



Ordinary Meeting

Council Chambers
Date: 21 March 2018
Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

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

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

BEREAVEMENTS/CONDOLENCES

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

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

Cr Davies informed the meeting that he had a conflict of interest, in accordance with Section 173 of the *Local Government Act 2009*, in relation to *ITEM-13 TENDER EVALUATION TMS2017-27 MAREEBA AIRPORT UPGRADE-CONSTRUCTION OF AIRSIDE INFRASTRUCTURE*. Cr Davies advised that he will leave the meeting whilst the matter is being discussed and voted on.

CONFIRMATION OF MINUTES

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That the Minutes of the Ordinary Council Meeting held on 21 February 2018 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 **P ENGLISH - MATERIAL CHANGE OF USE - AIR SERVICES (PRIVATE AIRSTRIp) - LOT 1 RP746336 - 343 FANTIN ROAD, KOAH - DA/17/0029**

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

APPLICATION		PREMISES	
APPLICANT	P English	ADDRESS	343 Fantin Road, Koah
DATE LODGED	23 June 2017	RPD	Lot 1 on RP746336
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Air Services (Private Airstrip)		

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

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use – Air Services (Private Airstrip)

(B) **APPROVED** **PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
32301-01 Sheet 1 of 2	Flight Plan For Take Off to South	Veris	1/06/2017
32301-01 Sheet 2 of 2	Flight Plan For Take Off to North	Veris	1/06/2017

(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

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.

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/landowner 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 Hours of Operation

The permitted hours for machinery to be used for maintaining the airstrip, for unscheduled aircraft maintenance, and for aircraft to take-off and land shall be between 7am and 6pm Monday to Sunday except for emergency use, which can be whenever necessary.

3.5 Permitted Flights

Recreational aircraft flights shall be limited as follows unless approved otherwise by Council:

- seven (7) flights per calendar week (Monday to Sunday), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;
- A maximum of six (6) flights are permitted on any given day over the course of a calendar week, subject to the abovementioned limit of seven (7) flights per calendar week;
- A maximum of 12 flights for visitor pilots over the course of a calendar year, subject to the abovementioned limits of seven (7) flights per calendar week and up to six (6) flights in any given day over the course of a calendar week.

Note:1 "flight" includes 1 take-off movement and 1 landing movement, or vice-versa for "visitor flights" as visitor flights do not commence from the site.

3.6 Flight Logbook

The applicant/landowner must, for the life of the development, maintain a flight logbook, which contains records of all flight movements to and from the approved airstrip, including visitor flights. Flight records must include the aircraft used, and the date in which the flight/s was carried out.

At the request of Council officers, the logbook must be made available to Council for review.

3.7 Permitted Aircraft

Use of the airstrip is to be limited to Cessna 172, replica Spitfire MK5 and Glassair II aircraft, or other non-commercial aircraft with similar impact approved by Council's delegated officer. This excludes the use of the airstrip by emergency flights, which are permitted to use whatever aircraft necessary.

3.8 Flight Paths

When safe to do so, any aircraft taking off in a southerly direction (where not involving a circuit), must turn to the east immediately after take-off, preferably following the Fantin Road road reserve in a south-east direction in order to avoid flying over Lot 201 on NR3170.

Any circuit after take-off must be carried out to the east of the site.

Note: A circuit as depicted on the submitted plans is not mandatory during take-off or landing.

3.9 All scheduled maintenance of aircraft shall be undertaken off-site.

3.10 Water Supply for Fire Fighting Purposes

The development is to 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 Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located in an accessible position within 40 metres of the existing building.

3.11 Fuel Storage

Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.

4. Infrastructure Services and Standards

4.1 Access

The sites existing access crossover must be upgraded/constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 Any material likely to degrade water (e.g. 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 and used when a spill occurs to prevent the escape of any contaminants off-site.

4.2.3 Any aircraft wash down area/s is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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

(d) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- 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).

AMENDMENT TO THE MOTION

Moved by Cr Toppin

Seconded by Cr Graham

3.5 Permitted Flights

Recreational aircraft flights shall be limited as follows unless approved otherwise by Council:

- (i) 1 flight per day (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;

Note: 1 “flight” includes 1 take-off movement and 1 landing movement, or vice-versa for “visitor flights” as visitor flights do not commence from the site.

