



## **Ordinary Meeting**

**Council Chambers**  
**Date: 21 December 2016**  
**Time: 9:00am**

## **MINUTES**

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## **MEMBERS IN ATTENDANCE**

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

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

Cr K Davies 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 Toppin

Seconded by Cr Brown

"That the Minutes of the Ordinary Council Meeting held on 16 November 2016 be confirmed as true and correct."

**CARRIED**

## **BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS**

### **AD HOC-1**

### **ITEM-17 MINES ROAD**

Moved by Cr Gilmore

Seconded by Cr Wyatt

"As an interim measure three traffic calming devices should be put in place along Mines Road Mareeba (ITEM-17)."

**CARRIED**

## CORPORATE AND COMMUNITY SERVICES

### REGIONAL LAND USE PLANNING

**ITEM-1 M & G CRUSHING AND MATERIALS PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - PART OF LOT 4 ON BW18 - BURKE DEVELOPMENTAL ROAD, ROOKWOOD - DA/16/0052**

Moved by Cr Pedersen

Seconded by Cr Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	M & G Crushing and Materials Pty Ltd	<b>ADDRESS</b>	Burke Developmental Road, Rookwood
<b>DATE LODGED</b>	24 August 2016	<b>RPD</b>	Part of Lot 4 on BW18
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Extractive Industry		

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 - Extractive Industry

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 3	Nolan's Crossing Quarry - Site Plan with Contours	Hughes Consulting	July 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 the 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 payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
    - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
    - 3.5 Bushfire Management

A Bushfire Management Plan for the extractive industry 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.
    - 3.6 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 6.00 am and 7.00 pm.
    - 3.7 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.
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- 3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.
- 3.9 The excavation of material will be required to be confined to the Quarry Operational Areas, subject to the conditions and requirements of the Council and/or other Authority and all operations will be carried out in such a manner that no erosion occurs in any adjoining or other land outside the Quarry Operational Areas.
- 3.10 The applicant shall ensure that no declared plants are transported to and from the site during the operation of the extractive industry.
- 3.11 Flood Immunity

Any 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.

(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) 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.

- (c) 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.

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

- (e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against

the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 9 November 2016.

(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-2 M MCKEEN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) LOT 1 SP154474 - 25 COPLAND ROAD, KOAH - DA/16/0033**

Moved by Cr Brown

Seconded by Cr Pedersen

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M McKeen	ADDRESS	25 Copland Road, Koah
DATE LODGED	24 June 2016	RPD	Lot 1 on SP154474
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 is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code:</p> <p>(b) where agricultural production and the raising of animals are protected from incompatible land uses;</p> <p>2. The proposed development is in conflict with Part 4, Division 14, Rural Zone Code:</p> <p>4.80 Reconfiguring a Lot</p> <p>S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.</p> <p>PS1.2 Allotments to have a minimum area of <u>30 hectares</u> and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.</p> <p>3. The proposed development is in conflict with land use policies 2.6.1 and 4.6.1 of the Far North Queensland Regional Plan 2009-2031.</p>	<p>The subject site and surrounding allotments are not mapped as Good Quality Agricultural Land (GQAL). Council considers that the subject land is not suitable for sustainable agricultural production and further, it is improbable that adjoining allotments will be developed for significant agriculture purposes in the future.</p> <p>In assessing the potential for intensive animal husbandry, Council has applied the S-Factor methodology developed for the assessment of meat poultry farms. The typical meat poultry farm established within the Mareeba Shire accommodates up to 200,000 birds. A buffer distance of 845m is calculated for this farm size. Applying this buffer from the centre of the subject land would cover numerous surrounding rural and rural residential allotments.</p> <p>This demonstrates that it is not possible for intensive animal husbandry to achieve this separation distance. Separation distances for the establishment of a piggery or feedlot are expected to be no less than that required for a meat poultry farm.</p> <p>The subject land is located within Preferred Area No 3 - Clohesy River Area. Preferred Area No 3 reflects the planning scheme's ultimate intent that the Clohesy River area be development to accommodate some of urban growth.</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
DWG No. 7763-LL1 Rev B	Proposed Reconfiguration of a Lot (1 Lot into 2 Lots)	Twine Surveys Pty Ltd	14.6.2016

(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.
    - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
    - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
    - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved 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.
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3.7 Prior to the endorsement of the plan of survey the applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with and/or that they have no objection to Council's endorsement of the plan of survey.

