



Ordinary Meeting

Council Chambers

Date: 16 May 2018

Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

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

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Absent on Council business Cr T Gilmore (Mayor)

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 Brown informed the meeting that he has a material personal interest, in accordance with Section 173 of the *Local Government Act 2009*, in relation to *ITEM-19 Council Meeting Minutes 16/05/2018 ORD*. Cr Brown advised that he will leave the meeting for the duration of the discussion and not vote regarding ITEM-19.

CONFIRMATION OF MINUTES

Moved by Cr Toppin

Seconded by Cr Wyatt

"That the Minutes of the Ordinary Council Meeting held on 21 April 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 REEVER AND OCEAN PTY LTD - ROL BOUNDARY REALIGNMENT - LOT 16 N157227 & LOT 22 SP296830 - 77 & 112 BARNWELL ROAD, KURANDA - RAL/18/0015

Moved by Cr Toppin

Seconded by Cr Brown

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

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	ADDRESS	77 & 112 Barnwell Road, Kuranda
DATE LODGED	27 April 2018	RPD	Lot 16 on N157227 & Lot 22 on SP296830
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

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 - Boundary Realignment

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
18005/ROL/01 Sheet 1 of 2	Proposed Lots 16 & 22	Ausnorth Consultants	13/03/2018
18005/ROL/01 Sheet 2 of 2	Proposed Lots 16 & 22	Ausnorth Consultants	13/03/2018

(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 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/contributions contained 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 required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior 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 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity

to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

- 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.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) 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.

(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.

(F) 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

- Nil

CARRIED

ITEM-2 REEVER AND OCEAN PTY LTD - MCU TOURIST ATTRACTION - LOT 16 N157227, LOT 17, 18, 19 & 22 SP296830 - 77 & 112 BARNWELL ROAD, KURANDA - MCU/18/0006

Moved by Cr Brown

Seconded by Cr Graham

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

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	ADDRESS	77 & 112 Barnwell Road, Kuranda
DATE LODGED	15 March 2018	RPD	Lot 16 on N157227, Lot 17, 18, 19 and 22 on SP296830
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Attraction		

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), referral 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 Attraction

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA-SP060	Tourism Site Plan 60 Pax	Develop North	05/03/2018
DA-SP150	Tourism Site Plan 150 Pax	Develop North	05/03/2018
DA-SP300	Tourism Site Plan 300 Pax	Develop North	05/03/2018
DA-BH04	Ground Floor Plan	Develop North	01/03/2018
DA-BH05	Ground Floor Dimension Plan	Develop North	01/03/2018
DA-BH08	First Floor Plan	Develop North	01/03/2018
DA-BH09	First Floor Dimension Plan	Develop North	01/03/2018
DA-BH11	Roofing Plan	Develop North	01/03/2018
DA-BH12	Elevations	Develop North	01/03/2018
DA-BH13	Elevations	Develop North	01/03/2018
DA-CVD1	Cattle Viewing Deck Site Plan	Develop North	28/02/2018
DA-CVD2	Cattle Viewing Deck Ground Floor Plan	Develop North	28/02/2018
DA-CVD3	Cattle Viewing Deck First Floor Plan	Develop North	28/02/2018
DA-CVD4	Cattle Viewing Deck East & West Elevations	Develop North	28/02/2018
DA-CVD5	Cattle Viewing Deck North Elevation	Develop North	28/02/2018
DA-CVD6	Cattle Viewing Deck GF Beam Plan	Develop North	28/02/2018
DA-CVD7	Cattle Viewing Deck 1F Roof Beam Plan	Develop North	28/02/2018
DA-CVD8	Cattle Viewing Deck 3D Conceptual	Develop North	28/02/2018
DA-CON 01	Container Viewing Deck DA Plans & Elevation	Develop North	01/03/2018
DA-GD01	Garden Deck Site Plan Stage 1	Develop North	26/02/2018
DA-GD02	Garden Deck Floor Plan Stage 1	Develop North	26/02/2018
DA-GD03	Garden Deck Elevations Stage 1	Develop North	26/02/2018
DA-GD11	Garden Deck Site Plan Stage 2	Develop North	26/02/2018
DA-GD12	Garden Deck Floor Plan Stage 2	Develop North	26/02/2018
DA-GD13	Garden Deck Elevations Stage 2	Develop North	26/02/2018
DA-GD22	Garden Deck 3D Concept	Develop North	26/02/2018