CARRIED

THE ORIGINAL MOTION AMENDED AS PER THE PROCEDURAL MOTION ABOVE

Moved by Cr Pedersen

Seconded by Cr Graham

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

APPLICATION		PREMISES	
APPLICANT	P English	ADDRESS	343 Fantin Road, Koah
DATE LODGED	23 June 2017	RPD	Lot 1 on RP746336
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Air Services (Private Airstrip)		

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

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

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Air Services (Private Airstrip)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
32301-01 Sheet 1 of 2	Flight Plan For Take Off to South	Veris	1/06/2017
32301-01 Sheet 2 of 2	Flight Plan For Take Off to North	Veris	1/06/2017

(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

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.

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/landowner 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 Hours of Operation

The permitted hours for machinery to be used for maintaining the airstrip, for unscheduled aircraft maintenance, and for aircraft to take-off and land shall be between 7am and 6pm Monday to Sunday except for emergency use, which can be whenever necessary.

- 3.5 Permitted Flights

Recreational aircraft flights shall be limited as follows unless approved otherwise by Council:

- (i) 1 flight per day (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;

Note: 1 “flight” includes 1 take-off movement and 1 landing movement, or vice-versa for “visitor flights” as visitor flights do not commence from the site.

3.6 Flight Logbook

The applicant/landowner must, for the life of the development, maintain a flight logbook, which contains records of all flight movements to and from the approved airstrip, including visitor flights. Flight records must include the aircraft used, and the date in which the flight/s was carried out.

At the request of Council officers, the logbook must be made available to Council for review.

3.7 Permitted Aircraft

Use of the airstrip is to be limited to Cessna 172, replica Spitfire MK5 and Glassair II aircraft, or other non-commercial aircraft with similar impact approved by Council's delegated officer. This excludes the use of the airstrip by emergency flights, which are permitted to use whatever aircraft necessary.

3.8 Flight Paths

When safe to do so, any aircraft taking off in a southerly direction (where not involving a circuit), must turn to the east immediately after take-off, preferably following the Fantin Road road reserve in a south-east direction in order to avoid flying over Lot 201 on NR3170.

Any circuit after take-off must be carried out to the east of the site.

Note: A circuit as depicted on the submitted plans is not mandatory during take-off or landing.

3.9 All scheduled maintenance of aircraft shall be undertaken off-site.

3.10 Water Supply for Fire Fighting Purposes

The development is to 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 Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located in an accessible position within 40 metres of the existing building.

3.11 Fuel Storage

Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.

4. Infrastructure Services and Standards

4.1 Access

The sites existing access crossover must be upgraded/constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 Any material likely to degrade water (e.g. 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 and used when a spill occurs to prevent the escape of any contaminants off-site.

4.2.3 Any aircraft wash down area/s is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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

(d) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- 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

Crs Brown, Davies and Wyatt recorded their vote against the motion

ITEM-2 TELSTRA CORPORATION LTD - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 0 SP154001 -6806 MULLIGAN HIGHWAY, MOUNT CARBINE - MCU/17/0015

Moved by Cr Davies

Seconded by Cr Pedersen

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

APPLICATION		PREMISES	
APPLICANT	Telstra Corporation Ltd	ADDRESS	6806 Mulligan Highway, Mount Carbine
DATE LODGED	21 November 2017	RPD	Lot 0 on SP154001
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Telecommunications Facility		

and in accordance with the Planning Act 2016, 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 - Telecommunications Facility

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q114459 S1	Site Access and Locality Plan	Service Stream Mobile Communications	25/09/17
Q114459 S1-1	Site Layout	Service Stream Mobile Communications	25/09/17
Q114459 S1-2	Antenna Layout	Service Stream Mobile Communications	25/09/17
Q114459 S3	North West Elevation	Service Stream Mobile Communications	25/09/17
Q114459 G1	Site Tenure Plan	Service Stream Mobile Communications	25/09/17

(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 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 the condition(s) of this approval.
- 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

Suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building must be installed and maintained. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

4. Infrastructure Services and Standards

4.1 Lighting

- 4.1.1 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.

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.

- 4.1.2 Warning lights shall not be installed on the tower, unless specifically required by other relevant legislation.

