point of discharge.

### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of five (5) on-site car 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 surfaced to at least gravel standard and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer. Two (2) car parking spaces must be delineated for use by site visitors.

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

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

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

No car parking associated with the freight depot use is permitted within road reserve adjacent to the subject land.

#### 4.4 Landscaping

The landscaping buffer strips along the northern boundary of Lot 1 on RP720061 and the southern border of the 'Freight Depot' Use as shown on the Breakdown of Uses Plan are to be maintained for the life of the Freight Depot Use.

#### 4.5 Water Supply

Any water supplied to the freight depot workers/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.

#### 4.6 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.

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

**(E) CONCURRENCE AGENCY CONDITIONS**

Department of Infrastructure, Local Government and Planning conditions dated 2 February 2016 (APPENDIX 1)





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>Rural Zone Code:</b></p> <p><b>4.80 Reconfiguring a Lot</b></p> <p><b>PS1.1</b> 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 all four (4) 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 considered to be generally consistent with the intent of the site's future rural residential zoning.</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 generally comply 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 4 lots and Common Property)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7443 - LL1	Proposed Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property)	Twine Surveys Pty Ltd	14/01/2016

(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

Any new dwelling erected on the lots 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.

### 3.10 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

4.1.1 The shared access driveway within the common property is to be constructed to a two (2) coat bitumen, asphalt or concrete sealed standard for the full length of the common property, to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum sealed width of four (4) metres; and
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the common property.

4.1.2 A two (2) coat bitumen, asphalt or concrete sealed access crossover must be constructed from the edge of the shared driveway mentioned in 4.1.1 to the property boundaries of each lot, generally in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.1.3 An access crossover must be constructed (from the edge of the Koah Road pavement to the shared driveway mentioned in 4.1.1) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage

4.2.1 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.

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

#### 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 two (2) metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of the site in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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

#### 4.4 Non-reticulated Water Supply

4.4.1 Each Lot must be provided with a potable water supply via bore or by water rights to a 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 any lot, this bore must comply with 4.4.2 (minimum sustainable yield only), 4.4.3 and 4.4.4 above.

#### 4.5 On-Site Wastewater Management

At the time of building construction on Lots 2, 3 & 4, any associated on-site wastewater disposal system must generally be constructed in accordance with the report prepared by Earth Test dated May 2015 in compliance with the latest version On-Site Domestic Wastewater Management Standard (AS/NZS1547) 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:

- bushfire management
- flood immunity
- 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/watercourse

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural



**ITEM-5 GRAVEL RESERVE - CHISARI ROAD MUTCHILBA**

Moved by Cr Wyatt

Seconded by Cr Brown

"That Council formally advise the Department of Natural Resources and Mines that due to gravel deposits on Reserve for Gravel Purposes Lot 469 on HG509 being exhausted, the land is no longer required for its service delivery function and is therefore surplus to Council's requirements and Council has no objection to the land being disposed of by the Department, either in priority to the existing lessee or on the open market."

**CARRIED****ITEM-6 LEASING OF MAREEBA AERODROME SITES - SECTION 236 OF LGR EXEMPTION**

Moved by Cr Davies

Seconded by Cr Graham

"That Council undertake the future leasing of land at the Mareeba Airport in accordance with the exemption from the public tender or auction process provided by section 236(1)(c)(vii) of the *Local Government Regulation 2012*, this particular section of the Regulation being applicable to the disposal of an interest in land that is used as an airport."

**CARRIED****ITEM-7 SUBLEASE OF LEASE AREA BB - MAREEBA AERODROME**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council consent to the request by W & B McGilvray to sublease lease area BB at the Mareeba Airport to Tower Resources Pty Ltd, subject to all costs associated with the sublease being met by Mr and Mrs McGilvray."

**CARRIED****ITEM-8 EXCHANGE OF LAND - KINGSBOROUGH**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That in relation to the resolution passed by Council at its meeting held on 15 October 2014 regarding the exchange of Lot 403 on K2351, Kingsborough for Lot 405 on K2351, Kingsborough:

1. Council proceed with the exchange of the land in accordance with the exemption provided under section 236(1)(c)(v) of the *Local Government Regulation 2012*, it having been determined by Council that this section of the Regulation is applicable in this instance to the disposal of a valuable non-current asset (Lot 403 on K2351).



2. In accordance with the advice received from the Department of Local Government, Council not proceed with an application to the Minister for approval under section 236(1)(f) of the Regulation to dispose of the land."

**CARRIED**

## FINANCE

### **ITEM-9                      FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MARCH 2016**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council note the financial report for the period ending 31 March 2016."

**CARRIED**

## COMMUNITY WELLBEING

### **ITEM-10                      COMMUNITY PARTNERSHIPS PROGRAM REQUESTS**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council purchase a new lawn mower, which is to be donated to the Julatten Men's Shed, to a maximum of \$18,000 on the basis that the Julatten Men's Shed provide a cash contribution of 50% pf the total purchase price."

