



Ordinary Meeting

Council Chambers

Date: 21/09/2016

Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

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

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr T Gilmore (Mayor) 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.

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 Wyatt

"That the Minutes of the Ordinary Council Meeting held on 17 August 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 H SELITA - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) LOT 99 SP173505 - 679 SPRINGMOUNT ROAD, DIMBULAH - DA/16/0046**

Moved by Cr Toppin

Seconded by Cr Brown

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

APPLICATION		PREMISES	
APPLICANT	H Selita	ADDRESS	679 Springmount Road, Dimbulah
DATE LODGED	15 July 2016	RPD	Lot 99 on SP173505
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), 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 consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>1. The proposed development conflicts with Agricultural Land Overlay Code performance outcomes PO6:</p> <p>PO6 Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n), including boundary realignments, only occurs where it:</p> <p>(a) improves agricultural efficiency; (b) facilitates agricultural activity; or (c) facilitates conservation outcomes; or (d) resolves boundary issues where a structure is built over the boundary line of two lots.</p> <p>AO6 No acceptable outcome is provided.</p> <p>2. The proposed development conflicts with Reconfiguring a Lot Code performance outcome PO1:</p> <p>PO1 Lots include an area and frontage that:</p> <p>(a) is consistent with the design of lots in the surrounding area; (b) allows the desired amenity of the zone to be achieved; (c) is able to accommodate all buildings, structures and works associated with the intended land use; (d) allow the site to be provided with sufficient access; (e) considers the proximity of the land to: (i) centres; (ii) public transport services; and (iii) open space; and (f) allows for the protection of environmental features; and (g) accommodates site constraints.</p> <p>AO1.1 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</p>	<p>The intent of PO6 is to prevent the further fragmentation of good quality agricultural land to ensure agricultural efficiency/viability is maintained or improved.</p> <p>It is acknowledged that proposed Lot 2 does contain several small areas which are mapped as Class A agricultural land, however, in general, proposed Lot 2 is characterised by steep/dissected land, featuring major gullying and intermittent streams.</p> <p>Proposed Lot 2 is physically separated from the balance of Lot 99 by the South Walsh Main Channel, making any efficient agricultural use of proposed Lot 2 impractical.</p> <p>Whilst the area of proposed Lot 2 remains part of Lot 99, it will continue to be an unproductive area and the land owners would be unlikely to expend significant resources/effort to care for this area.</p> <p>The northern area of proposed Lot 2 is degraded and would benefit from a focused rehabilitation effort. This is more likely to occur if proposed Lot 2 is created as a separate allotment.</p> <p>Any future dwelling house on proposed Lot 2 could reasonably be sited at least 100 metres from the nearest agricultural use on any adjoining lot. Most of this 100 metres distance retains a remnant vegetation coverage and because of this there is unlikely to be a conflict created.</p> <p>Land situated immediately to the west of proposed Lot 2 is owned by Ergon Energy and planned for a future substation.</p> <p>Despite the area of proposed Lot 2 being less than that nominated in Table 9.4.4.3B, its dimensions are adequate to reasonably satisfy (a) to (g)</p> <p>Based on the above, Council considers that the subject land is not suitable for agricultural production and there are no incompatible land uses.</p> <p>The proposed development is considered to represent the highest and best use of the subject land.</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
99_001A.dwg	Proposed Reconfiguration Lots 1 & 2 cancelling Lot 99 on SP173505	-	1 June 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 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 or the Adopted Infrastructure Charges Notice 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 by Council's delegated officer.

- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 3.7 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.

3.8 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.

- 3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.10 Bushfire Management

3.10.1 Any new dwelling erected on Lot 1 shall:

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

- 3.10.2 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.

3.11 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

An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), 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 Landslide Hazard

For any new building on the subject lots 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.

4.4 Non-reticulated Water Supply

4.4.1 Lot 2 must be provided with a potable water supply in accordance with Planning Scheme Policy No. 1 - Water Supply (Outside Reticulated Water Supply Area).

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

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

4.4.4 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water

set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

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

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

4.5 On-Site Wastewater Management

At the time of building construction on Lot 2, any associated on-site wastewater disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547), to the satisfaction of Council's delegated officer.

4.6 Electricity Provision/Supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to Lot 2 in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.

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

4.7 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to Lot 2 and arrange provision of necessary conduits and enveloping pipes.

4.8 Fencing of SunWater Channel

Prior to the occupation of a dwelling house on proposed Lot 2, the land owner must construct a 1.8m high chain wire fence on the common boundary between proposed Lot 2 and Lot 375 on HG389, extending for a minimum length of 30 metres adjacent to the dwelling house.

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 a one-off payment of \$4,425.00 (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 (\$4,425.00 per additional lot)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) Notation on Rates Record

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

- conditions regarding bushfire management
- an approved bushfire management plan
- conditions regarding flood immunity
- conditions regarding building on sloped land (>15% gradient)
- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- conditions regarding fencing of SunWater channel on proposed Lot 2

(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.

(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.

(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 M & L CLAYTON - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 107 RP748330 - 475 PINNACLE ROAD, JULATTEN - DA/16/0037

Moved by Cr Davies

Seconded by Cr Wyatt

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

APPLICATION		PREMISES	
APPLICANT	L & M Clayton	ADDRESS	475 Pinnacle Road, Julatten
DATE LODGED	29 June 2016	RPD	Lot 107 on RP748330
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), 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 Reconfiguring a Lot - Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
F16/007 ROL1 A	Subdivision of 1 lot into 2 lots Lot 107 on RP748330	Freshwater Planning Pty Ltd	June 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 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 or the Adopted Infrastructure Charges Notice 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 by Council's delegated officer.

- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

- 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

- 3.7 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.

3.8 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.

- 3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.10 Bushfire Management

Any new building erected on the subject land 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.

3.11 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

4.1.1 An access crossover must be upgraded/constructed to each lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.1.2 Alternatively, a single access crossover, servicing both allotments, must be upgraded/constructed (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer. Where required, an access easement is to be dedicated over the internal driveway to allow continued legal access to both allotments.

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 Landslide Hazard

For any new building on the subject lots 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.

4.4 Non-reticulated Water Supply

Each allotment must be provided with a potable water supply in accordance with Planning Scheme Policy No. 1 - Water Supply (Outside Reticulated Water Supply Area), to the satisfaction of Council's delegated officer.