4.2 Building Materials & Finishes

- 4.2.1 Any equipment cabinets shall be a neutral colour.

- 4.2.2 The monopole tower shall be painted a colour equivalent to Colorbond 'Pale Eucalypt' in order to help achieve an effective visual blend with the surrounding landscape.

- 4.2.3 The perimeter fence shall be chain wire mesh.

4.3 Operational Requirements

- 4.3.1 The radiofrequency field emissions from the installed tower shall not exceed the Australian Radiation Protection and Nuclear Safety Agency mandated exposure limits for continuous exposure to radio frequency transmissions from mobile phone base stations at any time, at any location.

- 4.3.2 Within three (3) months of the site becoming operational, a site compliance certificate is to be carried out by an appropriately qualified person to verify that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard, 2002 Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz. This certificate is to be submitted to Council for consideration within three (3) months of the tower becoming operational.

4.4 Decommissioning and Site Rehabilitation

If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

- (i) The monopole and associated infrastructure is removed from the site; and
- (ii) The site is made suitable for other uses compatible with the locality; and
- (iii) Restores the visual amenity of the site.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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

(d) 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) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 21 December 2017.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil”

CARRIED

**ITEM-3 NEGOTIATED DECISION NOTICE - REEDLODGE PTY LTD
- MATERIAL CHANGE OF USE - SHOPPING CENTRE -
LOT 78 SP152626 - 232 BYRNES STREET, MAREEBA -
MCU/17/0011**

Moved by Cr Davies

Seconded by Cr Graham

- “1. In relation to the written representations made by Urban Sync on behalf of Reedlodge Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Reedlodge Pty Ltd	ADDRESS	232 Byrnes Street, Mareeba
DATE OF NDN REQUEST	6 February 2018	RPD	Lot 78 on SP152626
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shopping Centre		

and in accordance with the Planning Act 2016, the following

- (A) Condition 4.2.3 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

4.2.3 Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:

- (i) Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (<http://www.ipweaq.com/qudm>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.*
- (ii) Provide engineering drawings showing the design of the proposed detention basin(s), including invert levels and outlet pipe and overflow, outlet configurations, and how they will connect to the existing drainage at the nominated legal point(s) of discharge.*
- (iii) Include revised details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is no worsening impact for all relevant design events.*

- (B) Condition 4.5.3 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

4.5.3 *The applicant must construct the areas of Rankin Street where Heavy Rigid Vehicles will undertake turning manoeuvres to ingress and egress the site with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual. The extent of the 50mm asphalt seal in Rankin Street is to be determined as part of the Operational Works application.*

2. A Negotiated Decision Notice be issued to the applicant and submitter advising of Council's decision."

CARRIED

**ITEM-4 S & J BEATTIE - RECONFIGURING A LOT - SUBDIVISION
(1 INTO 2 LOTS) - LOT 1 RP736571 - 82 MCGRATH ROAD,
MAREEBA - RAL/17/0010**

Moved by Cr Pedersen

Seconded by Cr Wyatt

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

APPLICATION		PREMISES	
APPLICANT	S & J Beattie	ADDRESS	82 McGrath Road, Mareeba
DATE LODGED	7 December 2017	RPD	Lot 1 on RP736571
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed Property Building and Flood Area Details	S.P.B.	24-10-2017

(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.

- 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 Charges

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

3.9 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.

3.10 Bushfire Management

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.

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.

A bitumen sealed or reinforced concrete driveway shall be provided within any battleaxe lot access handle. The driveway will:

- have a minimum formation width of 3 metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle of the battle axe allotment(s).

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 Water Supply

A water service connection must be provided to each lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 2, 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.

4.5 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.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

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 \$13,500.00 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 (\$4,500.00 per additional allotment)
- The trunk open space infrastructure servicing the land (\$4,500.00)
- The trunk water supply infrastructure servicing the land (\$4,500.00)

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

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

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

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(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
- An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot – 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."

CARRIED

CARRIED

CARRIED

CARRIED

LOCAL LAWS

ITEM-8 MAREEBA SHIRE COUNCIL - LOCAL LAW NO. 6 (WASTE MANAGEMENT) 2018

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council propose to adopt the Draft Local Law No.6 (Waste Management) being Step 1 in the "process for making a local law that is not a model local law or interim local law" that was adopted at the ordinary Council meeting dated 19 July 2017."

