



Ordinary Meeting

Council Chambers
Date: 15 June 2016
Time: 9:08am

MINUTES

MEMBERS IN ATTENDANCE

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

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

BEREAVEMENTS/CONDOLENCES

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

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

Cr Pedersen declared a conflict of interest in relation to *ITEM-8 EOI-MS2016-01 Panel of Preferred Providers - 2016/2017*. Cr Pedersen advised that he would leave the meeting for the duration of the discussion and not vote regarding ITEM-8.

CONFIRMATION OF MINUTES

Moved by Cr Toppin

Seconded by Cr Wyatt

"That the Minutes of the Ordinary Council Meeting held on 1 June 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 MAREEBA SHIRE COUNCIL PLANNING SCHEME - ADOPTION AND COMMENCEMENT

Moved by Cr Brown

Seconded by Cr Pedersen

"That this Report be received and that:

1. Council:

- (a) Adopt the Mareeba Shire Council Planning Scheme as shown in the tabled document (and available on the website) pursuant to Step 9.1(a) of Part 2 of Statutory Guideline 04/14 Making and amending local planning instruments.
- (b) Adopt the following Planning Scheme Policies as shown in the tabled document (and available on the website) pursuant to Step 5.1 in Part 3 of the Statutory Guideline 04/14 Making and Amending Local Planning Instruments:

Planning Scheme Policy 1 – Character Area Design Guideline;
Planning Scheme Policy 2 – Ecological Assessment Reports;
Planning Scheme Policy 3 – Extractive Industry;
Planning Scheme Policy 4 – FNQROC Regional Development Manual;
Planning Scheme Policy 5 – Geotechnical Reports;
Planning Scheme Policy 6 – Landscaping and Preferred Plant Species;
Planning Scheme Policy 7 – Local Heritage Places;
Planning Scheme Policy 8 – Structure Planning; and
Planning Scheme Policy 9 – Footpath Paving.
- (c) Commence the Mareeba Shire Council Planning Scheme and Planning Scheme Policies on Friday 1 July 2016.
- (d) Place a notice in the Queensland Government Gazette, local newspapers and on the Council's website advising the adoption and commencement of the Mareeba Shire Council Planning Scheme and associated Planning Scheme Policies.
- (e) Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to finalise all matters in relation to the adoption and commencement of the Mareeba Shire Council Planning Scheme and associated Planning Scheme Policies.

2. Council request that Council officers progress an investigation into a potential rural precinct area centred around Koah Road and to encompass all land within Preferred Area No 3 - Clohesy River Area of the Mareeba Shire Planning Scheme 2004, and report back to Council with a recommendation on the preferred minimum lot size for the rural zone in this area."

CARRIED

ITEM-2 RODEO ACRES PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 8 LOTS) - LOT 12 SP146292 - MAREEBA-DIMBULAH ROAD, MAREEBA - DA/16/0019

Moved by Cr Brown

Seconded by Cr Graham

"That Council intends to approve this application and requests a Report be brought to the next Council meeting outlining conditions for approval."

CARRIED

ITEM-3 CLG PROPERTIES PTY LTD - MCU - TOURIST FACILITY AND ANCILLARY HELIPORT - LOT 20 HG725, LOT 1 M6493 & LOTS 19, 417 & 418 M6494 - 499 THORNBOROUGH-KINGSBOROUGH ROAD & 4260 MOUNT MULLIGAN ROAD - DA/16/0020

Moved by Cr Wyatt

Seconded by Cr Graham

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

APPLICATION		PREMISES	
APPLICANT	CLG Properties Pty Ltd	ADDRESS	499 Thornborough-Kingsborough Rd, Thornborough AND 4260 Mount Mulligan Rd, Mount Mulligan
DATE LODGED	15 April 2016	RPD	Lot 20 on HG725. Lot 1 on M6493 and Lots 19, 417 & 418 on M6494
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Facility & Ancillary Heliport		