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA-HP01	Horse Pen 2 Site Plan	Develop North	28/02/2018
DA-HP02	Horse Pen 2 Floor Plan	Develop North	28/02/2018
DA-HP03	North & South Elevations	Develop North	28/02/2018
DA-HP04	East & West Elevations	Develop North	28/02/2018
DA-HP05	Horse Pen 2 3D	Develop North	28/02/2018
DA-RSN01	Rest Stop North Site Plan	Develop North	28/02/2018
DA-RSN02	Rest Stop North Floor Plan	Develop North	28/02/2018
DA-RSN03	Rest Stop North Elevations	Develop North	28/02/2018
DA-RSN04	Rest Stop North 3D	Develop North	28/02/2018
DA-RSS01	Rest Stop South Site Plan	Develop North	28/02/2018
DA-RSS02	Rest Stop South Floor Plan	Develop North	28/02/2018
DA-RSS03	Rest Stop South Elevations	Develop North	28/02/2018
DA-RSS04	Rest Stop South 3D	Develop North	28/02/2018
DA-TB01	Toilet Block Floor & Site Plan	Develop North	01/03/2018
DA-TB02	Toilet Block Elevations	Develop North	01/03/2018
DA-TB03	Toilet Block 3D	Develop North	01/03/2018
Figure 1	Erosion and Sediment Control Points of Interest	NRA Consultants	Nov 2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, including but not necessarily limited to the subject of 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 relevant stage of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of the relevant stage of the use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All external 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.

3.3 Waste Management

On site refuge storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

3.4 Hours of Operation

The operating hours shall be between 7am and 7pm, Monday to Sunday.

- 3.5 Tourists are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle).

- 3.6 In order to reduce amenity impacts, quad bike activities associated with the approved use are not permitted within 150 metres of the northern boundary of Lot 22 on SP296830 at any time.

Note - Quad bike activities associated with the existing use, namely animal husbandry, is permitted within this area.

- 3.7 The maximum noise level of any ATV (quad bike) operated in the conduct of the approved use shall not exceed 63dBA (measured at 50 metres from the ATV or at the boundary of any land not forming part of this development approval).

- 3.8 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.

3.9 Toilet Facilities

Toilet Blocks 1 and 2 as shown on Drawing DA-SP150 must be constructed on site prior to the commencement of Stage TA60 and Stage TA150.

3.10 The Applicant is to provide Council monthly tourist figures, within five (5) business days of the start of each calendar month.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of Barnwell Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Barnwell Road upgrades

Prior to the commencement of each relevant stage of the use, the applicant/developer is required to undertake the following works and / or actions designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- (i) Stage TA60 and Stage TA150 – The applicant/developer must upgrade Barnwell Road (south), specifically the widening and sealing (with 4.5 metre minimum seal width) to the satisfaction of Council.

Note – Barnwell Road (north), being the sealed section of Barnwell Road is considered to be acceptable for the purposes of the TA150 and need not form part of the Traffic and Transport Management Plan.

- (ii) Stage TA300 – The applicant/developer must upgrade the full length of Barnwell Road to the following standard:

- a. **Formation:** 8 metres
- b. **Pavement Width:** 6.5 metres
- c. **Seal Width:** 6.5 metres
- d. **Shoulders:** 0.75 metres gravel
- e. Myola Road / Barnwell Road intersection upgrade (as required), likely pavement widening on the left in to Barnwell Road.

4.3 Carparking/Internal Driveways

The designated car parking area and internal driveways must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and

maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Environmental Management

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

4.4.2 An emergency spill containment kit must be kept on site at all times during the operation of the approved use.

4.4.3 A vehicle wash down facility must be provided on-site to reduce the spread of weed species. The vehicle wash down facility is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.

4.4.4 All new earthworks associated with access tracks, driveways and the like are to be maintained so that the risk and consequence of erosion is minimised, to the satisfaction of Council's delegated officer. All batters created by earthworks are to be vegetated or otherwise protected from scour as soon as possible after works are carried out, to the satisfaction of Council's delegated officer.

4.4.5 All tracks, including all creek/waterway crossings, driveways and the like used for ATV (quad bike) tours are to be constructed and maintained for the life of the development, so that the risk and consequence of erosion/sedimentation is minimised, to the satisfaction of Council's delegated officer.

4.4.6 Crossings

The crossing of creeks internal to the site by quad bikes used for tourist activities shall:

- (a) be limited to the use of "South Crossing 1" and "South-East Crossing 3" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;
- (b) involve a maximum of 60 crossings per day (single movement) over any single creek crossing location; and
- (c) not involve the use of "South Crossing 2" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;

Note: 60 crossings (single movement) is equivalent to 30 return trips.