**CARRIED**

### **ITEM-11                      REGIONAL ARTS DEVELOPMENT FUND - COMMUNITY GRANT APPROVALS**

Moved by Cr Toppin

Seconded by Cr Davies

"That Council approves the recommendations made by the RADF Committee."

**CARRIED**

## INFRASTRUCTURE SERVICES

### TECHNICAL SERVICES

**ITEM-12 ROAD RAIL OPEN LEVEL CROSSING INTERFACE AGREEMENT - QUEENSLAND RAIL**

Moved by Cr Graham

Seconded by Cr Toppin

"That Council delegate authority to the CEO to execute the Interface Agreement with Queensland Rail in accordance with *the legislative provisions of the Transport (Rail Safety) Act 2010* and the recommendations of the *Local Government Association of Queensland*."

**CARRIED**

**ITEM-13 NATIONAL STRONGER REGIONS FUND ROUND 3 PROJECT PROPOSAL - MAREEBA SEWER CAPACITY UPGRADE**

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council confirm the National Stronger Regions Round Three funding proposal for the Mareeba Sewer Capacity Upgrade and re-commit to funding Council's co-contribution of \$1.319 million for the Mareeba Wastewater Reticulation Network Upgrade for a total project cost of \$2.319 million".

**CARRIED**

**ITEM-14 BUILDING OUR REGIONS PROGRAM (ROUND 2) - PROJECT PROPOSALS**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council endorse the following project proposals for the Queensland State Government Building our Regions Program and commit to funding the management and costs associated with the on-going operation and maintenance of the asset and also commit to funding its capital co-contribution as follows:

1. Hastie Road New Sewer Main and Pump Station. Total Project Cost \$1.529 million. Council maximum financial contribution commitment: \$764,500 (50%).
2. Kenneally Road Sewer Capacity Upgrade. Total Project Cost \$790,000. Council maximum financial contribution commitment: \$395,000 (50%).
3. Tate River Crossing Safety and Accessibility Upgrade. Total Project Cost \$960,000. Council maximum financial contribution commitment: \$240,000 (25%). Current funding approved under the Community Resilience Program: \$384,000."

**CARRIED**



## WORKS

### **ITEM-19                      INFRASTRUCTURE SERVICES - WORKS SECTION PROGRESS REPORT - MARCH 2016**

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council receive and note the Infrastructure Services Transport Infrastructure, Parks and Gardens and Bridge Sections - Progress Report for the month of March 2016."

**CARRIED**

## WATER & WASTE

### **ITEM-20                      INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS REPORT - MARCH 2016**

Moved by Cr Wyatt

Seconded by Cr Davies

"That Council receive and note the March 2016 Monthly Water and Wastewater Report."

**CARRIED**

### **ITEM-21                      INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - MARCH 2016**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, March 2016."

**CARRIED**

## CHIEF EXECUTIVE OFFICER

### **ITEM-22                      EXTERNAL COUNCILLOR REPRESENTATION**

Moved by Cr Wyatt

Seconded by Cr Graham

"That the appointments be made to various Boards, Associations, Committees and Community Organisations as outlined in Appendix 2."

**CARRIED**

## BUSINESS WITHOUT NOTICE

Nil

## **NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 4 May 2016.

There being no further business, the meeting closed at 9:46am.

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Cr Tom Gilmore  
Mayor

**APPENDIX 1 ITEM-1 NQ FREIGHT SERVICES PTY LTD - MATERIAL CHANGE OF USE - FREIGHT DEPOT - LOT 1 RP720061 - 173 MARTIN AVENUE, MAREEBA- DA/16/0001**Department of Infrastructure,  
Local Government and PlanningOur reference: SDA-0116-027166  
Your reference: DA/16/0001

02 February 2016

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

Dear Sir / Madam

**Concurrence agency response—with conditions**

Development permit for a material change of use on land located at 173 Martin Avenue, Mareeba, QLD 4880, and described as Lot 1 on RP720061

(Given under section 285 of the *Sustainable Planning Act 2009*)The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 13 January 2016.**Applicant details**

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Applicant name:	NQ Freight Services Pty Ltd
Applicant contact details:	C/-Urban Sync Pty Ltd PO Box 2970 Cairns QLD 4870 louise@urbansync.com.au

**Site details**

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Street address:	173 Martin Avenue, Mareeba, QLD 4880
Lot on plan:	Lot 1 on RP720061
Local government area:	Mareeba Shire Council

SDA-0116-027166

**Application details**

Proposed development: Development permit for a material change of use for a freight depot

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

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	'Freight Depot'	Impact 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 3, Item 1—State-controlled road

**Conditions**

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

**Reasons for decision to impose conditions**

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

**Further advice**

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

**Approved plans and specifications**

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use				
Breakdown of Uses Plan	Unknown	Undated	Attachment 2: Plans	-

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

SDA-0116-027166

For further information, please contact Sue Lockwood, Senior Planning Officer, SARA Far North QLD on 4037 3215, or email [sue.lockwood@dilgp.qld.gov.au](mailto:sue.lockwood@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
A/Manager (Planning)

cc: NQ Freight Services Pty Ltd, [louise@urbansync.com.au](mailto:louise@urbansync.com.au)  
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-0116-027166