3.8 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.

3.9 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.

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

3.11 Bushfire Management

Future development on proposed Lots 11 and 12 must comply with the recommendations of the Bushfire Management Report for Lot 1 on SP154474 as submitted with the reconfiguring a lot application.

3.12 Charges

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

3.13 Rural Addressing

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

4. Infrastructure Services and Standards

4.1 Access

An access crossover for each allotment, must be constructed from the edge of the road pavement, to the property boundary of each respective allotment, in accordance with the FNQROC Development Manual, 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 Roadworks – Copland Road

4.3.1 Copland Road, from its intersection with Koah Road, to a point 10 metres past the access into proposed Lot 12, must be constructed to Rural Road gravel standard, in accordance with FNQROC Development Manual standards to the satisfaction of Council's delegated officer.

4.3.2 The value of the roadworks required under Condition 4.3.1 will be credited towards the trunk transport contribution payable under Condition 5.

#### 4.4 Copland Road road reserve

A new section of road reserve must be opened to formalise the existing encroachment of the Copland Road formation on to the subject land.

#### 4.5 Water Supply

4.5.1 Each Lot must be provided with a potable water supply via bore or by water rights to a perennial stream in accordance with Planning Scheme Policy No. 1 - Water Supply (Outside Reticulated Water Supply Area).

4.5.2 Supply from a watercourse will be acceptable, provided the following can be demonstrated to the satisfaction of Council's delegated officer:

- the watercourse has sufficient flow and is perennial in all but the driest years; and
- the applicant can demonstrate that the Department of Natural Resources and Mines is prepared to grant a water licence for the proposed lot.

4.5.3 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.

4.5.4 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.

4.5.5 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).

4.5.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.5.3 (minimum sustainable yield only), 4.5.4 and 4.5.5 above.

#### 4.6 On-Site Wastewater Management

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

#### 4.7 Electricity provision/supply

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

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

#### 4.8 Telecommunications

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

### 5. Additional Payment Condition/s (section 650 of the Sustainable Planning Act 2009)

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$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 allotment)

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;
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- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- an approved bushfire management plan
- conditions regarding flood immunity
- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply via bore/perennial watercourse
- Department of Infrastructure, Local Government and Planning concurrence agency conditions and advice

- At the time of dwelling construction a 22,500L rainwater tank is to be provided in accordance with the Dwelling House Code to the satisfaction of Council's delegated officer

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 19 September 2016

(F) RELEVANT PERIOD

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

- Reconfiguring a Lot requiring Operational Works – four (4) years (starting the day the approval takes effect);

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

**CARRIED**

**ITEM-3****GJ ARMBRUST - MATERIAL CHANGE OF USE -  
TOURIST PARK - LOT 26 DA194 - 6068 MULLIGAN  
HIGHWAY, MOUNT CARBINE - DA/16/0056**

Moved by Cr Pedersen

Seconded by Cr Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	GJ Armbrust	<b>ADDRESS</b>	6068 Mulligan Highway, Mount Carbine
<b>DATE LODGED</b>	20 October 2016	<b>RPD</b>	Lot 26 on DA194
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Tourist Park		

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 - Tourist Park

(B) **APPROVED PLANS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
F16/017 DA01	Proposed Development - Caravan Park	Freshwater Planning Pty Ltd	July 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 payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.5 Noise Nuisance

Refrigeration equipment, camp site generators, pumps, compressors and mechanical ventilation systems must be located and/or designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

Tourist park guests are not permitted to play amplified music of any kind.