4.5 On-Site Wastewater Management

The on-site wastewater disposal system for each existing dwelling house must be wholly located within the proposed lot on which the respective dwelling house is situated.

4.6 Electricity Provision/Supply

Each proposed allotment must be provided with a separate electricity supply.

4.7 Telecommunications

Each proposed allotment must be provided with a separate telecommunication service.

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 a one-off payment of \$4,425.00 (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 (\$4,425.00 per additional lot)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) Notation on Rates Record

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

- conditions regarding bushfire management
 - conditions regarding flood immunity
 - conditions regarding building on sloped land (>15% gradient)
-

- conditions regarding on-site wastewater disposal system design

(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.

(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.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 22 August 2016 (**Attached to this document as Appendix 2**)

(F) 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);

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)"

CARRIED

ITEM-3 S VEIVERS AND B FERGUSON - MATERIAL CHANGE OF USE - OUTDOOR SPORT AND RECREATION (4WD AND ATV TOURS) - LOTS 1 TO 5 ON SP155968 - 2735 KENNEDY HIGHWAY KOAH DA/16/0045

Moved by Cr Toppin

Seconded by Cr Wyatt

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

APPLICATION		PREMISES	
APPLICANT	S Veivers & B Ferguson	ADDRESS	2735 Kennedy Highway, Koah
DATE LODGED	12 July 2016	RPD	Lots 1 to 5 on SP155968
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Outdoor Sport and Recreation (4wd & ATV Tours)		

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 - Outdoor Sport and Recreation (4wd & ATV Tours)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan	S Veivers & B Ferguson	11/07/2016

(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 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 within the 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 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 areas must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

3.5 Hours of Operation

Normal operating hours shall be between 7am and 6pm. Tours during evening hours are permitted on occasion.

3.6 A maximum number of 14 tours are to be conducted in any given week.

3.7 All scheduled maintenance of the 4wd's or ATV's shall be undertaken off site.

3.8 There shall be no fuel stored on site for the purpose of the 4wd or ATV tour operations, except that stored in each 4wd or ATV's fuel tank.

- 3.9 The maximum noise level of any 4wd or ATV operated in the conduct of the approved use shall not exceed 63dBA.

3.10 Bushfire Management

A Bushfire Management Plan, incorporating evacuation procedures for tour groups, 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.

- 3.11 4wd and ATV tour groups are not permitted on the access road contained within Easement A on RP743509 or Easement C on SP155968.

This condition does not affect the landowner's existing rights over either easement.

3.12 Signage

Any signage visible from the Kennedy Highway is to be in accordance with:

- (i) No sign is to be erected unless first approved by the Department of Transport and Main Roads;
- (ii) No more than one (1) sign shall be erected on the site with a maximum sign face area of 2.9m²;
- (iii) The signage must be kept clean, in good order and safe repair for the life of the approval;
- (iv) Signage must be removed when no longer required; and
- (v) The erection and use of the signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

4. Infrastructure Services and Standards

4.1 Carparking/Internal Driveways

The existing internal driveways and bus turn around area must be maintained to bitumen sealed standard for the life of the development, to the satisfaction of Council's delegated officer.

4.2 Water Quality

- 4.2.1 Any material likely to degrade the water (eg oils, lubricants, solvents, coolants, degreasing agents etc) must be stored within a bunded area, or an appropriately designed chemical storage container, suitable for preventing the escape of material into surface or underground water resources.

- 4.2.2 An emergency spill containment kit must be kept on site at all times during the running of tour activities.
- 4.2.3 Any 4wd or ATV wash down area is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.
- 4.2.4 All earthworks and tour tracks/roads and the like are to be surface treated and maintained so that the risk and consequence of erosion is minimised, to the satisfaction of Council's delegated officer. All earthworks are to be planted or otherwise protected from scour as soon as possible after works are carried out, to the satisfaction of Council's delegated officer.

4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard 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 On-site Wastewater Management

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) 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.

(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.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 26 July 2016. **(Attached to this document as Appendix 3)**

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil"

CARRIED

ITEM-4 EXTENSION TO RELEVANT PERIOD - WONG LAU DEVELOPMENTS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (2 INTO 10 LOTS) LOT 174 & 175 NR5801 - FANTIN ROAD, KOAH - REC/07/0091

Moved by Cr Graham

Seconded by Cr Brown

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

APPLICATION		PREMISES	
APPLICANT	Wong Lau Developments Pty Ltd	ADDRESS	Fantin Road, Koah
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	8 August 2016	RPD	Lot 174 & 175 on NR5801
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 10 Lots)		

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

- (A) The relevant period be extended to *1 July 2017*.
- (B) The applicant be advised that it is unlikely that any further extensions will be granted beyond 1 July 2017 unless operational works associated with the development have been substantially commenced.
2. A Notice of Council's decision be issued to the applicant advising of Council's decision."

CARRIED

Cr Wyatt and Cr Toppin recorded their vote against the motion.

ITEM-5 SURRENDER AND REISSUE OF PERMIT TO OCCUPY - LOT A ON AP13716, PARISH OF TINAROO

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council offer no objection to the issue of a permit to occupy over Lot A on AP13716, Parish of Tinaroo for water facility (pump site) purposes, and also advise the Department of Natural Resources and Mines that there are no known local non-indigenous cultural heritage values associated with the land."

CARRIED

ITEM-6 APPLICATION FOR PERMIT TO OCCUPY - LOT 1 ON USL21432, LOCALITY OF WATSONVILLE

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council offer no objection to the issue of a permit to occupy over Lot 1 on USL21432, Locality of Watsonville for grazing purposes, and also 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**FINANCE****ITEM-8 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 AUGUST 2016**

Moved by Cr Davies

Seconded by Cr Graham

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

CARRIED**ITEM-9 2016-2017 FEES AND CHARGES FOR BUILDING FILE SEARCHES**

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council adopt the additional minor amendments to the 2016/17 Building Fee Schedule."

CARRIED**INFORMATION SYSTEMS AND CUSTOMER SERVICE****ITEM-10 EOI MSC2015-04 - LONG TERM ICT STRATEGY**

Moved by Cr Brown

Seconded by Cr Davies

"That Council award EOI MSC2015-04 Long Term ICT Strategy to Gravelroad Group Pty Ltd."