CARRIED

ITEM-9 REGULATORY FEES AND CHARGES 2018 - 2019

Moved by Cr Toppin

Seconded by Cr Brown

"That Council:

1. Adopt the proposed 2018 - 2019 fees as listed for Animal Management, Environmental Health and Local Law Activities; and
2. With immediate effect, not offer refunds on any fees for Animal Management, Environmental Health and Local Law Activities."

CARRIED

FINANCE

ITEM-10 FINANCIAL STATEMENTS FOR PERIOD ENDING 28 FEBRUARY 2018

Moved by Cr Davies

Seconded by Cr Wyatt

"That Council note the financial report for the period ending 28 February 2018."

CARRIED

COMMUNITY WELLBEING

ITEM-11 REGIONAL ARTS DEVELOPMENT FUND APPLICATION TO ARTS QUEENSLAND

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council

1. Adopt the 2018-2020 Regional Arts Development Fund Strategy;
2. Submit an expression of interest to Arts Queensland for the 2018/2019 Regional Arts Development Fund grant to build cultural tourism, public mural partnerships and youth arts engagement activities in the shire; and
3. Co-contribute \$18,000 to the 2018/2019 Regional Arts Development Fund program as outlined in this report."

CARRIED

INFORMATION SYSTEMS AND CUSTOMER SERVICE

ITEM-12 CEMETERIES FEES AND CHARGES 2018 - 2019 AND OPERATING PROCEDURES

Moved by Cr Davies

Seconded by Cr Brown

"That Council:

1. Adopt the Cemeteries Fees and Charges 2018 - 2019; and
2. Amend the operating procedures relating to the approval of reservations at the Kuranda Cemetery."

CARRIED

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES

Cr Davies left the meeting at 9:17am.

**ITEM-13 TENDER EVALUATION TMSC2017-27 MAREEBA
AIRPORT UPGRADE - CONSTRUCTION OF AIRSIDE
INFRASTRUCTURE**

Moved by Cr Graham

Seconded by Cr Pedersen

"That Council awards the contract for TMSC2017-27 Mareeba Airport Upgrade- Construction of Airside Infrastructure to FGF Developments Pty Ltd for a total value of \$14,251,437.59 (inclusive of GST)."

CARRIED

Cr Davies returned to the meeting at 9:18am.

**ITEM-14 ASSIGNMENT OF LEASE TO MAREEBA HANGERS PTY
LTD**

Moved by Cr Brown

Seconded by Cr Graham

"That Council approve the assignment of Lease U at the Mareeba Airport from Wedmaier Investments Pty Ltd to Mareeba Hangars Pty Ltd, subject to the following conditions:

1. The assignee (Mareeba Hangars Pty Ltd) entering into: (a) a Deed containing a covenant as per Clause 2.08.1(a) of the existing lease to observe, fulfil and comply with all of the covenants, conditions and stipulations contained within the existing lease, and (b), a Power of Attorney clause similar to that contained in Clause 4.06 of the existing lease;
2. All lease fees, rates and charges levied in respect of Lease U to be paid and up to date as at the date of assignment;
3. The current lessee and/or assignee being responsible for payment of all costs associated with the assignment of the lease. "

CARRIED

ITEM-15 BASALT GULLY

Moved by Cr Graham

Seconded by Cr Toppin

"That Council approves the Vegetation Management project for the Basalt Gully parkland area."

CARRIED

**ITEM-16 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - FEBRUARY 2018**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council receive the Technical Services Monthly Report for the month of February 2018."

CARRIED**WORKS****ITEM-17 INFRASTRUCTURE SERVICES - WORKS SECTION
ACTIVITY REPORT - FEBRUARY 2018**

Moved by Cr Davies

Seconded by Cr Brown

"That Council receive and note the Transport Infrastructure, Parks and Gardens, Bridge Sections and Pest Management Activities Report for the month of February 2018."