### 3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) An on-site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

Lids or coverings must be installed on all refuse storage bins when not in use to prevent wildlife scavenging.

### 3.7 Bushfire Management

3.7.1 The approved use must be provided with minimum on-site water storage of 5,000 litres for fire-fighting purposes which can include:

- (i) a separate tank (fixed or transportable); or
- (ii) a reserve section in the bottom part of a main water supply tank; or
- (iii) a dam; or
- (iv) a swimming pool.

Where a tank is to be used for water storage, a 50mm male camlock fitting must be attached.

3.7.2 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the tourist park 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.

3.7.3 The tourist park manager must ensure all open fires are appropriately managed and contained and must only be lit within the approved tourist park area (no fires permitted within Mary Creek).

### 3.8 Signage

3.8.1 No more than 1 advertising sign for the approved development is permitted on the subject site.

- 3.8.2 The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.
  - 3.8.3 The sign must be kept clean, in good order and safe repair for the life of the approval.
  - 3.8.4 The sign must be removed when no longer required.
  - 3.8.5 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.
- 3.9 The tourist park shall not accommodate more than twenty (20) individual campsites at any one time. Of these 20 individual campsites, a maximum of 5 campsites only can be used for traditional 'tent' style campers at any one time. Each campsite must:
- (i) not accommodate more than 1 caravan/motorhome; and
  - (ii) not more than 2 'tent' style campers.
- Note:** One camp group can accommodate more than 2 campers, however not more than 10 'tent' style campers can be accommodated within the tourist park any one time.
- 3.10 The maximum length of stay for any caravan/motorhome or campsite must not exceed five (5) consecutive days.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

An access crossover must be constructed/upgraded to asphalt/concrete sealed standard (from the edge of West Mary Road to the property boundary of the subject site) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage/Water Quality

- 4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
  - 4.2.2 Prior to the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event the surface of the tourist park area deteriorates due to wet weather and/or high traffic.
  - 4.2.3 The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.
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#### 4.3 Car Parking/Internal Driveways

4.3.1 All car parking associated with the tourist park must be accommodated within the identified tourist park area.

4.3.2 The internal access road shown on the approved plan (ingress and egress) must be constructed (from the edge of the access crossover mentioned in Condition 4.1 to the approved tourist park area) to a 4 metre wide all weather compacted gravel standard, prior to the commencement of the use.

The internal access road must be maintained at this standard for the life of the development.

#### 4.4 Lighting

4.4.1 Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

4.4.2 Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.4.3 The approved tourist park shall be managed in such a way as to prevent park visitors from deliberately directing light sources such as torches onto native wildlife.

#### 4.5 *Non-Reticulated Water Supply*

All non-potable water supplied to park visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

In the event that the tourist park is provided with a potable water supply, it must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines).

#### 4.6 On-Site Wastewater Management

4.6.1 No black or grey water from caravans/motorhomes is to be discharged on site.

4.6.2 Any accidental discharge of black or grey water on site must be reported to Council immediately.

4.6.3 The applicant/developer must have the existing on-site wastewater disposal system servicing the ablutions block evaluated by a registered site and soil evaluator, and a report lodged with Council demonstrating the ability of the system to accommodate the demand likely to be generated by the use. Population densities outlined in Condition 3.9 should be considered during the evaluation.

If the existing system is not of a capacity to service the approved use, the system must be upgraded or replaced by a system that can accommodate the demand likely to be generated by the use. Any new effluent 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.

(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) 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.

(c) 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.

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal

cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

(f) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the motor home park/caravan park/camping ground.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 14 October 2016.