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 and ancillary Heliport

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
TP01	Site Context Location Plan	Room Design Office	n/a
TP02	Mt Mulligan Station Site Plan	Room Design Office	n/a
TP03	Resort Site Aerial View	Room Design Office	n/a
TP04	Resort Location Plan	Room Design Office	n/a
TP05	Existing Town and Resort Facilities	Room Design Office	n/a
TP06	Existing Weir Site Plan	Room Design Office	n/a
TP07	Proposed Weir Resort Site Plan	Room Design Office	n/a
TP08	Proposed New Resort Building Site Plan	Room Design Office	n/a
A.1	Proposed Residence - Project Cover Sheet	PD Designs	November 2015
A.2	Proposed Residence - Floor Plan	PD Designs	November 2015
A.8	Proposed Residence - North/East	PD Designs	November 2015
A.9	Proposed Residence - South/West	PD Designs	November 2015

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

 (a) Development assessable against the Planning Scheme

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition 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 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/s must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.6 Flood Immunity

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms is a minimum of 300mm above 100 ARI year level.

3.7 Bushfire Management

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 Length of Stay

The maximum length of stay for any guest at the tourist facility must not exceed three (3) consecutive months.

3.9 Signage

3.9.1 All signage advertising the approved development must be kept clean, in good order and safe repair for the life of the approval.

3.9.2 All signage must be removed when no longer required.

4. Infrastructure Services and Standards

4.1 Access

All access crossovers 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

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 Car Parking/Internal Driveways

- (i) All car parking associated with the approved use must be accommodated within the subject site.
- (ii) All car parking spaces and internal driveways associated with the approved use must be constructed, at minimum, to all-weather gravel standard and appropriately drained, prior to the commencement of the use and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Non-Reticulated 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".

4.5 On-Site Sewerage Disposal

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

(D) ASSESSMENT MANAGER'S ADVICE

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

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.

- (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)

- 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

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

CARRIED

ITEM-4 **NORMAN PROPERTIES PTY LTD - APPLICATION FOR ADVERTISING SIGN WITHIN KENNEDY HIGHWAY ROAD RESERVE - ADJACENT TO LOT 2 ON RP748773, KOAH**

Moved by Cr Brown

Seconded by Cr Pedersen

"That Council refuse the application made by Victor G Feros Town Planning Consultants on behalf of Norman Properties Pty Ltd for the erection of a real estate advertising billboard within the Kennedy Highway road reserve adjacent to Lot 2 on RP748773, Koah, on the following grounds:

1. The proposed billboard is inconsistent with Council's Subordinate Local Law No.1 (Administration) 2011, Schedule 8, Section 11, Part 2 (3), Prescribed requirements for advertising devices:
 - (g) *an advertising billboard that advertises premises, or an activity conducted on the premises, must not diminish the visual amenity of the locality on which the advertising billboard is installed; and*
 - (r) *the advertising billboard is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated; and*
 - (s) *the advertising billboard is in other respects consistent with the character and values of the environment in which it is to be situated.*

2. The proposed billboard is inconsistent with Council's Subordinate Local Law No.1 (Administration) 2011, Schedule 8, Section 11, Part 4 Additional criteria for the granting of approval:
 - (c) *the advertisement is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated; and*
 - (d) *the advertisement is in other respects consistent with the character and values of the environment in which it is to be situated.*

3. The proposed billboard is inconsistent with the following development outcomes promoted by the Policy of the Assessment of Advertising Billboards:
 - b) *Signage that complements the local streetscape of its locality and presents a visually attractive appearance to public areas;*
 - e) *Signage that complements the objectives for the provision of attractive tourist scenic routes*

4. The proposed billboard is inconsistent with the following criteria stated in the Policy of the Assessment of Advertising Billboards:

A. Advertising billboard with a sign face area in excess of 3 square metres

- (i) *The advertising billboard must only be located in one of the following designated areas:*