CARRIED

INFRASTRUCTURE SERVICES

PROJECT MANAGEMENT

ITEM-11 MAREEBA SWIMMING POOL LEASE AND MANAGEMENT OF THE KURANDA AQUATIC CENTRE

Moved by Cr Brown

Seconded by Cr Graham

"That Council approve the non-conforming tender and proposed entrance fees (outlined in Attachment B of the report) submitted by June and Sydney Cotter T/A Cotter's Aquatic Swim and Fitness to;

1. lease the Mareeba Pool for \$14,300 (inclusive of GST) for the first year with additional CPI increases for the remaining two (2) years.
2. manage the Kuranda Aquatic Centre where Council provide an amount of \$65,000 (inclusive of GST) for the first year with additional CPI increases for the remaining two (2) years."

CARRIED

ITEM-12 MAREEBA AIRPORT UPGRADING - AUGUST 2016 PROGRESS REPORT

Moved by Cr Toppin

Seconded by Cr Graham

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

CARRIED

ITEM-13 CONTRACT TMSC2015-13 MAREEBA WASTEWATER TREATMENT PLANT - DESIGN & CONSTRUCTION - AUGUST 2016 PROGRESS REPORT

Moved by Cr Wyatt

Seconded by Cr Brown

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

CARRIED

**ITEM-14 MAREEBA AIRPORT REDEVELOPMENT - EOI -
CONSTRUCTION OF RUNWAY, TAXIWAYS & AIRFIELD
LIGHTING**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council invites Expressions of Interest from civil contractors for construction of the Mareeba Airport Redevelopment - Construction of Runway, Taxiways and Airfield Lighting."

CARRIED

**ITEM-15 MAREEBA AIRPORT REDEVELOPMENT - DESIGN &
DOCUMENTATION OF THE RUNWAY, TAXIWAYS &
APRONS**

Moved by Cr Davies

Seconded by Cr Brown

"That Council endorse the engagement, under its preferred supplier arrangement, of Consulting Engineers, Jacobs to undertake the design and documentation of the runway, taxiways and aprons as part of the Mareeba Airport Redevelopment."

CARRIED

ITEM-16 DIMBULAH SWIMMING POOL FILTRATION SYSTEM

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council obtain quotes to replace the existing pool filters at the Dimbulah Swimming Pool and the required funds be provided at the next budget review."

CARRIED

TECHNICAL SERVICES

**ITEM-17 "COL JEANES PLACE" KURANDA - REQUEST FOR
SIGNAGE APPROVAL**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council approve the installation of the carved wooden sign and brass plaque naming the open footpath area outside St Saviours Church in Kuranda as "Col Jeanes Place."

CARRIED

ITEM-18 **REQUEST FOR ADDITIONAL STREET PARKING ON**
ROB VEIVERS DRIVE, KURANDA

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council support reducing an existing bus parking bay and loading bay on Rob Veivers Drive, Kuranda to create two 30 minute parking bays for customer parking, as per option 1 in the attachments of this report." **(Attached to this document as Appendix 4)**

CARRIED

ITEM-19 **INFRASTRUCTURE SERVICES - TECHNICAL SERVICES**
MONTHLY ACTIVITIES REPORT - AUGUST 2016

Moved by Cr Davies

Seconded by Cr Brown

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

CARRIED

WORKS

ITEM-20 **MT SPURGEON ROAD**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council close Mt Spurgeon Road by erecting a gate at a suitable location and access be granted by permit only. This will be reviewed in 12 months."

CARRIED

ITEM-21 **INFRASTRUCTURE SERVICES - WORKS SECTION**
PROGRESS REPORT - AUGUST 2016

Moved by Cr Davies

Seconded by Cr Brown

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

CARRIED

WATER & WASTE

ITEM-22 INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - AUGUST 2016

Moved by Cr Wyatt

Seconded by Cr Toppin

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

CARRIED

ITEM-23 INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS REPORT - AUGUST 2016

Moved by Cr Brown

Seconded by Cr Graham

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

CARRIED

CHIEF EXECUTIVE OFFICER

ITEM-26 ATTENDANCE AT ANNUAL LGAQ CONFERENCE

Moved by Cr Brown

Seconded by Cr Graham

"That Council approves the attendance of the Mayor and Cr Toppin at the 2016 Annual LGAQ Conference."

CARRIED

ITEM-27 CHRISTMAS SHUTDOWN AND OFFICE CLOSURE FOR STAFF FUNCTION

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council:

1. Endorse the 2016/17 Christmas/New Year closure from 5pm on Friday 23 December 2016 and reopen Tuesday 3 January 2017;
2. Approve the early closure of service centres from 12pm on Friday 16 December 2016 for a staff function."

CARRIED

BUSINESS WITHOUT NOTICE

ADHOC-1

ALGA 2016 ROAD CONGRESS

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council approve the attendance of Cr Pedersen and Cr Davies at the ALGA 2016 Road Congress in Toowoomba on the 9 to 11 of November 2016"

CARRIED

ADHOC-2

NAMING OF DIMBULAH TENNIS CLUB PARK

Moved by Cr Brown

Seconded by Cr Graham

"That Council name the park where the Dimbulah Tennis Club is situated the Mrs Cappellazzo (Mama Cappos) Park"

CARRIED

CLOSURE OF MEETING

Moved by Cr Brown

Seconded by Cr Toppin

"That in accordance with Section 275(1) (e) and (h) of the Local Government Regulation 2012, the meeting be closed to the public at 9.38am to discuss (e) contracts proposed to be made by Council and (h) matters relative to other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage."

CARRIED

OPENING OF MEETING

Moved by Cr Brown

Seconded by Cr Graham

"That the meeting be opened."

CARRIED

ITEM-7

RURAL ANIMALS IN AN URBAN ENVIRONMENT CONFIDENTIAL

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council defer the matter to the next meeting to give Council officers time to prepare reasons and conditions for approval of the request."

CARRIED

ITEM-24 **KURANDA WASTEWATER TREATMENT PLANT
SLUDGE DEWATERING FACILITY - ADDITIONAL
FUNDING APPROVAL CONFIDENTIAL**

Moved by Cr Davies

Seconded by Cr Graham

"That Council note the pricing schedules to address the key infrastructure and environmental works required to satisfactorily allow for compliance to this site and approve the funding of the works from wastewater developer contribution reserve."