(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

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

**CARRIED**

**ITEM-4 CA ARCHITECTS - MATERIAL CHANGE OF USE - SHORT TERM ACCOMMODATION - LOT 1 ON RP745867 - 189 FICHERA ROAD, MAREEBA - DA/16/0054**

Moved by Cr Graham

Seconded by Cr Toppin

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	CA Architects	<b>ADDRESS</b>	189 Fichera Road, Mareeba
<b>DATE LODGED</b>	30 September 2016	<b>RPD</b>	Lot 1 on RP745867
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Short-Term Accommodation		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), 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 - Short-Term Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0986_SK A005	Location Plan	CA Architects	11/08/2016
0986_SK A010	Proposed Site Plan	CA Architects	11/08/2016
0986_SK A021	Proposed Site Plan with Satellite	CA Architects	11/08/2016
0986_SK A51	Site - Typical Module	CA Architects	11/08/2016
0986_SK A081	Streetscape	CA Architects	11/08/2016
0986_SK A901	Typical Unit Image	CA Architects	11/08/2016
0986_SK A401	Elevations	CA Architects	11/08/2016
0986_SK A501	Sections	CA Architects	11/08/2016
0986_SK A100	Plan - Lower Level	CA Architects	11/08/2016
0986_SK A101	Plan - Upper Level	CA Architects	11/08/2016

(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 demonstrate to 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/s within these conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to 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 Noise Nuisance

- 3.5.1 The applicant/developer must ensure the approved short term accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
- 3.5.2 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

### 3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) On site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by



a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.7 Flood Immunity

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

No filling or excavation is to occur below the Q100 flood hazard level.

### 3.8 Bushfire Management

A Bushfire Management Plan for the site, incorporating evacuation procedures for guests, 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.

#### 3.8a Length of Stay

The maximum length of stay for guests must not typically exceed 3 consecutive months, unless otherwise approved by Council's delegated officer.

### 3.9 Signage

3.9.1 No more than 1 advertising sign for the approved development is permitted on the subject site.

3.9.2 The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.

3.9.3 The sign must be kept clean, in good order and safe repair for the life of the approval.

3.9.4 The sign must be removed when no longer required.

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

### 3.10 Notification of Potential Rural Zone Impacts

The applicant is to erect a sign at or near the reception building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme - July 2016 and is in a rural locality. The signage should generally state the following:

*"Guest should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

### 3.11 Slope Stability

For any building work proposed on a slope of 15% or greater, the applicant/developer must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- the long term stability of the development site; and
- that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site.

## 4. Infrastructure Services and Standards

### 4.1 Access

The site's existing access crossover must be upgraded/constructed (from the edge of Fichera Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer. The access must be widened to accommodate two directional traffic.

### 4.2 Roadworks – External Construction

Prior to the commencement of the use, the following sections of Fichera Road must be widened to a 6.5 metre bitumen sealed width (1.25m either side) in accordance with D1.4 (Road Class 100 - 999) of the FNQROC Development Manual:

- from the Fichera/Tinaroo Creek Road intersection kerbing to the point in which the existing sealed width reaches 6.5 metres approaching the Tinaroo Creek Bridge (approximate distance of 250 metres); and
- from a point approximately 20 metres north of the site access (where the pavement width falls below 6.5 metres) to a point approximately 500 metres north along Fichera Road (where the pavement width widens to 6.5 metres).

A second bitumen coat must be applied to the entire pavement width for the full length of the abovementioned road sections to bind the widening works with the existing bitumen.

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

#### 4.3 Stormwater Drainage/Water Quality

4.3.1 As part of any subsequent application for Operational Works, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.3.2 The Stormwater Management Plan 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.