The crossing of creeks internal to the site by foot:

- (a) only occurs where involving an essential crossing; or
- (b) where for a non-essential crossing only occurs where a foot scrub is used immediately prior to the non-essential crossing.

Note: An “essential crossing” is considered a crossing where no feasible alternative to a crossing by foot is available. This may include (but not be limited to) a crossing in response to a stranded vehicle, dangerous situation, potential for environmental harm or emergency situation.

Note: A foot scrub is required to be undertaken to limit the spread of Chytrid fungus.

Between 1 October of any given year and 31 May of the following year (inclusive), the following management protocols are to be implemented and followed in relation to the crossing of creeks internal to the site by vehicles associated with the tourist attraction use:

- (a) On-site rain gauge stations are to be monitored on a daily basis;
- (b) Where more than 25mm of rainfall is recorded within a 24 hour period, from the monitoring undertaken in accordance with paragraph (a), the crossing of any on-site creek for tourist activities is not to occur; and
- (c) The crossing of any on-site creek for tourist activities may recommence only when the level of water within a creek returns to pre-rainfall levels.

4.4.7 Speed Limits

The following speed limits are applicable to quad bikes used for tourist activities:

- (a) Where within a waterway corridor – 5km/h (walking pace)
- (b) Where within 100 metres of a waterway corridor – 10km/h
- (c) Where paragraphs (a) and (b) do not apply – 20km/h

4.4.8 Quad Bikes

Any quad bike used in association with the tourist attraction use must not leave the site unless:

- (a) The quad bike is transported by truck (and not under its own power) and the movement of the quad bike off site is for maintenance or servicing reasons; or
 - (b) The movement of the quad bike is associated with an existing lawful rural use of the site.
-

4.4.9 Sediment and Erosion Control

The following sediment and erosion control measures are to be implemented on the site to limit the risk of sediment entering the watercourses, as appropriate:

- (a) Whoa-boy diversion drains, to divert water to grassed areas on the internal unsealed access-ways each side of the creek crossing;
- (b) Sections of appropriately sized rock at least 1.5 metres either side of any creek crossing and extending the full width of the access road, that will act as a shaker grid to dislodge dirt and debris prior to entering crossing;
- (c) Coir logs – pinned with wooden stakes, laid either side of the crossing to clean water entering the crossing and clean water leaving the crossing;
- (d) Embankments (where applicable) on either side of unsealed access ways covered with geofabric.

4.4.10 Signs

The following signage is to be erected on the site:

- (a) Signs located at the entrance to each creek crossing advising vehicle operators of the applicable speed limit under this approval; and
- (b) Signage located in the vicinity of the main tourist area, providing information on the Kuranda tree frog.

4.5 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.6 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 (AS/NZS 1547) to the satisfaction of the Council's delegated officer.

4.7 Landscaping

Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

All landscaping must be carried out in accordance with the approved landscape plan and must be mulched, irrigated and maintained for the life of the development.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises

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

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

(c) Compliance with applicable codes/policies

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

(d) Compliance with Acts and Regulations

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

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 4 May 2018.

(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
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

CARRIED

ITEM-3 CHANGE OF DEVELOPMENT APPROVAL - S RIZVI & P FREEMAN - ROL SUBDIVISION (1 INTO 4 LOTS) - LOT 1 NR7238 - 1063 KOAH ROAD, KOAH - DA/16/0009

Moved by Cr Toppin

Seconded by Cr Graham

“1. In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	S Rizvi & P Freeman	ADDRESS	1063 Koah Road, Koah
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	24 April 2018	RPD	Lot 1 on NR7238
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 Lots)		

and in accordance with the Planning Act 2016, the following

- (A) The description of the approved development of Council’s Decision Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

Details of the approval –

Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 lots and Common-Property)

- (B) The approved plan/s of Council’s Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7443-LL1	Proposed Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property)	Twine Surveys Pty Ltd	14/01/2016
<u>7443-LL1</u>	<u>Proposed Reconfiguration of a Lot (1 Lot into 4 Lots)</u>	<u>Twine Surveys Pty Ltd</u>	<u>28/03/2018</u>

(C) Condition 4.1 of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

4.1 Access

4.1.1 ~~The shared access driveway within the common property~~ **situated over both access handles of lots 2 and 3** is to be constructed to a gravelled standard for the full length of the ~~common property~~ **access handles**, to the satisfaction of Council's delegated officer.