CARRIED

ITEM-25 **MAREEBA WASTEWATER TREATMENT PLANT
UPGRADE - VARIATIONS CONFIDENTIAL**

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council approve the variations to Contract TMSC2015-13 - Mareeba Wastewater Treatment Plant - Design and Construction as included in this report."

CARRIED

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 12 October 2016

There being no further business, the meeting closed at 10.02 am.

.....
Cr Alan Pedersen
Deputy Mayor

APPENDIX 1 - SUMMARY OF NEW PLANNING DEVELOPMENT APPLICATIONS AND DELEGATIONS DECISIONS

Summary of new Planning Development Applications and Delegated Decisions for August 2016

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
DA/16/0049	2/08/2016	W & R Blundell 37 & 50 Cobra Road, Mareeba	Lot 20 on SP184955 & Lot 22 on SP227510	Reconfiguring a Lot - Boundary Realignment	Approved on 15 August 2016.
DA/16/0050	10/08/2016	Cleangen Projects Pty Ltd 584 Henry Hannam Drive, Mareeba	Lot 413 on NR4876	Material Change of Use - Utility Installation (Solar Farm)	In acknowledgement stage.
DA/16/0051	16/08/2016	R Neate & D Pregl 21-31 Keeble Street, Mareeba	Lots 56 on RP749632	Reconfiguring a Lot - Subdivision (1 into 3 lots)	In decision making stage.
DA/16/0052	18/08/2016	M & G Crushing and Materials Pty Ltd Burke Developmental Road, Rookwood	Lot 4 on BW18	Material Change of Use - Extractive Industry	In referral stage.
OW/16/0008	19/08/2016	BTM & S Stankovich Pty Ltd Karobean Drive, Mareeba	Lot 200 on SP284130	Operational Works - Roadworks, Stormwater, Water Infrastructure, Sewerage Infrastructure, Drainage and Earthworks)	Approved on 30 August 2016.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
DA/16/0047	3/08/2016	M Cotter	1-3 Gowan Street, Mareeba	Lots 26 & 27 on SP198053	Material Change of Use - Low Impact Industry & Warehouse

August 2016 (Regional Land Use Planning)

DA/16/0029	4/08/2016	Christensen Family Trust	Christensen Road & Myola Road, Kuranda	Lot 12 on SP218651 & Lot 13 on SP103852	Reconfiguring a Lot - Subdivision (2 into 9 lots in 2 stages)
DA/16/0042	4/08/2016	Stelbay Pty Ltd & S & P Murat	259 Mclver Road, Mareeba	Lots 1 & 2 on RP720121 and Lot 7 on RP857695	Reconfiguring a Lot - Boundary Realignment (3 into 3 lots)
DA/16/0043	11/08/2016	F Koenig & K Schmidt	Vallely Road, Bibohra	Lot 111 on N157489	Reconfiguring a Lot - Subdivision (1 into 2 lots)
DA/16/0039	16/08/2016	S & J Royster	46 Cadagi Drive, Kuranda	Lot 35 on RP727449	Material Change of Use - Bed and Breakfast Accommodation
DA/16/0049	16/08/2016	W & R Blundell	37 & 50 Cobra Road, Mareeba	Lot 20 on SP184955 & Lot 22 on SP227510	Reconfiguring a Lot - Boundary Realignment
DA/16/0038	18/08/2016	Christensen Family Trust	Christensen Road, Kuranda	Lot 12 on SP218651	Reconfiguring a Lot - Subdivision (4 into 7 lots)
OW/16/0008	31/08/2016	BTM & S Stankovich Pty Ltd	Karobean Drive, Mareeba	Lot 200 on SP284130	Operational Works - Roadworks, Stormwater, Water Infrastructure, Sewerage Infrastructure, Drainage and Earthworks)

Building Work assessable against the Planning Scheme Decision Notices issued under Delegated Authority

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
BAP/16/0009	10/08/2016	P & H Miller	9 Sandewood Close, Kuranda	Lot 38 on SP187435	New Dwelling House - Assessment against Hill and Slope Overlay.
BAP/16/0010	15/08/2016	W & I McDermott	32 Herberton Street, Mareeba	Lot 28 on RP719252	Request for GFA dispensation to allow construction of a skillion roof over existing concrete slab, increasing shed

August 2016 (Regional Land Use Planning)

					GFA to 168m2.
BAP/16/0011	18/08/2016	K Shaban	4 River Road, Bibohra	Lot 26 on SP282405	Request for GFA dispensation to allow construction of a 180m2 shed on 3,426m2 allotment.

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
REC/07/0052	3/08/2016	Hockey Machinery Sales	Summer Street, Mareeba	Lot 99 on SP289709	2 lots
REC/11/0012	15/08/2016	D Abiad	903 Euluma Creek Road, Julatten	Lot 1 on GTP70192	2 lots
DA/16/0005	17/08/2016	B & F Copland	38 Copland Road, Koah	Lot 64 on N157400	2 lots
DA/14/0062	22/08/2016	M & J Peters	Pickford Road, Bibohra	Lots 33 & 34 on SP230966	2 lots
REC/08/0110	25/08/2016	Comaray Pty Ltd	Country Road, Mareeba	Lot 100 on SP287196	3 lots
DA/16/0026	30/08/2016	L & S Gould & B Weaver	352 & 360 Chewko Road, Mareeba	Lots 5 & 6 on SP175438	2 lots

August 2016 (Regional Land Use Planning)

**APPENDIX 2 - ITEM-2 M & L CLAYTON - RECONFIGURING A LOT -
SUBDIVISION (1 INTO 2 LOTS) - LOT 107 RP748330 - 475
PINNACLE ROAD, JULATTEN - DA/16/0037**Department of Infrastructure,
Local Government and PlanningSARA reference: SDA-0716-032059
Council reference: DA/16/0037
Applicant reference: F16/007

22 August 2016

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

Attn: Carl Ewin

Dear Sir / Madam

Concurrence agency response—with conditionsDevelopment application for reconfiguring a lot – subdivision (1 lot into 2 lots) on land situated at 475 Pinnacle Road, Julatten and described as Lot 107 on RP748330
(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 15 July 2016 followed by notification of payment of referral fees on 19 July 2016.**Applicant details**

Applicant name: MF & LW Clayton
Applicant contact details: C/- Freshwater Planning
17 Barron View Drive
Freshwater QLD 4870
FreshwaterPlanning@outlook.com**Site details**

Street address: 475 Pinnacle Road, Julatten
Lot on plan: Lot 107 on RP748330
Local government area: Mareeba Shire Council

Page 1

Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

SDA-0716-032059

Application details

Proposed development: Development permit for reconfiguring a lot – subdivision (1 lot into 2 lots)

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	2 Lot Rural 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—Clearing vegetation

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.