4.3.3 As part of any subsequent application for operational works the applicant must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

4.3.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

4.3.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

4.3.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

#### 4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure the development is provided with at least 104 on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

- 4.4.2 The internal driveway servicing the development must be widened to a width of at least 6 metres for its entire length and should include speed control devices to minimise dust nuisance.
- 4.4.3 All car parking spaces and internal roads must be surfaced to at least a compacted gravel standard, delineated, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- 4.4.4 Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:
- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
  - Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities (if required);
  - Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.5 Landscape and Fencing

Prior to the commencement of the use, the applicant / developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

- (i) A minimum 3 metre wide landscape buffer along the Fichera Road frontage of the site, north of the site access to the north-west corner of the site.
- (ii) A minimum 2 metre wide landscape strip along the Fichera Road frontage of the site, south of the site access and up to the existing fruit trees at the southern end of the site.
- (iii) a minimum 3 metre wide landscape buffer along the northern boundary of the site for a length of 50m from the north-west corner of the site.
- (iv) a minimum 2 metre wide landscape buffer along the northern boundary of the site starting from the edge of the 3 metre buffer (as outlined above in (iii)) to a point adjacent the easternmost accommodation unit.
- (v) a minimum of 1 shade tree for every 6 parking spaces.
- (vi) any landscaping proposed amongst the 27 cabin blocks.

Landscaping associated with points (i), (ii), (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height. Existing mango trees are able to be used as part of the landscape buffers.

All landscaping works shall be undertaken prior to the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

#### 4.6 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

**Note:** The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

#### 4.7 Water Supply

- (i) The development must be provided with a potable water supply that satisfies 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).
- (ii) All non-potable water supplied to the development must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

#### 4.8 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.

**Note:** Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

5. Additional Payment Condition (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 applicant/developer must pay \$85,845.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport network servicing the land (\$85,845.00)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
  - Comply with the reasonable direction of Council officers in relation to the completion of the works;
  - Complete the works to the standards required by the Council; and
  - Complete the works prior to endorsement of the plan of subdivision.
- 5.6 The value, as agreed by Council's delegated officer, of the external works required under Condition 4.2 will be credited towards the additional payment required under Condition 5.2. Any credit will not exceed \$85,845.00.

(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 (restaurants/bed & breakfasts etc.)

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

(c) Compliance with applicable codes/policies

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

(d) Compliance with Acts and Regulations

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

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 10 November 2016.

(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

- Development Permit for Building Work
- Development Permit for Operational Works

**(H) OTHER APPROVALS REQUIRED FROM COUNCIL**

- Compliance Permit for Plumbing and Drainage Work

**CARRIED****ITEM-5 APPLICATION FOR PURCHASE OF UNALLOCATED STATE LAND - LOT 109 ON USL21322, PARISH OF TINAROO**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council offer no objection to the purchase of unallocated state land described as Lot 109 on USL21322, subject to its amalgamation with Lot 50 on RP804430, and advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

**CARRIED****ITEM-6 MOST APPROPRIATE USE OF UNALLOCATED STATE LAND - LOT 3 ON DA840915 & LOT 6 ON SP189942**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council advise the Department of Natural Resources and Mines that Lot 3 on DA840915 and Lot 6 on SP189942 perform a critical role in the transference of water between SunWater's Southedge balancing storage (Lot 5 on SP189942) and the Mareeba Wetlands (Lot 142 on CP903068) and both areas of USL should be amalgamated with Lot 142 on CP903068."

**CARRIED****ITEM-7 MAREEBA SHIRE COUNCIL ROAD NAMING POLICY - REQUEST TO INCLUDE NAME ON APPROVED ROAD NAMES LIST - BRIMS**

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council in accordance with Section 3.1.3 of the Road Naming Policy, add the name Brims to the list of approved road names for District 2."

**CARRIED**



## GOVERNANCE AND COMPLIANCE

### **ITEM-8 TENDER EVALUATION TMSC2016-12 DESIGN, SUPPLY AND INSTALLATION OF SOLAR PHOTOVOLTAIC (PV) SYSTEMS AT TWO (2) COUNCIL SITES**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council accepts the tender provided by Solgen Energy Pty Ltd for \$163,139.44 inclusive of GST (STC Discount \$124,500), for tender TMSC2016-12 for the Design, Supply, and Installation of two Solar Photovoltaic (PV) Systems for installation on the Rankin Street and Kowa Street Council office buildings."