The driveway will:

- have a minimum width of four (4) metres;
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the ~~common property~~ **access handles**; and
- have a landscaped buffer along either side of the driveway, which will be planted out with drought hardy dry tropical native shrubs, such as *Callistemon pachyphyllus*, *Callistemon recurvus*, *Acacia leptocarpa*, *Acacia simsii*, *Melaleuca viridifolia*, *Melaleuca linariifolia*.

4.1.2 ~~A two (2) coat bitumen, asphalt or concrete sealed~~ **Compacted gravel** access crossovers must be constructed from the edge of the shared driveway mentioned in 4.1.1 to the property boundaries of each lot, generally in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.1.3 An access crossover must be constructed (from the edge of the Koah Road pavement to the shared driveway mentioned in 4.1.1) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.1.4 Reciprocal 'access and services' easements must be established over the access handles of Lots 2 and 3 which benefit Lots 1, 2, 3 and 4. Easement documents must be made available to Council for review prior the endorsement of a plan of survey creating any of the 4 approved Lot/s.

- (D) Condition 4.7 of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

4.7 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.*

- (E) Advice clause (e) of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

(e) Notation on Rates Record

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

- bushfire management*
- flood immunity*
- An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report*
- an approved source of water supply via bore/watercourse*
- electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.*
- **Access and services easements in favour of Lots 1, 2, 3 and 4 (to be placed on Rates record for Lots 2 and 3 only).***

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision".

CARRIED

ITEM-4**J SHAMBLER - MCU TRANSPORT DEPOT - LOT 2
RP728461 - 22 MONARO CLOSE, KURANDA -
MCU/18/0008**

Moved by Cr Wyatt

Seconded by Cr Graham

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

APPLICATION		PREMISES	
APPLICANT	J Shambler	ADDRESS	22 Monaro Close, Kuranda
DATE LODGED	21 March 2018	RPD	Lot 2 on RP728461
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Transport Depot		

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 Material Change of Use
- Transport Depot

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Untitled Map	-	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, including but not necessarily limited to the subject of 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 **within three (3) months of the date of this approval taking affect.**
 - 2.2 The applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
 3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All external 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.
 - 3.3 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.
 - 3.4 Limitations on ancillary maintenance

On site maintenance of vehicles associated with the transport depot use is to be limited to changing of flat tyres and greasing of vehicles.
 - 3.5 Hours of Operation

Any trailer coupling/decoupling, and any maintenance or cleaning of vehicles/trailers associated with the approved use shall be limited to the hours of 7:00am to 6:00pm Monday to Friday and 7:00am to 12:00pm Saturdays. No activities associated with the approved use are permitted on Sundays or Public Holidays.
-

However, the applicant/developer or subsequent owner/operator is permitted to enter or exit the site with the truck only outside of the abovementioned operating hours.

- 3.6 Any fuel stored on site associated with the approved use (other than in the prime mover fuel tanks) 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. Any such must be stored within the trailer storage area.

4. Infrastructure Services and Standards

4.1 Access

An asphalt or concrete sealed (not bitumen) heavy duty access crossover with dimensions suitable for a prime mover and trailer, must be constructed (from the edge of Monaro Close to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Carparking/Internal Driveways

All trafficable areas associated with the approved use, including the trailer storage area, must be surface treated with crushed blue metal/rock, similar to that already installed on parts of the driveway, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Environmental Management

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

4.4.2 All waste products associated with the approved use including tyres, wheels, fluids (lubricants, fuels, solvents, coolants, degreasing agents etc.) must be disposed of off-site and must not be stored on site for more than two (2) weeks, to the satisfaction of Council's delegated officer.

4.5 Landscaping/Visual Screening

Within three (3) months of this approval taking effect, the applicant/developer must establish a two (2) metre wide landscape buffer planted along that part of the southern boundary commencing at the western wall of the western-most shed and extending to the eastern edge of the horse arena (a length of approximately 50 metres). The landscape buffer must include ground cover, shrubs and trees that will grow to form an effective buffer of no less than four (4) metres in height.

Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

All landscaping must be mulched, irrigated and maintained for the life of the development

(D) ASSESSMENT MANAGER'S ADVICE

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

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

(c) Compliance with applicable codes/policies

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

(d) Compliance with Acts and Regulations

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

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage

duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

(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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

CARRIED

ITEM-5 MAX SLADE DESIGNS PTY LTD - MCU SHORT TERM ACCOMMODATION (22 X 1 BEDROOM UNITS) LOT 1 RP725081 - 3 KENNEALLY ROAD, MAREEBA - MCU/18/0003

Moved by Cr Toppin

Seconded by Cr Graham

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

APPLICATION		PREMISES	
APPLICANT	Max Slade Designs Pty Ltd	ADDRESS	3 Kenneally Road, Mareeba
DATE LODGED	1 February 2018	RPD	Lot 1 on RP725081
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation (22 x 1 Bedroom Units)		

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 - Short-term Accommodation (22 x 1 Bedroom Units)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M17-4595 Sheet No. A101	Overall Site Plan	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A102	Layout Plan	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A102a	Site Plan	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A102b	Unit Layout	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A103	Elevations (North, East, South, West)	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A104	Elevation 1 - a	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A118	Google Map Overlay	Max Slade Designs	Nov 2017
12118/4	Floor Plan/Section A	Showers Engineering	17/08/12

(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 of each stage of the development except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of use of each stage of the development, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the Adopted Infrastructure Charges Notice.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval 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 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

The applicant is required to install and maintain 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. 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.

3.5.2 Full time onsite manager

In order to minimise the likelihood of noise nuisance, a full time, onsite manager must be present onsite at all times during the operation of the approved use. The contact details for the onsite manager are to be made publicly accessible to all adjoining property owners.

3.6 Waste Management

An on-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer or 1.8m high solid fence.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicle to enter and exit the site in a forward gear, prior to the issue of a development permit for operational works.

Any refuse storage area must be constructed on an impervious surface such as a concrete slab and must be provided with a water connection to facilitate cleaning of bins, other receptacles and the collection area itself, and must be drained into the sites wastewater network.

Should an existing refuse storage area be proposed to satisfy this condition, the existing refuse storage area must comply with the above requirements.

3.7 Clothes Drying area

Sufficient area for clothes drying is to be provided for the units and is to be appropriately screened from view of adjoining properties and the street, to the satisfaction of Council's delegated officer.

3.8 Window Screening

The applicant/developer is required to install and maintain suitable screening to all windows on the south-east side of the two unit blocks for the purposes of privacy and reducing light spillage. The screening structures must be constructed from non-reflective materials that are consistent with materials used elsewhere on the facade of the building, to the satisfaction of Council's delegated officer.

3.9 Hot Water System Relocation

The roof mounted solar hot water systems must be mounted so as to not protrude above the roofline of each unit block when viewed from nearby residential uses, to the satisfaction of Council's delegated officer.

3.10 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external blockwork/render and window screening structures must be made from non-reflective, modern building materials and must be of a neutral colour, to the satisfaction of Council's delegated officer.

4. Infrastructure Services and Standards

4.1 Access

Prior to the commencement of the use for stage 1, the existing site access must be upgraded to a commercial/industrial standard in order to accommodate two directional large vehicle traffic (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 Prior to the issue of a development permit for building works for each stage, the applicant/developer 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. Where staged works are proposed, the Stormwater Management Plan and Report must detail the stormwater drainage for the whole of the development and for each stage of the development.

- 4.2.2 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.
- 4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.
- 4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

- 4.3.1 The applicant/developer must ensure that each unit/cabin is provided with 1 adjoining car parking space which is available solely for the parking of vehicles associated with the use of each unit/cabin.
- 4.3.2 Prior to the commencement of the use for stage 1, all car parking spaces for Stage 1, including the administration office set down/car parking areas, and all internal driveways servicing the approved use (as shown on Drawing No. M17-4595 Sheet A118, dated Nov 2017) must be concrete, bitumen or asphalt sealed, line marked and appropriately drained, to the satisfaction of Council's delegated officer.

For stage 2, the internal driveway/s must be extended to service the second unit block and the internal driveways and carparks must be constructed to the same standard as the stage 1 works.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

- 4.3.3 The internal driveways servicing the approved use must be wide enough to allow for two direction vehicle traffic, to the satisfaction of Council's delegated officer. If this is not the case and the existing loop road through the existing caravan park is proposed or required to service the development (short-term accommodation units only), this loop road must be upgraded to a concrete, asphalt or bitumen sealed

standard, to a minimum width of 4 metres (including any widening required on corners) and appropriately drained, to the satisfaction of Council's delegated officer.

4.4 Landscaping & Fencing

- 4.4.1 For each stage of the development, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval (one plan may be submitted for both stages).