CARRIED**WATER & WASTE****ITEM-18 WATER AND WASTEWATER GROUP WATER
RESTRICTIONS REVIEW**

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council cease the current water restrictions on all Mareeba Shire Water Supply Schemes with the exception of the Chillagoe Water Supply Scheme which will maintain the current Level 3 water restrictions."

CARRIED**ITEM-19 INFRASTRUCTURE SERVICES, WASTE OPERATIONS
REPORT - FEBRUARY 2018**

Moved by Cr Davies

Seconded by Cr Graham

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, February 2018."

CARRIED

**ITEM-20 INFRASTRUCTURE SERVICES, WATER AND
WASTEWATER GROUP MONTHLY OPERATIONS
REPORT - FEBRUARY 2018**

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council receive and note the February 2018 Monthly Water and Wastewater Report."

CARRIED

BUSINESS WITHOUT NOTICE

ADHOC-1 ACKNOWLEDGEMENT OF STAFF

Moved by Cr Gilmore

Seconded by Cr Graham

"That Council acknowledge the efforts of the staff during the recent flooding event and their contribution and dedication in opening roads as quickly as they did."

CARRIED

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 18 April 2018.

There being no further business, the meeting closed at 9:39am.

.....
Cr Tom Gilmore
Mayor

APPENDIX 1 - ITEM-2TELSTRA CORPORATION LTD - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 0 SP154001 -6806 MULLIGAN HIGHWAY, MOUNT CARBINE - MCU/17/0015

RA6-N

Department of Infrastructure,
Local Government and PlanningOur reference: 1711-2452 SRA
Your reference: MCU/17/0015

21 December 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880
info@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 24 November 2017.

Applicant details

Applicant name:	Telstra Corporation Limited C/- Service Stream Mobile Communications
Applicant contact details:	PO Box 510 Lutwyche QLD 4030 geordie.pippos@servicestream.com.au

Location details

Street address:	6808 Mulligan Highway
Real property description:	Lot 0 on SP154001
Local government area:	Mareeba Shire Council

Application details

Development permit	Material Change of Use for a Telecommunications Facility
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.3.4.3.1 Clearing native vegetation
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1711-2452 SRA

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Queensland Government Transport and Main Roads	Queensland Government Transport and Main Roads	29/11/2017	TMR17-23169 (500-1200)	Issue A
Mobile Network Site 309699 Mount Carbine CMTS – Site access and locality plan	Service Stream Mobile Communications	25/9/2017	Q114459, Sheet No. S1	Issue 1
Mobile Network Site 309699 Mount Carbine CMTS – Site Layout	Service Stream Mobile Communications	25/9/2017	Q114459, Sheet No. S1-1	Issue 1

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

For further information please contact Jenny Sapuppo, Senior Planning Officer, on 5644 3212 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Telstra Corporation Limited C/- Service Stream Mobile Communications,
geordie.pippos@servicestream.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