**CARRIED**

## LOCAL LAWS

### **ITEM-9 REQUEST BY ANIMAL REHOMING CAIRNS AND TABLELANDS DISTRICT FOR EXEMPTION TO THE APPLICATION OF PART OF COUNCILS LOCAL LAW NO 2 ANIMAL MANAGEMENT**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council

1. Allow foster carers approved by "Animal Rehoming Cairns and Tablelands District" to keep an approved number of excess animals temporarily, provided that they are otherwise kept in accordance with the Councils Local Laws and the Animal Management (Cat and Dog) Act; and
2. Agree not to apply the penalty prescribed for noncompliance with section 5 of Local Law No 2 Animal Management where the keepers of the excess animals are approved as foster carers by "Animal Rehoming Cairns and Tablelands District; and
3. Allow no more than the following number of animals to be kept temporarily by each foster carer at any one time until a suitable permanent home is found:
  1. Six (6) adult cats and an unlimited number of kittens (under 12 weeks of age).
  2. Four (4) adult dogs and unlimited number of puppies (under 12 weeks of age);and
4. Agree that if Council receives a complaint as a result of minimum standards being breached (noise, odour etc.), Animal Rehoming Cairns and Tablelands District's Foster Carer will be required to reduce numbers of animals back down in accordance with the Mareeba Shire Council's Local Law No 2 Animal Management and comply with the minimum standards.
5. Retains the right to remove/withdraw this approval for individual or all carers at its discretion with immediate notice and officers be delegated authority to act in this regard.

6. That an animal can be fostered at a particular address for not more than eight (8) weeks.
7. This decision will be reviewed in 12 months."

**CARRIED**

## FINANCE

### **ITEM-10                      FINANCIAL STATEMENTS FOR PERIOD ENDING 30 NOVEMBER 2016**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council note the financial report for the period ending 30 November 2016."

**CARRIED**

### **ITEM-11                      REQUEST TO AMEND COUNCIL'S AUTHORISED BANK SIGNATORIES**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council:

1. authorise the amendment to bank signatories; and
2. delegate authority to the CEO to further appoint or remove bank signatories as and when personnel changes occur."

**CARRIED**

## COMMUNITY WELLBEING

### **ITEM-12                      KURANDA COMMUNITY PRECINCT STRATEGIC PLAN**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council accept and endorse the Kuranda Community Precinct Strategic Plan 2016-2021."

**CARRIED**

### **ITEM-13                      COMMUNITY LEASING POLICY**

The Mayor advised that ITEM-13 would be held over to a future meeting.

**ITEM-14 COMMUNITY PARTNERSHIPS PROGRAM REQUEST FOR ASSISTANCE FROM DIMBULAH FOOTBALL CLUB**

Moved by Cr Brown

Seconded by Cr Graham

"That Council approve a \$15,000 community loan (3 year repayment term and interest free) to the Dimbulah Football Club in accordance with the Community Loans Policy."

**CARRIED****INFORMATION SYSTEMS AND CUSTOMER SERVICE****ITEM-15 MAREEBA NEW CEMETERY - FULL GRAVE SLAB CAPACITY**

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council:

1. approve the allocation of a new non-denominational Headstone on Beam section within the Mareeba New cemetery; and
2. advise that no further free standing mausoleums be provided beyond the last row - Plots 20-24."

**CARRIED****INFRASTRUCTURE SERVICES****ITEM-16 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 6 DECEMBER 2016**

Moved by Cr Pedersen

Seconded by Cr Graham

"That Council note the minutes of the Traffic Advisory Committee Meeting held 6 December 2016."