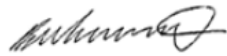
Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: reconfiguring a lot				
Referral Agency Response (Vegetation) Plan	Queensland Government (Department of Natural Resources and Mines)	15 August 2016	RARP SDA-0716-032059	Map Reference: 7964

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

SDA-0716-032059

For further information, please contact Bec Turner, A/ Planning Officer, SARA Far North QLD on 4037 3208, or email bec.turner@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: MF & LW Clayton, FreshwaterPlanning@outlook.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-0716-032059

SARA reference: SDA-0716-032059
 Council reference: DA/16/0037
 Applicant reference: F16/007

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for reconfiguring a lot (1 lot into 2 lots)		
<p>Schedule 7, Table 2, Item 4: Clearing vegetation—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):</p>		
1.	<p>a) Clearing of assessable vegetation is not permitted in the area identified as Area A (A1-A6) on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0716-032059 dated 15 August 2016.</p> <p>b) No infrastructure including, but not limited to buildings, fences and roads is to be established or located within Area A as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0716-032059 dated 15 August 2016.</p> <p>c) No infrastructure except fences, roads and underground services is to be established or located within Area B (B1-B2) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0716-032059 dated 15 August 2016.</p>	a), b) and c): At all times.
2.	<p>The permit holder is responsible for ensuring that:</p> <p>(a) a full copy of the permit is held by; and</p> <p>(b) that the extent of clearing authorised by this permit is properly understood by,</p> <p>any person(s) engaged or employed to carry out the clearing of the vegetation under this permit.</p>	At all times.

SDA-0716-032059

SARA reference: SDA-0716-032059
Council reference: DA/16/0037
Applicant reference: F16/007

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the clearing works are carried out in the location and to the extent specified on the approved plans;
- to ensure the person undertaking the clearing works is aware of, and understands, all of the requirements and conditions associated with the carrying out of the works; and
- to ensure the development achieves the applicable provisions and outcomes of Module 8—Native vegetation clearing of the State Development Assessment Provisions, version 1.8.

SDA-0716-032059

SARA reference: SDA-0716-032059
 Council reference: DA/16/0037
 Applicant reference: F16/007

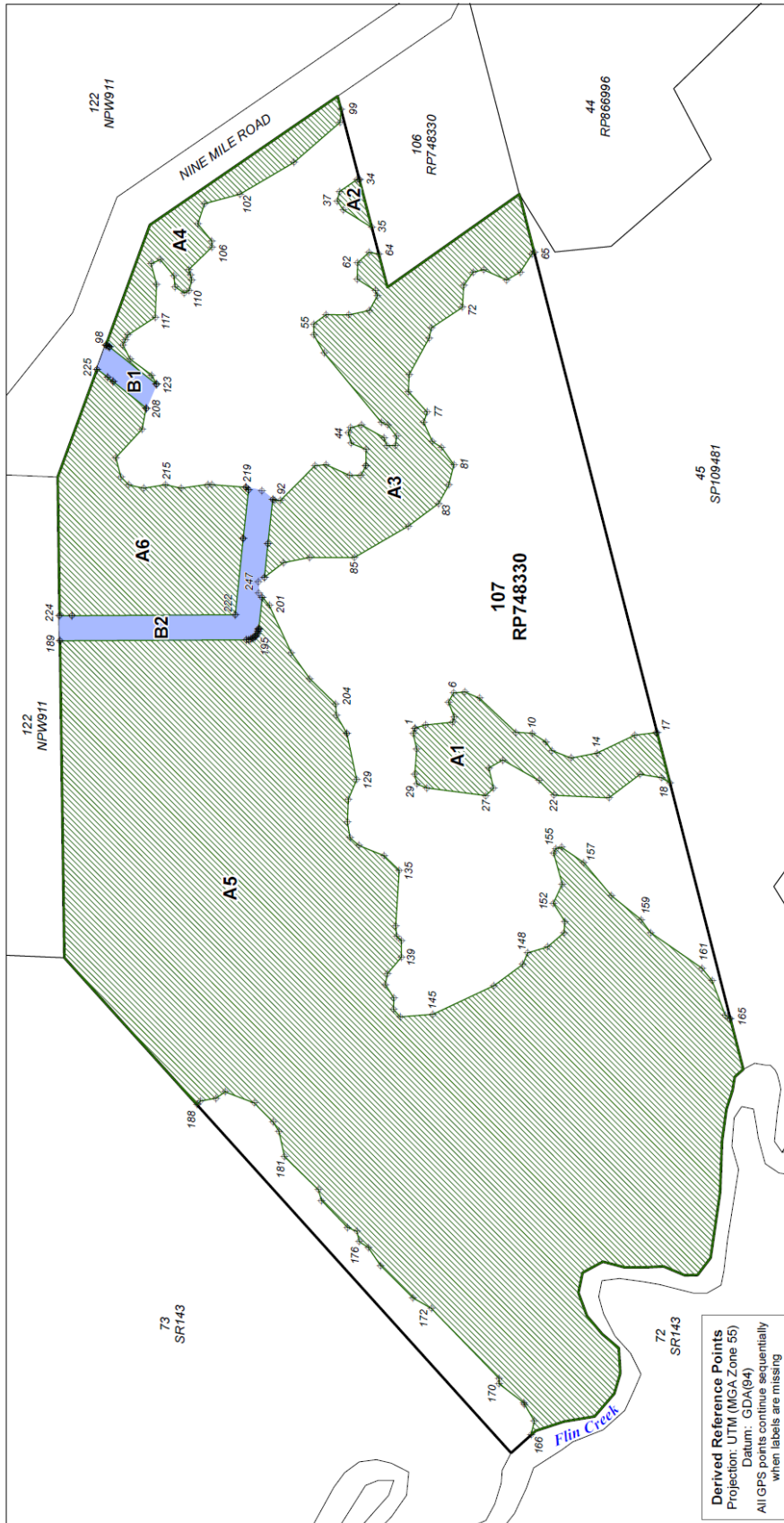
Attachment 3—Further advice



General advice	
Far North Queensland Regional Plan 2009-2031	
1.	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, in particular, the Rural subdivision policies, and to the extent the regional plan is not appropriately reflected in the planning scheme.
State Planning Policy 2016 interim development assessment provisions	
2.	Mareeba Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2016, and in particular the interim development assessment provisions, such as Biodiversity and Natural hazards risk and resilience, and to the extent it is relevant to the proposed development.
Native Vegetation Clearing	
3.	The conditions of this approval do not prevent vegetation being cleared for a purpose described in Schedule 24 of the Sustainable Planning Regulation 2009, or if cleared in accordance with any subsequent development approval.
4.	Clearing of regulated vegetation in areas mapped as Category C may only be undertaken in accordance with exemptions listed in Schedule 24 of the Sustainable Planning Regulation 2009 or a relevant self-assessable vegetation clearing codes ('Managing Category C regrowth vegetation'). Further information can be found at: https://www.qld.gov.au/environment/land/vegetation/codes/