Mareeba - As indicated on Plan No. AB-MAR

- *Kennedy Highway - Mareeba to Vicary Road*
- *Kennedy Highway - Mareeba to Kay Road*
- *Mulligan Highway - Mareeba to Hodzic Road*
- *Mareeba-Dimbulah Road - Mareeba to Gorge Creek*

Dimbulah - As indicated on Plan No. AB-DIM

- *Mareeba-Dimbulah Road - Dimbulah to Bruce Weir Road*
- *Burke Development Road - Dimbulah to Booth Road*

Chillagoe - As indicated on Plan No. AB-CHI

- *Burke Development Road to 2km east and west of Chillagoe*

Almaden - As indicated on Plan No. AB-ALM

- *Burke Development Road to 2km east and west of Almaden*

Mutchilba - As indicated on Plan No. AB-MUT

- *Mareeba-Dimbulah Road to 2km east and west of Mutchilba Road*

Mount Molloy - As indicated on Plan No. AB-MOL

- *Mulligan Highway - 2km north and south of National Hotel, Mount Molloy*

Mount Carbine - As indicated on Plan No. AB-CAR

- *Mulligan Highway - 2km east and west of Manganese Creek, Mount Carbine*

- (v) *The advertising billboard is of a shape, design and colour that is consistent with existing adjacent structures and streetscape."*

CARRIED

ITEM-5 NORMAN PROPERTIES PTY LTD - APPLICATION FOR ADVERTISING SIGN WITHIN KENNEDY HIGHWAY ROAD RESERVE - ADJACENT TO LOT 45 ON RP851442, KURANDA

Moved by Cr Pedersen

Seconded by Cr Toppin

"That Council refuse the application made by Victor G Feros Town Planning Consultants on behalf of Norman Properties Pty Ltd for the erection of a real estate advertising billboard

within the Kennedy Highway road reserve adjacent to Lot 45 on RP851442, Kuranda, on the following grounds:

1. The proposed billboard is inconsistent with Council's Subordinate Local Law No.1 (Administration) 2011, Schedule 8, Section 11, Part 2 (3), Prescribed requirements for advertising devices:
 - (g) *an advertising billboard that advertises premises, or an activity conducted on the premises, must not diminish the visual amenity of the locality on which the advertising billboard is installed; and*
 - (r) *the advertising billboard is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated; and*
 - (s) *the advertising billboard is in other respects consistent with the character and values of the environment in which it is to be situated.*
2. The proposed billboard is inconsistent with Council's Subordinate Local Law No.1 (Administration) 2011, Schedule 8, Section 11, Part 4 Additional criteria for the granting of approval:
 - (c) *the advertisement is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated; and*
 - (d) *the advertisement is in other respects consistent with the character and values of the environment in which it is to be situated.*
3. The proposed billboard is inconsistent with the following development outcomes promoted by the Policy of the Assessment of Advertising Billboards:
 - b) *Signage that complements the local streetscape of its locality and presents a visually attractive appearance to public areas;*
 - e) *Signage that complements the objectives for the provision of attractive tourist scenic routes*
4. The proposed billboard is inconsistent with the following criteria stated in the Policy of the Assessment of Advertising Billboards:
 - A. Advertising billboard with a sign face area in excess of 3 square metres**
 - (i) *The advertising billboard must only be located in one of the following designated areas:*
 - Mareeba - As indicated on Plan No. AB-MAR***
 - *Kennedy Highway - Mareeba to Vicary Road*
 - *Kennedy Highway - Mareeba to Kay Road*
 - *Mulligan Highway - Mareeba to Hodzic Road*
 - *Mareeba-Dimbulah Road - Mareeba to Gorge Creek*
 - Dimbulah - As indicated on Plan No. AB-DIM***
 - *Mareeba-Dimbulah Road - Dimbulah to Bruce Weir Road*