**CARRIED****TECHNICAL SERVICES****ITEM-17 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - NOVEMBER 2016**

Moved by Cr Wyatt

Seconded by Cr Brown

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

**CARRIED**

## WORKS

### ITEM-18 **TMSC2016-16 PROCUREMENT OF TYPE 2.2 ROAD BASE - RAY ROAD REHABILITATION AND WIDENING PROJECT**

Moved by Cr Toppin

Seconded by Cr Pedersen

"That Council award Tender TMSC2016-16 Supply and Delivery of Type 2.2 Road Base - Ray Road, Mareeba Rehabilitation and Widening project to Wallace Quarrying and Mining at the following unit rates (GST Inclusive):

- 10,000 tonnes Type 2.2 Road Base \$20.95 per tonne

amounting to a total value of \$209,500.00 (inclusive of GST)."

**CARRIED**

### ITEM-19 **TMSC2016-17 PROCUREMENT OF FULL SERVICES SEAL EXCLUDING TRAFFIC CONTROL - RAY ROAD REHABILITATION AND WIDENING**

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council award Tender TMSC2016-17 - Full Service Seal excluding Traffic Control - Ray Road, Mareeba to Pioneer North Qld at the following unit rates (GST Inclusive):

<b>1<sup>st</sup> Coat - Spray Rate 1.70 l/m<sup>2</sup> - 23,050m<sup>2</sup></b>				
Supply, Cart, Heat & Spray C170 Bitumen	Litre	<b>39,185</b>	\$1.056	\$41,379.36
Supply, Incorporate, Heat and Spray Bitumen Cutter @ 3%	Litre	<b>1,175</b>	\$1.87	\$2,197.25
Supply, Incorporate, Heat and Spray Adhesion Agent @ 0.5%	Litre	<b>196</b>	\$8.80	\$1,724.80
Supply, Load, Spread and Roll Pre-Coated 16mm Cover Aggregate @ 85m <sup>2</sup> per m <sup>3</sup>	M <sup>3</sup>	<b>271</b>	\$139.15	\$37,709.65
<b>2<sup>nd</sup> Coat - Spray Rate 1.2 l/m<sup>2</sup> - 23,050m<sup>2</sup></b>				
Supply, Cart, Heat & Spray C170 Bitumen	Litre	<b>27,660</b>	\$1.034	\$28,600.44
Supply, Incorporate, Heat and Spray Adhesion Agent @ 0.5%	Litre	<b>138</b>	\$8.80	\$1,214.40
Supply, Load, Spread and Roll Pre-Coated 10mm Cover Aggregate @ 120m <sup>2</sup> per m <sup>3</sup>	M <sup>3</sup>	<b>192</b>	\$132.00	\$25,344.00
<b>TOTAL:</b>				<b>\$138,169.50</b>

**CARRIED**

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**ITEM-20                                    INFRASTRUCTURE SERVICES - WORKS SECTION  
PROGRESS REPORT - NOVEMBER 2016**

Moved by Cr Wyatt

Seconded by Cr Toppin

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

**CARRIED**

**WATER & WASTE**

**ITEM-21                                    WATER ALLOCATIONS TEMPORARY LEASE**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council:

1. accept the tendered offer of \$157.00 per ML for seven (7) lots of 70 megalitres medium priority water allocations for the remainder of this Water Year (subject to the Announced Allocation) from Rosella Sub TC Pty Ltd, and
2. authorise Council Officers to negotiate with Rosella Sub TC Pty Ltd for any additional available Water Allocation that Sunwater grants for these lots at the tendered offer of \$157.00 per ML, and
3. enter into a legally binding agreement for the continuation of the Temporary Transfer arrangement for a further three (3) years with an option for a further one (1) year at a mutually agreed price per ML."