The landscape plan must include a minimum 100m² of total new landscaping for each stage of the development and must include plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

A minimum of 25% of the landscaping plants must be provided as larger, advanced stock with a minimum foliage height of 0.7 metres.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use for each stage, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 Prior to the commencement of the use for stage 1, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the south-east boundary of the site, extending from the southern corner of the site to a point 10 metres past the last wall of the stage 1 unit block.

Prior to the commencement of the use for stage 2, the boundary fencing required for stage 1 must be extended (with the same building materials and colours used) along the south-east boundary to a point 10 metres past the last wall of the stage 2 unit block.

The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.5 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.

4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.7 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.
- (c) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(d) Property Connection to existing sewer main

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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 use.

(j) 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) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 19 March 2018.

(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

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

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Category	Use Charge	Unit Measure	of Charge Rate	No of Units	Amount
Stage 1 - 12 Units					
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	12	\$54,000.00
Credit					
Short-term Accommodation	Accommodation (short term)	Per 1 or 2 plot caravan/tent site	\$4,500.00	8	\$36,000.00
Total Payable (Stage 1)					\$18,000.00
Stage 2 - 10 units					
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	10	\$45,000.00
Credit					
Short-term Accommodation	Accommodation (short term)	Per 1 or 2 plot caravan/tent site	\$4,500.00	6	\$27,000.00
Total Payable (Stage 2)					\$18,000.00

CARRIED

ITEM-6 **D KEARNEY - ROL SUBDIVISION (1 INTO 2 LOTS) LOT 11
SP101831 - 173 DE LACY ROAD, DIMBULAH -
RAL/18/0006**

Moved by Cr Brown

Seconded by Cr Davies

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

APPLICATION		PREMISES	
APPLICANT	D Kearney	ADDRESS	173 De Lacy Road, Dimbulah
DATE LODGED	1 March 2018	RPD	Lot 11 on SP101831
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:

Refused by Council for reasons set out in (B).

- (A) **REFUSED DEVELOPMENT:** Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots)
- (B) **ASSESSMENT MANAGER'S REASONS FOR REFUSAL:**

That Council consider:

1. *The proposed development is in conflict with Overall outcomes (a) and (b) of the Agricultural land overlay code;*
2. *The proposed development conflicts with the following Performance Outcomes and Acceptable Outcome of the Agricultural land overlay code:*

PO1

*The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** is avoided unless:*

- (a) an overriding need exists for the development in terms of public benefit;*
- (b) no suitable alternative site exists; and*
- (c) loss or fragmentation is minimised to the extent possible.*

AO1

*Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** unless they are associated with:*

- (a) animal husbandry; or*
- (b) animal keeping; or*
- (c) cropping; or*
- (d) dwelling house; or*
- (e) home based business; or*

- (f) *intensive animal industry (only where for feedlotting); or*
- (g) *intensive horticulture; or*
- (h) *landing; or*
- (i) *roadside stalls; or*
- (j) *winery.*

PO2

*Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:*

- (a) *avoid land use conflict;*
- (b) *manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) *avoid reducing primary production potential; and*
- (d) *not adversely affect public health, safety and amenity.*

PO3

*Development in the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)**:*

- (a) *ensures that agricultural land is not permanently alienated;*
- (b) *ensures that agricultural land is preserved for agricultural purposes; and*
- (c) *does not constrain the viability or use of agricultural land.*

PO6

*Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)**, including boundary realignments, only occurs where it:*

- (a) *improves agricultural efficiency;*
- (b) *facilitates agricultural activity; or*
- (d) *facilitates conservation outcomes; or*
- (d) *resolves boundary issues where a structure is built over the boundary line of two lots;*

3. *The proposed development conflicts with the following Performance Outcome and Acceptable Outcome of the Reconfiguring a lot code:*

PO1

Lots include an area and frontage that:

- (a) *is consistent with the design of lots in the surrounding area;*
- (b) *allows the desired amenity of the zone to be achieved;*
- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

4. *The proposed development conflicts with the following Performance Outcome of the Flood hazard overlay code:*

PO13

Development where involving Reconfiguring a lot, is located and designed to:

- (a) maintain hydrological function of the premises;*
- (b) not increase the number of people calculated to be at risk from flooding;*
- (c) minimise the flood impact on adjoining premises;*
- (d) ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;*
- (e) reduce the carriage of debris in flood waters;*
- (f) reduce property damage; and*
- (g) provide flood immune access to buildings.*

CARRIED

GOVERNANCE AND COMPLIANCE

ITEM-7**CHILLAGOE INDUSTRIAL ESTATE - SALE OF LAND**

Moved by Cr Davies

Seconded by Cr Graham

"That Council:

1. agree to offer current lease holders the opportunity to purchase the land they currently lease in the Chillagoe Industrial Estate; and
2. authorises the Chief Executive Officer, to execute and vary the correspondence and relevant contracts as necessary to accomplish the transition from lease to freehold."