Our reference: SDA-0116-027166  
 Your reference: DA/16/0001

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 7, Table 3, Item 1 – State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads 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 development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>• Breakdown of Uses Plan – Attachment 2: Plans</li> </ul>	Prior to the commencement of use and to be maintained at all times
2.	The development must be generally in accordance with the Town Planning Report prepared by Urban Sync dated 5 January 2015, Reference 15-115 and Revision 1, in particular: <ul style="list-style-type: none"> <li>• Section 6 and Section 8.1, confirming that vehicle access to and from the Kennedy Highway will be via Martin Avenue via the Kennedy Highway / Martin Avenue Connection / Seary Road intersection</li> </ul>	Prior to the commencement of use and to be maintained at all times
3.	Direct access is not permitted between the Kennedy Highway and the subject site	At all times

SDA-0116-027166

Our reference: SDA-0116-027166  
Your reference: DA/16/0001

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

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure safe vehicular access to and from the state-controlled road
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road direct access to the state-controlled road is prohibited were not required

SDA-0116-027166

Our reference: SDA-0116-027166  
 Your reference: DA/16/0001

**Attachment 3—Further advice**


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General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Ref.	State Planning Policy
2.	<p>In its role as assessment manager, Mareeba Shire Council must assess the development application against the State Planning Policy July 2014, in particular the interim development assessment provisions such as 'Natural hazards, risk and resilience' and Strategic airports and aviation facilities, to the extent it is relevant to the proposed development.</p>
Ref.	Far North Queensland Regional Plan 2009-2031
3.	<p>In its role as assessment manager, Mareeba Shire Council must assess the development application against the policies of the Far North Queensland Regional Plan 2009-2031 to the extent the regional plan is not appropriately reflected in the planning scheme.</p>

SDA-0116-027166

Our reference: SDA-0116-027166  
Your reference: DA/16/0001

**Attachment 4—Approved plans and specifications**

**Breakdown of Uses Plan**



**Legend:**

- Residential Use
- Freight Depot Use
- Existing "Animal Husbandry—General" Use, associated with existing Residential Use.
- Shared access areas

**APPENDIX 2 ITEM-22 EXTERNAL COUNCILLOR REPRESENTATION**

Appointed Representative	Name of Committee/Organisation
Cr Gilmore	Kuranda Infrastructure Advisory Committee
	Tourism Kuranda
	Cairns District Disaster Management Group
	Local Disaster Management Group
	FNQ Regional Organisation of Councils
	Kuranda Community Precinct Advisory Committee
	Mona Mona Community Board
	Western Progress Association Watsonville
	JAMARR - Julatten & Mt Molloy Association of Residents and Ratepayers
	Mareeba PCYC Management Committee
Cr Brown	Mareeba Sporting Precinct C'tee
	Kuranda Community Precinct Advisory C'tee (Proxy)
	NQ Sports Foundation
	Barron Catchment Care
	Great Wheelbarrow Race Organising C'tee
	JAMARR (Proxy)
	LAWMAC
	Mareeba Liquor Industry Action Group
	Tablelands Outdoor Recreation Association
	Tropical Tablelands Tourism
Cr Davies	Great Wheelbarrow Race Organising C'tee (Proxy)
	Mareeba Heritage Centre Management C'tee (Proxy)
	Audit Committee
	Irvinebank Progress Association
	Chillagoe Alliance
	Speewah Residents Group (SRG) (Proxy)
	FNQ Regional Roads Group (Proxy)
Local Traffic Advisory Committee (Proxy)	
Cr Graham	Kuranda Infrastructure Advisory Committee
	Tablelands Futures Corporation
	Audit Committee
	Building Safer Communities Regional C'tee
	Mareeba Heritage Centre Management C'tee
	Mareeba Multicultural Festival Committee
	Relay For Life C'tee
	Homelessness Community Advisory Group
Cr Pedersen	Northern Region Pest Advisory Committee
	Local Disaster Management Group
	FNQ Regional Roads Group
	Northern Gulf Resource Management Group
	Gulf Savannah Development
	Local Traffic Advisory Committee
	FNQ Pest Advisory Forum
Cr Toppin	Kuranda Infrastructure Advisory Committee
	Kuranda Community Precinct Advisory C'tee (Proxy)
	JAMARR (Proxy)
	Regional Arts Development Fund (RADF)
	Mareeba Heritage Centre Management C'tee (Proxy)
	Mareeba PCYC Management Committee
	Speewah Residents Group (SRG) (Proxy)
	Kuranda Interagency Networks (KIN)
	Reef Guardians
	Wet Tropics Water Resource Plan
Cr Wyatt	Local District Disaster Management Group
	Barron Catchment Care (Proxy)
	Terrain (FNQNRM)
	Mareeba Multicultural Festival Committee (Proxy)
	Speewah Residents Group (SRG)
	Northern Region Pest Advisory Committee (Proxy)
	BRICMA Lower Zone
	BRICMA Central Zone Forum
Tourism Kuranda	