**CARRIED**

**ITEM-22                                    INFRASTRUCTURE SERVICES - WATER AND  
WASTEWATER GROUP - MONTHLY OPERATIONS -  
NOVEMBER 2016**

Moved by Cr Wyatt

Seconded by Cr Graham

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

**CARRIED**

**ITEM-23                                    INFRASTRUCTURE SERVICES - WASTE OPERATIONS  
REPORT - NOVEMBER 2016**

Moved by Cr Wyatt

Seconded by Cr Pedersen

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

**CARRIED**

## PROJECT MANAGEMENT

### **ITEM-24 MAREEBA AIRPORT UPGRADE - QMSC2016-17 AVIATION COMMERCIAL PRECINCT EARLY WORKS**

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council, in accordance with Section 235 (b) of the Local Government Regulations, award Quote QMSC2016-17 Mareeba Airport Upgrade: Aviation Commercial Precinct - Early Works to A&A Bonadio and R&V Bonadio at the rates supplied in their quotation response."

**CARRIED**

### **ITEM-25 MAREEBA AIRPORT UPGRADING - NOVEMBER 2016 PROGRESS REPORT**

Moved by Cr Pedersen

Seconded by Cr Brown

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

**CARRIED**

### **ITEM-26 CONTRACT TMSC2015-13 MAREEBA WASTEWATER TREATMENT PLANT - DESIGN & CONSTRUCTION - NOVEMBER 2016 PROGRESS REPORT**

Moved by Cr Brown

Seconded by Cr Graham

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

**CARRIED**

## **MEETING ADJOURNMENT**

Moved by Cr Brown

Seconded by Cr Graham

"That the meeting be adjourned at 9:55am."

**CARRIED**

## **MEETING RESUMED**

Moved by Cr Toppin

Seconded by Cr Brown

"That the meeting resume at 10:00am."

**ITEM-28 INVESTIGATION AND OPTIONS ASSESSMENT FOR FOUR TIMBER BRIDGES**

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council:

1. Receive and note the report on the Investigation and Options Assessment for Four (4) Timber Bridges; and
2. Approve an inspection regime for detailed assessment of these bridges to be undertaken in February/March 2017; and
3. Include rehabilitation of these bridges for Council consideration in a future Capital Works Program; and
4. Approve the application for funding to rehabilitate these bridges as listed in this report under any future grants and subsidy programs."

**CARRIED****CHIEF EXECUTIVE OFFICER****ITEM-30 PETITION FOR RECYCLING IN KURANDA**

Moved by Cr Brown

Seconded by Cr Graham

"That Council receive the petition and to await a future meeting, when a report on the tender for the provision of Recycling Collection services in the Shire is tabled."

**CARRIED****MEETING RESUMED - 10:21AM****CLOSURE OF MEETING**

Moved by Cr Pedersen

Seconded by Cr Graham

"That in accordance with Section 275(1)(e) and (h) of the Local Government Regulation 2012, the meeting be closed to the public at 10:22am to discuss matters relative to contracts made by Council."

**CARRIED**

**OPENING OF MEETING**

Moved by Cr Brown

Seconded by Cr Toppin

"That the meeting be opened at 10:39am."

**CARRIED****ITEM-29 MAREEBA WASTEWATER TREATMENT PLANT - INLET WORKS - VARIATIONS**

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council approve the variations to Contract TMSC2015-09 Mareeba Wastewater Treatment Plant - Inlet Works as included in this report."

**CARRIED****ITEM-27 TENDER EVALUATION TMSC2016-13 KURANDA RESERVOIRS**

Moved by Cr Brown

Seconded by Cr Toppin

"That Council award Tender TMSC2016-13 Kuranda Suburban Water Security Project: Construct Reservoirs at Platypus Close and Hilltop Close to FGF Developments Pty Ltd for a total value of \$1,464,940.40 (inclusive of GST)."

**CARRIED****BUSINESS WITHOUT NOTICE**

Nil

**NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at Mareeba 9:00 am on Wednesday 25 January 2017

There being no further business, the meeting closed at 10:42 am.

.....  
Cr Tom Gilmore  
Mayor