



## **Ordinary Meeting**

**Council Chambers**

**Date: 4 May 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 Pedersen, A Toppin and L Wyatt.

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

Nil

## **BEREAVEMENTS/CONDOLENCES**

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

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

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

## **CONFIRMATION OF MINUTES**

Moved by Cr Wyatt

Seconded by Cr Graham

"That the Minutes of the Ordinary Council Meeting held on 20 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                      Z GLEN - MATERIAL CHANGE OF USE - TOURIST FACILITY (RETREAT CENTRE) & BED AND BREAKFAST ACCOMMODATION - LOT 5 RP725499 - 13 FAIRYLAND ROAD, KURANDA - DA/16/0004**

Moved by Cr Pedersen

Seconded by Cr Toppin

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

| APPLICATION          |                                                                                              | PREMISES |                            |
|----------------------|----------------------------------------------------------------------------------------------|----------|----------------------------|
| APPLICANT            | Z Glen                                                                                       | ADDRESS  | 13 Fairyland Road, Kuranda |
| DATE LODGED          | 27 January 2016                                                                              | RPD      | Lot 5 on RP725499          |
| TYPE OF APPROVAL     | Development Permit                                                                           |          |                            |
| PROPOSED DEVELOPMENT | Material Change of Use - Tourist Facility (Retreat Centre) & Bed and Breakfast Accommodation |          |                            |

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Tourist Facility (Retreat Centre) and Bed & Breakfast Accommodation

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title                             | Prepared by | Dated     |
|----------------------|-------------------------------------------------|-------------|-----------|
| F-1                  | Site Plan                                       | -           | 7/11/2015 |
| F-2                  | Fairyland House & Garden Studio Facility Layout | -           | 7/11/2015 |
| F-3                  | Existing Fairyland House                        | -           | 7/11/2015 |
| F-4                  | Existing Garden Studio Floor Plan               | -           | 7/11/2015 |

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

- 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.
- 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

Any on-site refuse storage area/s must 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.

The use of any sound projecting objects such as stereos and megaphones must not be used at a level that is audible at any adjoining residence.

#### 3.7 Bushfire Management

- 3.7.1 The approved use/s must 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 tank supply, delivery of the water should be provided through a 50mm male Camlock fitting.

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

3.8 Signage

- 3.8.1 No more than 1 sign, not exceeding 2.4 square metres in sign face area, shall be erected along the frontage of the site (not within road reserve) to advertise the approved use/s.
- 3.8.2 The sign must be kept clean, in good order and safe repair for the life of the approval.
- 3.8.3 The sign must be removed when no longer required.

4. Infrastructure Services and Standards

4.1 Access

The access crossover servicing the approved use must be constructed/maintained (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

- 4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- 4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

- 4.3.1 The applicant/developer must ensure the development is provided with a minimum of 8 on-site car parking spaces (including 1 disabled parking space) which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be surfaced to at least compacted gravel standard, delineated, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, 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.

The car parking spaces and internal driveways are to be maintained at this standard for the life of the development.

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

- 4.3.2 Should Council receive any substantiated dust complaints in relation to dust emanating from the use of the gravel driveways and parking areas; the applicant is to concrete, asphalt or bitumen seal all trafficable areas.

At the time of seal, the car parking spaces and internal driveways are to be line marked, appropriately drained, and constructed to the Standards mentioned in Condition 4.3.1.

#### 4.4 Landscaping

Any areas of the site where the approved use (Fairyland House/Garden Studio) is not effectively screened from view from adjoining properties by existing vegetation, the applicant/developer is required to establish a 2-metre wide landscape buffer in order to achieve this screening. The landscaped buffer may include existing vegetation as well as trees and shrubs that:

- are placed at a maximum spacing of 1 metre; and
- will grow to a height of at least 2 metres; and
- will grow to form an effective visual buffer of no less than 2 metres in height.

All landscaping must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 Water Supply

The approved use/s must be supplied with a source of potable water that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health Medical Research Council and the National Resource Management Ministerial Council). Any sources of non-potable water 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.

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 the council.
- 5.2 The developer must pay **\$1,553.00** as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
  - The trunk transport network servicing the land
- 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.

As a B and B this property would be subject to the Kuranda Tourism Benefited Levy.

- (b) Food Premises

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

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

- (d) Compliance with applicable codes/policies

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

- (e) Compliance with Acts and Regulations

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

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

- (g) Cultural Heritage

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

#### (E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

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



- CARRIED**

**EXTENSION TO RELEVANT PERIOD & REQUEST TO  
CHANGE AN EXISTING APPROVAL - J DERNE & D  
ROUSILLE - MCU (PRELIMINARY APPROVAL) & ROL  
(SUBDIVISION 1 INTO 8 LOTS) LOT 22 SP182468 -  
SPEEDWAH RD. SPEEDWAH - REC/08/0063**