SDA-0716-032059

SARA reference: SDA-0716-032059
Council reference: DA/16/0037
Applicant reference: F16/007

Attachment 4—Approved plans and specifications



 	Referral Agency Response (Vegetation) Plan Plan of Area A (Parts A1 - A6) and Parts (B1 - B2) in Lot 107 on RP748330		eLVAS Case: 2016/003835
	CENTRE: MAREEBA LOCALITY OF JULATTEN Map Reference: 7964 File Reference: eDOCS: 082/0001163	REGION: NORTH LOCAL GOVT: MAREEBA SHIRE Compiled from: DCDB, P/M/P & VMO Notes Prepared by: SAK - j6284 Date: 15 August 2016	RARP SDA-0716-032059 Sheet 1 of 1
LEGEND + Derived Reference Points for GPS (see Attachment to Plan) □ Subject Lot(s) ▨ Area A (Parts A1 - A6) ■ Area B (Parts B1 - B2)			
1:3000 @ A3 size Projection: UTM (MGA Zone 55) Datum: GDA94 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). 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-0716-032059			

Attachment to Plan: SDA-0716-032059**Derived Reference Points for GPS**

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

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-0716-032059. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
A1	1	330496	8167329	A3	61	330855	8167375	A4	121	330791	8167557
A1	2	330498	8167320	A3	62	330868	8167375	A4	122	330778	8167539
A1	3	330501	8167299	A3	63	330876	8167366	A4	123	330771	8167535
A1	4	330505	8167297	A3	64	330874	8167358	A4	124	330801	8167573
A1	5	330517	8167302	A3	65	330876	8167233	A4	125	330801	8167573
A1	6	330524	8167298	A3	66	330875	8167235	A4	126	330802	8167574
A1	7	330525	8167289	A3	67	330860	8167245	A4	127	330802	8167576
A1	8	330520	8167277	A3	68	330854	8167256	A5	128	330492	8167383
A1	9	330492	8167248	A3	69	330862	8167274	A5	129	330455	8167375
A1	10	330492	8167235	A3	70	330860	8167282	A5	130	330439	8167382
A1	11	330485	8167224	A3	71	330850	8167290	A5	131	330421	8167383
A1	12	330478	8167219	A3	72	330832	8167291	A5	132	330408	8167381
A1	13	330472	8167204	A3	73	330816	8167316	A5	133	330402	8167374
A1	14	330476	8167183	A3	74	330807	8167317	A5	134	330394	8167354
A1	15	330490	8167153	A3	75	330778	8167334	A5	135	330382	8167341
A1	16	330492	8167136	A3	76	330765	8167334	A5	136	330338	8167344
A1	17	330492	8167135	A3	77	330748	8167319	A5	137	330329	8167343
A1	18	330452	8167125	A3	78	330740	8167322	A5	138	330326	8167340
A1	19	330456	8167131	A3	79	330725	8167315	A5	139	330313	8167340
A1	20	330459	8167149	A3	80	330720	8167308	A5	140	330300	8167351
A1	21	330440	8167174	A3	81	330706	8167298	A5	141	330291	8167353
A1	22	330442	8167218	A3	82	330690	8167302	A5	142	330280	8167346
A1	23	330454	8167229	A3	83	330675	8167310	A5	143	330271	8167346
A1	24	330470	8167259	A3	84	330657	8167334	A5	144	330265	8167341
A1	25	330464	8167270	A3	85	330632	8167377	A5	145	330267	8167315
A1	26	330448	8167266	A3	86	330632	8167413	A5	146	330290	8167266
A1	27	330442	8167272	A3	87	330628	8167434	A5	147	330307	8167243
A1	28	330448	8167319	A3	88	330617	8167449	A5	148	330316	8167239
A1	29	330451	8167327	A3	89	330644	8167446	A5	149	330321	8167223
A1	30	330459	8167329	A3	90	330679	8167443	A5	150	330332	8167210
A1	31	330479	8167327	A3	91	330678	8167441	A5	151	330342	8167209
A1	32	330492	8167330	A3	92	330678	8167436	A5	152	330356	8167218
A1	33	330496	8167329	A3	93	330706	8167409	A5	153	330371	8167211
A2	34	330934	8167373	A3	94	330706	8167400	A5	154	330396	8167218
A2	35	330896	8167363	A3	95	330698	8167381	A5	155	330400	8167216
A2	36	330910	8167386	A3	96	330698	8167372	A5	156	330401	8167212
A2	37	330917	8167391	A3	97	330705	8167368	A5	157	330389	8167194
A2	38	330925	8167389	A4	98	330802	8167576	A5	158	330362	8167172
A2	39	330934	8167375	A4	99	330990	8167388	A5	159	330343	8167148
A2	40	330934	8167373	A4	100	330980	8167389	A5	160	330332	8167140
A3	41	330705	8167368	A4	101	330948	8167425	A5	161	330304	8167099
A3	42	330719	8167368	A4	102	330923	8167469	A5	162	330294	8167091
A3	43	330724	8167380	A4	103	330915	8167497	A5	163	330267	8167081
A3	44	330732	8167382	A4	104	330899	8167502	A5	164	330264	8167077
A3	45	330736	8167380	A4	105	330885	8167491	A5	165	330264	8167077
A3	46	330738	8167372	A4	106	330881	8167491	A5	166	329931	8167236
A3	47	330728	8167354	A4	107	330862	8167509	A5	167	329942	8167233
A3	48	330722	8167351	A4	108	330858	8167508	A5	168	329956	8167241
A3	49	330722	8167345	A4	109	330854	8167507	A5	169	329957	8167242
A3	50	330729	8167344	A4	110	330846	8167509	A5	170	329972	8167262
A3	51	330738	8167351	A4	111	330844	8167513	A5	171	329976	8167262
A3	52	330740	8167356	A4	112	330849	8167521	A5	172	330032	8167316
A3	53	330796	8167401	A4	113	330857	8167521	A5	173	330041	8167330
A3	54	330810	8167410	A4	114	330870	8167533	A5	174	330067	8167356
A3	55	330819	8167410	A4	115	330867	8167540	A5	175	330081	8167366
A3	56	330826	8167400	A4	116	330851	8167536	A5	176	330085	8167373
A3	57	330826	8167382	A4	117	330824	8167537	A5	177	330094	8167375
A3	58	330830	8167365	A4	118	330810	8167558	A5	178	330097	8167383
A3	59	330841	8167359	A4	119	330806	8167560	A5	179	330119	8167404
A3	60	330845	8167360	A4	120	330802	8167562	A5	180	330127	8167406