CARRIED

FINANCE

ITEM-8**FINANCIAL STATEMENTS FOR PERIOD ENDING 30 APRIL 2018**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council note the financial report for the period ending 30 April 2018."

CARRIED

COMMUNITY WELLBEING

ITEM-9 COMMUNITY HOUSING RENT REVIEW 2018

Moved by Cr Brown

Seconded by Cr Toppin

"That Council endorse the implementation of the rent increase for community housing tenants from 30 July 2018."

CARRIED

ITEM-10 MAREEBA TENNIS CLUB REQUEST FOR FINANCIAL ASSISTANCE

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council offer an interest free loan of \$20,000 to the Mareeba Tennis Club with repayment terms not to exceed seven (7) years with the in-kind support of foregone interest of \$500 per annum provided under the Community Partnerships Program."

CARRIED

INFRASTRUCTURE SERVICES

ITEM-11 MAREEBA AERODROME - LEASE AREA G - REARDON INVESTMENTS PTY LTD

Moved by Cr Davies

Seconded by Cr Wyatt

"That, in relation to the request by Mr D Reardon of Reardon Investments Pty Ltd for an extension of his current lease over lease area G at the Mareeba Airport:

1. Council agree to grant Reardon Investments Pty Ltd a new standard consecutive lease with an initial term of 20 years plus 2 x 10 year options over lease area G to take effect on expiry of the current lease on 30 November 2023, with the rental for the first year of the new term being the current market rental applicable at that time and with the proviso that the rental shall be not less than that paid in the last year of the existing lease.
2. All costs associated with the preparation of the new lease are to be met by Reardon Investments Pty Ltd."

CARRIED

ITEM-12 MAREEBA AERODROME - LEASE AREA F - R & L RUDD

Moved by Cr Davies

Seconded by Cr Toppin

"That, in relation to the request by Mr Richard Rudd for an extension of the current lease held by R & L Rudd over lease area F at the Mareeba Airport:

1. Council agree to grant R & L Rudd a new standard consecutive lease with an initial term of 20 years plus 2 x 10 year options over lease area F to take effect on expiry of the current lease on 21 August 2024, with the rental for the first year of the new term being the current market rental applicable at that time and with the proviso that the rental shall be not less than that paid in the last year of the existing lease.
2. All costs associated with the preparation of the new lease are to be met by R & L Rudd."

CARRIED

ITEM-13 TENDER EVALUATION TMSC2018-13 SUPPLY & DELIVERY OF FULL SERVICE SEAL - OOTANN ROAD, ALMADEN - WIDEN & SEAL PROJECT

Moved by Cr Davies

Seconded by Cr Toppin

"That Council awards Tender TMSC2018-13 Supply and Delivery of Full service Seal (excluding traffic control) for the Ootann Road, Almaden – Widen & Seal project to Boral Resources (Qld) Pty Ltd at the following unit rates:

Item Description	Unit	Qty	Rate	Amount
1st Coat - Spray Rate 1.70 l/m² - 12,500m²				
Supply, Cart, Heat & Spray C170 Bitumen	Litre	21,250	\$1.50	\$31,875.00
Supply, Incorporate, Heat and Spray Bitumen Cutter @ 3%	Litre	638	\$1.52	\$969.76
Supply, Incorporate, Heat and Spray Adhesion Agent @ 0.5%	Litre	106	\$8.70	\$922.20
Supply, Load, Spread and Roll Pre-Coated 16mm Cover Aggregate @ 85m ² per m ³	M ³	147	\$211.34	\$31,066.98
SUBTOTAL (incl. GST):				\$64,833.64
2nd Coat - Spray Rate 1.2 l/m² - 12,500m²				
Supply, Cart, Heat & Spray C170 Bitumen	Litre	15,000	\$1.50	\$22,500
Supply, Incorporate, Heat and Spray Adhesion Agent @ 0.5%	Litre	75	\$8.70	\$652.50
Supply, Load, Spread and Roll Pre-Coated 10mm Cover Aggregate @ 120m ² per m ³	M ³	103	\$210.96	\$21,728.88
SUBTOTAL (incl. GST):				\$44,881.38
TOTAL (incl. GST)				\$109,715.02