Seconded by Cr Wyatt

- | APPLICATION                                                         |                                                                                                                                  | PREMISES |                       |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------|
| APPLICANT                                                           | J Derne & D Rousille                                                                                                             | ADDRESS  | Speewah Road, Speewah |
| DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD & CHANGE OF DA LODGED | 13 February 2014                                                                                                                 | RPD      | Lot 22 on SP182468    |
| TYPE OF APPROVAL                                                    | Development Permit                                                                                                               |          |                       |
| PROPOSED DEVELOPMENT                                                | Material Change of use (Preliminary Approval Overriding the Planning Scheme) & Reconfiguring a Lot - Subdivision (1 into 8 Lots) |          |                       |

(A) The approved plan/s of Council's Negotiated Decision Notice issued on 13 April 2010 be amended as follows:

| Plan / Document Number | Plan / Document Name                                           | Date            |
|------------------------|----------------------------------------------------------------|-----------------|
| 08/6095 (BF-3)         | Proposed Reconfiguration of Lot 22 on SP182468                 | 24/3/2009       |
| <b>1342-SK8 Amdt A</b> | <b>Preliminary Layout General Arrangement and Staging Plan</b> | <b>14.03.16</b> |

- ### 1A. Staging of Development

*The development is to be undertaken in the following four (4) stages:*

*Stage 1 - 3 lots*

*Stage 2 - 1 lot*

*Stage 3 - 1 lots*

*Stage 4 - 3 lots*

*The conditions of development approval REC/08/0063 are to be complied with for each stage, to the extent necessary to service the respective stage, and prior to the endorsement by Council of the plan of survey for the respective stage, to the satisfaction of Council's delegated officer.*

- (C) The relevant period be extended for *one (1) year from 13 April 2016 to 13 April 2017.*
2. A Notice of Council's decision be issued to the applicant and the Department of Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dilgp.gov.au (reference: SPD-0316-025951) advising of Council's decision".

**CARRIED**

**ITEM-3                                      APPLICATION FOR AN EXTENSION OF THE  
TIMEFRAME TO PREPARE A LOCAL GOVERNMENT  
INFRASTRUCTURE PLAN**

Moved by Cr Graham  
by Cr Brown

Seconded

"That Council:

1. Prepare a Local Government Infrastructure Plan in accordance with the requirements of the Sustainable Planning Act 2009; and
2. In accordance with section 997 of the Sustainable Planning Act 2009, apply to the Minister for Infrastructure, Local Government and Planning for an extension of time for sections 979, 982, 983 and 996 of the Sustainable Planning Act 2009 up to and including 30 June 2018."

**CARRIED**

**ITEM-4                                      ADOPTED INFRASTRUCTURE CHARGES RESOLUTION  
(NO.1) 2016**

Moved by Cr Toppin

Seconded by Cr Graham

"That Council adopt, under section 630 of the Sustainable Planning Act 2009, the Adopted Infrastructure Charges Resolution (No.1) 2016 to have effect on and from 1 July 2016."

**CARRIED**

## GOVERNANCE AND COMPLIANCE

### **ITEM-5 KEEBLE STREET MAREEBA ROAD CLOSURE**

Moved by Cr Brown

Seconded by Cr Pedersen

"That in relation to the resolution passed by Council at its meeting held on 3 February 2016 to dedicate as Town Reserve, part of freehold Lot 57 on RP749632 to provide continuity of the existing Town Reserve (Lot 569 on M3568) down to Keeble Street, in light of the recent advice received from the Department of Natural Resources and Mines that they are unable to process an amendment to the Town Reserve, Council now proceed with its alternative proposal of dedicating as road, a 10 metre wide strip through Lot 57 on RP749632 along the edge of the Bicentennial Lakes to provide legal access to Town Reserve Lot 569 on M3568."

**CARRIED**

## FINANCE

### **ITEM-6 CEMETERIES FEES AND CHARGES 2016-2017**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council adopt the 2016/17 Fees and Charges for Cemeteries."

**CARRIED**

### **ITEM-7 URBAN AND REGIONAL PLANNING FEES AND CHARGES 2016-2017**

Moved by Cr Brown

Seconded by Cr Pedersen

"That Council adopt the 2016/17 Fees and Charges for Urban and Regional Planning."

**CARRIED**

## INFRASTRUCTURE SERVICES

## WATER & WASTE

### **ITEM-8 RECYCLE DESIGN AND TECHNOLOGY - PROPOSAL TO REMOVE AND RECYCLE PLASTIC WASTE**

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council approve and accept the proposal from Recycle Design & Technologies for the bailing, collection and removal of plastic waste from the Mareeba Transfer Station."

**CARRIED**

## **BUSINESS WITHOUT NOTICE**

### **ADHOC-1**

### **ATTENDANCE AT NQLGA CONFERENCE**

Moved by Cr Pedersen

Seconded by Cr Brown

"That Cr Wyatt and Cr Pedersen attend the NQLGA on 27-29 July 2016."

**CARRIED**

Cr Davies was granted a leave of absence from the Council Meeting 18 May 2016.

## **NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 18 May 2016.

There being no further business, the meeting closed at 9:12 am.

.....  
Cr Tom Gilmore  
Mayor