Attachment to Plan: SDA-0716-032059
Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

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-0716-032059. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
A5	181	330153	8167433	B2	241	330688	8167464				
A5	182	330174	8167438	B2	242	330688	8167464				
A5	183	330181	8167442	B2	243	330686	8167451				
A5	184	330196	8167457	B2	244	330679	8167443				
A5	185	330205	8167481	B2	245	330644	8167446				
A5	186	330200	8167488	B2	246	330617	8167449				
A5	187	330198	8167500	B2	247	330613	8167454				
A5	188	330195	8167503	B2	248	330604	8167454				
A5	189	330566	8167613	B2	249	330601	8167451				
A5	190	330566	8167463	B2	250	330575	8167454				
A5	191	330567	8167462	B2	251	330575	8167454				
A5	192	330567	8167460	B2	252	330573	8167454				
A5	193	330568	8167458	B2	253	330571	8167455				
A5	194	330569	8167457	B2	254	330570	8167456				
A5	195	330570	8167456	B2	255	330569	8167457				
A5	196	330571	8167455	B2	256	330568	8167458				
A5	197	330573	8167454	B2	257	330567	8167460				
A5	198	330575	8167454	B2	258	330567	8167462				
A5	199	330575	8167454	B2	259	330566	8167463				
A5	200	330601	8167451	B2	260	330566	8167613				
A5	201	330594	8167445	B2	261	330586	8167613				
A5	202	330556	8167428	B2	262	330586	8167603				
A5	203	330535	8167413	B2	263	330586	8167472				
A5	204	330515	8167392	B2	264	330648	8167466				
A5	205	330506	8167392								
A5	206	330492	8167383								
A6	207	330773	8167570								
A6	208	330752	8167544								
A6	209	330751	8167544								
A6	210	330735	8167547								
A6	211	330712	8167568								
A6	212	330697	8167564								
A6	213	330690	8167558								
A6	214	330688	8167546								
A6	215	330691	8167528								
A6	216	330688	8167516								
A6	217	330691	8167494								
A6	218	330690	8167491								
A6	219	330688	8167464								
A6	220	330687	8167462								
A6	221	330648	8167466								
A6	222	330586	8167472								
A6	223	330586	8167603								
A6	224	330586	8167613								
A6	225	330783	8167583								
A6	226	330776	8167575								
A6	227	330773	8167570								
B1	228	330771	8167535								
B1	229	330771	8167535								
B1	230	330752	8167544								
B1	231	330773	8167570								
B1	232	330776	8167575								
B1	233	330783	8167583								
B1	234	330802	8167576								
B1	235	330802	8167574								
B1	236	330801	8167573								
B1	237	330801	8167573								
B1	238	330771	8167535								
B2	239	330648	8167466								
B2	240	330687	8167462								

APPENDIX 3 - ITEM-3 S VEIVERS AND B FERGUSON - MATERIAL CHANGE OF USE - OUTDOOR SPORT AND RECREATION (4WD AND ATV TOURS) - LOTS 1 TO 5 ON SP155968 - 2735 KENNEDY HIGHWAY KOAH DA/16/0045

Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0716-032135
Your reference: DA/16/0045

26 July 2016

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

Attn: Carl Ewin

Dear Sir / Madam

Concurrence agency response—with conditions

Application for Material change of use (outdoor sport and entertainment – 4WD and ATV tours) on land located at 2735 Kennedy Highway, Koah, described as Lots 1, 2, 3, 4 and 5 on SP155968

(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 19 July 2016.

Applicant details

Applicant name: Sheree Veivers and Bruce Ferguson
Applicant contact details: 2735 Kennedy Highway
Koah QLD 4881

Site details

Street address: 2735 Kennedy Highway Koah
Real property description: Lots 1, 2, 3, 4 & 5 on SP155968
Local government area: Mareeba Shire Council

SDA-0716-032135

Application details

Proposed development: Development permit for material change of use (outdoor sport and entertainment – 4WD and ATV tours)

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	Outdoor sports and entertainment (4WD and ATV Tours).	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 – Fast track

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

Reasons for decision to impose conditions

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

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 3 attach to any development approval.

Drawing or document	Reference no.	Version	Date
Existing tracks – pre-lodgement for tourism activity 2735 Kennedy Highway Koah – Site Plan, provided by Sheree Veivers	-	-	11/7/2016
TMR Layout Plan (32A – 27.12km), prepared by Queensland Government Transport and Main Roads	TMR16-17768 (500-1020)	Issue A	25/07/2016
TMR Layout Plan (Development Area Lots 1 – 5)", prepared by Queensland Government Transport and Main Roads	TMR16-17768 (500-1020)	Issue A	25/07/2016
Permitted Road Access Location Decision Notice, prepared by Queensland Government Transport and Main Roads	TMR16-017768 (500-1020)	-	25 July 2016

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

SDA-0716-032135

If you require any further information, please contact Michele Creecy, Senior Planning Officer, on 4037 3206, or via email michele.creecy@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Sheree Veivers and Bruce Ferguson, clohesy11@bigpond.com
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Approved Plans and Specifications