Attachment 1—Conditions to be imposed

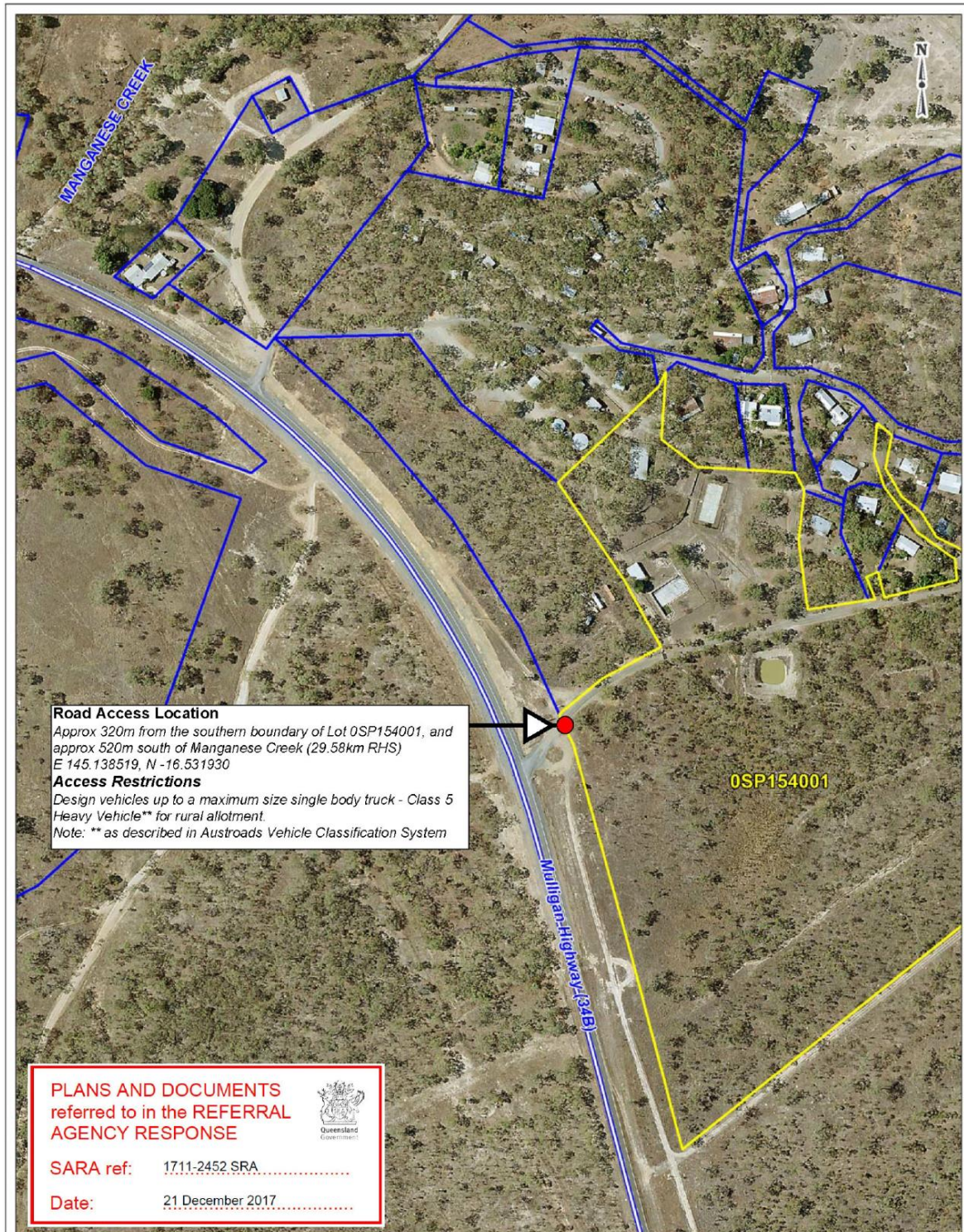
No.	Conditions	Condition timing
Material change of use		
State transport corridors —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The road access location is to be located approximately 320 metres from the southern boundary of Lot 0 on SP154001, generally in accordance with the following plans: <ul style="list-style-type: none"> • TMR Layout Plan (34B - 29.58km), prepared by Queensland Government Transport and Main Roads, dated 29/11/2017, reference TMR17-23169 (500-1200), Issue A, and • Mobile Network Site 309699 Mount Carbine CMTS – Site Access and Locality Plan, prepared by Service Stream Mobile Communications, dated 25.09.17, reference Q114459, Sheet No. S1, Issue 1. 	At all times.
2.	Direct access is prohibited between the Mulligan Highway and Lot 0 on SP154001 at any other location other than the permitted road access location described in Condition 1.	At all times
Material change of use		
Clearing native vegetation —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
3.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • Mobile Network Site 309699 Mount Carbine CMTS – Site access and locality plan, prepared by Service Stream Mobile Communications, dated 25/9/2017, reference Q114459, Sheet No. S1, Issue 1 • Mobile Network Site 309699 Mount Carbine CMTS – Site Layout, prepared by Service Stream Mobile Communications, dated 25/9/2017, reference Q114459, Sheet No. S1-1, Issue 1. 	At all times
4.	Any person(s) engaged or employed to carry out the <u>clearing</u> of <u>vegetation</u> under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of <u>clearing</u> authorised by this development approval.	Prior to clearing



1711-2452 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure compliance with the development approval.



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

TMR Layout Plan (34B - 29.58km)



Queensland Government
Transport and Main Roads

Plan No:	2 / 2	Issue:	A	Date:	29/11/2017
Drawn by:	RPK	File ref:	TMR17-23169 (500-1200)		

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