- *Burke Development Road - Dimbulah to Booth Road*

Chillagoe - As indicated on Plan No. AB-CHI

- *Burke Development Road to 2km east and west of Chillagoe*

Almaden - As indicated on Plan No. AB-ALM

- *Burke Development Road to 2km east and west of Almaden*

Mutchilba - As indicated on Plan No. AB-MUT

- *Mareeba-Dimbulah Road to 2km east and west of Mutchilba Road*

Mount Molloy - As indicated on Plan No. AB-MOL

- *Mulligan Highway - 2km north and south of National Hotel, Mount Molloy*

Mount Carbine - As indicated on Plan No. AB-CAR

- *Mulligan Highway - 2km east and west of Manganese Creek, Mount Carbine*

- (v) *The advertising billboard is of a shape, design and colour that is consistent with existing adjacent structures and streetscape."*

CARRIED

FINANCE

ITEM-6 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2016

Moved by Cr Davies

Seconded by Cr Graham

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

CARRIED

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES

ITEM-7 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - MAY 2016

Moved by Cr Davies

Seconded by Cr Toppin

"That Council receive and note the Infrastructure Services Technical Services Monthly Report for the month of May 2016."

CARRIED

Cr Pedersen left the room at 9:19am

**ITEM-8 EOI-MSC2016-01 PANEL OF PREFERRED PROVIDERS -
2016/2017 OCCASIONAL PLANT HIRE**

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council empanel the contractors listed in the documentation attached to this report for the purpose of providing Occasional Plant Hire EOI-MSC2016-01 for the 2016/2017 financial year."

CARRIED

Cr Pedersen Returned to the meeting at 9:22am

**ITEM-9 COMMUNITY RESILIENCE FUND - TATE RIVER BEEF
CAUSEWAY UPGRADE**

Moved by Cr Pedersen

Seconded by Cr Graham

"That Council note the progress report on the Tate River Beef Causeway Upgrade Project."

CARRIED

**ITEM-10 FNQROC - SUPPLY & DELIVERY OF REGIONAL
BITUMEN RESEAL PROGRAMME 2016/2017**

Moved by Cr Wyatt

Seconded by Cr Brown

"That Council;

1. Award contract TMSC2016-09 Regional Bitumen Reseal Program to Fulton Hogan Industries Pty Ltd for the tendered amount of \$651,544.40 (including GST).
2. Adopt the Register of Prequalified Suppliers in accordance with the attached supplier listing for 24 months with the option of a further 12 month extension at Council's discretion.
3. Delegate authority to the Chief Executive Officer in accordance with Government Act 2009 to negotiate, finalise and execute any and all matters in relation to these arrangements.

CARRIED

**ITEM-11 MAREEBA AIRPORT UPGRADING - MAY 2016
PROGRESS REPORT**

Moved by Cr Toppin

Seconded by Cr Pedersen

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

CARRIED**WORKS****ITEM-12 INFRASTRUCTURE SERVICES - WORKS SECTION
PROGRESS REPORT - MAY 2016**

Moved by Cr Davies

Seconded by Cr Graham

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

CARRIED**WATER & WASTE****ITEM-13 INFRASTRUCTURE SERVICES - WASTE OPERATIONS
REPORT - MAY 2016**

Moved by Cr Toppin

Seconded by Cr Wyatt

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

CARRIED**ITEM-14 INFRASTRUCTURE SERVICES - WATER AND
WASTEWATER GROUP - MONTHLY OPERATIONS -
MAY 2016**

Moved by Cr Toppin

Seconded by Cr Pedersen

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

CARRIED

ITEM-15**CONTRACT TMSC2015-13 MAREEBA WASTEWATER TREATMENT PLANT - DESIGN & CONSTRUCTION - MAY 2016 PROGRESS REPORT**

Moved by Cr Brown

Seconded by Cr Toppin

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

CARRIED**BUSINESS WITHOUT NOTICE**

Mayor Gilmore made a presentation to Alan Lambert, Manager of Development and Governance in recognition of his retirement after 49 years in Local Government.

NEXT MEETING OF COUNCIL

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

There being no further business, the meeting closed at 9:42 am.

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Cr Tom Gilmore
Mayor