SDA-0716-032135

Our reference: SDA-0716-032135

Your reference: DA/16/0045

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: Material change of use		
Schedule 7, Table 3, Item 1 —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of 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"> • “Existing tracks – pre-lodgement for tourism activity 2735 Kennedy Highway Koah – Site Plan” provided by Sheree Veivers, 11/7/2016 • “TMR Layout Plan (32A – 27.12km)”, prepared by Queensland Government Transport and Main Roads, file ref: TMR16-17768 (500-1020), Issue A, dated 25/07/2016 • “TMR Layout Plan (Development Area Lots 1 – 5)”, prepared by Queensland Government Transport and Main Roads, file ref: TMR16-17768 (500-1020), Issue A, dated 25/07/2016. 	At all times
2.	Any works on the land must not: <ol style="list-style-type: none"> i. Create any new discharge points for stormwater runoff onto the state-controlled road ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. Cause surcharge of any existing culvert or drain on a state-controlled road reduce the quality of stormwater discharge onto the state-controlled road. 	At all times
3.	The permitted road access location, is to be located, designed and constructed in accordance with the Section 62 approval (refer Attachment 3) granted by the Department of Transport and Main Roads dated 25 July 2016 under the <i>Transport Infrastructure Act 1994</i> .	At all times
4.	Direct access is not permitted between the Kennedy Highway and the subject site at any location other than the permitted road access location.	At all times

SDA-0716-032135

Our reference: SDA-0716-032135

Your reference: DA/16/0045

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- **Condition 1** – to ensure the development is carried out generally in accordance with the plans of development submitted with the application
- **Condition 2** – to ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state transport corridor.
- **Condition 3** – to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- **Condition 4** – to ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.

SDA-0716-032135

Our reference: SDA-0716-032135
Your reference: DA/16/0045

Attachment 3—Approved plans and specifications


Existing TRACKS - Pre lodgement for tourism activity, 2735 Kennedy Highway KOAH - Site Plan 11/7/2016





Branch/Unit:	Corridor Management/Far North Region
Projection/ Datum:	Geocentric Datum of Australia (GDA) 1994
	 SUBJECT LAND

TMR Layout Plan
(32A - 27.12km)

 Queensland Government Transport and Main Roads					
Plan No:	1 / 1	Issue:	A	Date:	25/07/2016
Drawn by:	RPK	File ref:	TMR16-17788 (500-1020)		

© The State of Queensland (2016). © Esri, DeLorme, Garmin, Garmin Ltd., Esri, Esri (USA), Inc. All rights reserved. Queensland Government, Department of Transport and Main Roads. This document is a public document. It is provided for your information only and is not intended to be used for any purpose other than that for which it was prepared. The Queensland Government, Department of Transport and Main Roads, does not warrant the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.



Branch/Unit:	Corridor Management/Far North Region
Projection/ Datum:	Geocentric Datum of Australia (GDA) 1994
 SUBJECT LAND	

**TMR Layout Plan
(Development Area Lots 1 - 5)**



Queensland Government
Transport and Main Roads

Plan No:	1 / 1	Issue:	A	Date:	25/07/2016
Drawn by:	RPK	File ref:	TMR16-17788 (500-1020)		

© The State of Queensland 2016. © Pitney Bowes Software Pty Ltd 2016. © GIS Limited, 2016 (owned or created). South Digital Road Network (SDRN) provided with the permission of Pitney Bowes Software Pty Ltd (owned as at 04/11/16). (Enfield - B&K, Corlin, Inc. May 2016) provided with the permission of GIS Limited and other state government bodies. Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or GIS Limited, makes no representation or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

**Queensland**
GovernmentDepartment of
Transport and Main RoadsOur ref TMR16-017768 (500-1020)
Your ref
Enquiries Ronald Kaden

25 July 2016

Sheree Veivers & Bruce Ferguson
2735 Kennedy Highway
Koah QLD 4871

Dear Ms Veivers & Mr Ferguson

Permitted Road Access Location Decision Notice

I refer to your application for approval of a road access location between lot 1on SP155968 (being 2735 Kennedy Highway, Koah) and Kennedy Highway which was received by the Department of Transport and Main Roads (the department) on 25 July 2016.

Pursuant to sections 62(1) and 33 of the *Transport Infrastructure Act 1994* (TIA), the department has assessed your application, and advises that it has decided to approve the application, subject to the following requirements:

Conditions

1. The Permitted Road Access Location is to be via the existing access located approximately 30m from the south western side boundary of Lot 1SP155968, in accordance with TMR Layout Plan (32A - 27.12km) Issue A dated 25/07/2016.
2. Connection of the access driveway to Kennedy Highway is located approximately 190m south west of Clohesy River (27.12km LHS).
3. The use of Permitted Road Access Location is;
 - a. Commercial use.

Notice of Decision

This decision of approval constitutes notice under section 67 of the TIA of a section 62(1) of the TIA decision about:

- the location at which access between the land and the road is permitted; and
- the conditions on the use of the property access.

In accordance with section 70 of the TIA, you are bound by this decision. A copy of section 70 is attached for your information.

Program Delivery and Operations
Far North Region
Cairns Corporate Tower, 15 Lake Street Cairns Queensland 4870
PO Box 6185 Cairns Queensland 4870Telephone +61 (07) 4045 7151
Facsimile +61 (07) 40505438
Website www.tmr.qld.gov.au
ABN: 39 407 690 291

Appeal Provisions

Any person whose interests are affected by this decision may—

- i. under section 485 of the *Transport Infrastructure Act 1994*—ask for the decision to be reviewed and appeal against the reviewed decision; and
- ii. under the *Transport Planning and Coordination Act 1994*, part 5—ask for the decision or the reviewed decision to be stayed.

The request for review must be made within 28 days of the date of this notice.

Duration of Decision

There is no guarantee of continuation of road access arrangements, as access is dependent upon ensuring the safety and efficiency of the state-controlled road network.

Important Information for Applicants

Any proposed alteration or variation to the Permitted Road Access Location must be approved by Cairns District Office before any changes are made.

- This document must be retained and provided to the department if requested.

If you require further information about this approval or any other related query, I encourage you to contact Ronald Kaden, Development Control Officer, Corridor Management by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

A copy of this decision has been forwarded to Mareeba Shire Council.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

Enc.
Section 70 of TIA
TMR Layout Plan (32A - 27.12km) Issue A dated 25/07/2016

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

[s 70]

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

APPENDIX 4 - ITEM-18 REQUEST FOR ADDITIONAL STREET PARKING ON ROB VEIVERS DRIVE, KURANDA