"

CARRIED

ITEM-14 TENDER EVALUATION TMSC2018-14 SUPPLY & DELIVERY OF TYPE 2.1 ROAD BASE - OOTANN ROAD, ALMADEN - WIDEN & SEAL PROJECT

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council awards Tender TMSC2018-14 Supply and Delivery of Type 2.1 Road Base for the Ootann Road, Almaden – Widen & Seal project to M&G Crushing Pty Ltd:

7,000 tonnes (approx.) Type 2.1 Road Base at \$33.44 per tonne (GST Inclusive); amounting to a total value of \$234,080.00 (GST Inclusive)."

CARRIED

TECHNICAL SERVICES

ITEM-15 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - APRIL 2018

Moved by Cr Graham

Seconded by Cr Davies

"That Council receives the Technical Services Monthly Report for the month of April 2018."

CARRIED

ITEM-16 MAREEBA AIRPORT UPGRADING - APRIL 2018 PROGRESS REPORT

Moved by Cr Toppin

Seconded by Cr Davies

"That Council note the April 2018 progress report on the Mareeba Airport Upgrade Project."

CARRIED

ITEM-17 PROPOSAL TO SEAL AND IMPROVE DRAINAGE ON MCIVER ROAD, MAREEBA

Moved by Cr Toppin

Seconded by Cr Davies

"That Council advises the petitioners that given the project's current ranking on the Project Prioritisation Tool (PPT), the improvement to drainage and sealing of McIver Road cannot be considered at this time. This project has been listed for consideration in future budget deliberations by Council and the road will continue to be maintained as part of normal maintenance operations".

CARRIED

WORKS

ITEM-18 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - APRIL 2018

Moved by Cr Davies

Seconded by Cr Wyatt

"That Council receives the Infrastructure Services, Works Progress Report for the month of April 2018."

CARRIED

WATER & WASTE

Cr Brown left the meeting at 9:30am.

ITEM-19 WASTE TRANSFER STATION OPERATOR CONTRACTS - TMSC2018-02 TO TMSC2018-11

Moved by Cr Davies

Seconded by Cr Graham

"That Council awards:

1. Tender TMSC2018-02 Dimbulah Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$33,391.80 (Inc. GST) per annum; and
2. Tender TMSC2018-03 Irvinebank Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$31,249.40 (Inc. GST) per annum; and
3. Tender TMSC2018-04 Julatten Transfer Station to M and C Zillfleisch for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$37,752.00 (Inc. GST) per annum; and
4. Tender TMSC2018-05 Kuranda Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$105,768.00 (Inc. GST) per annum; and
5. Tender TMSC2018-06 Mareeba Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2020 with the option of a further two (2), one (1) year term for the sum of \$125,424.00 (Inc. GST) per annum;
6. Tender TMSC2018-07 Mt Carbine Transfer Station to M and C Zillfleisch for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$18,997.00 (Incl. GST) per annum; and
7. awards Tender TMSC2018-08 Mt Molloy Transfer Station to M and C Zillfleisch for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$18,997.00 (Incl. GST) per annum; and

8. awards Tender TMSC2018-09 Mutchilba Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 the option of a further one (1) year term for the sum of \$22,261.20 (Inc. GST) per annum; and
9. awards Tender TMSC2018-10 Chillagoe Landfill Site to Evy Entertainment for the period 1 July 2018 to 30 June 2021 the option of a further one (1) year term for the sum of \$13,392.60 (Inc. GST) per annum; and
10. awards Tender TMSC2018-11 Almaden Transfer Station Evy Entertainment for the period 1 July 2018 to 30 June 2021 the option of a further one (1) year term for the sum of \$8,928.40 (Inc. GST) per annum."

CARRIED

Cr Brown returned to the meeting at 9:32am.

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

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of April 2018."

CARRIED

**ITEM-21 INFRASTRUCTURE SERVICES, WASTE OPERATIONS
REPORT - APRIL 2018**

Moved by Cr Toppin

Seconded by Cr Davies

"That Council receives the Infrastructure Services, Waste Operations Progress Report, April 2018."

CARRIED

**ITEM-22 GREEN WASTE MANAGEMENT - EXPRESSION OF
INTEREST**

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council invites Expressions of Interest from suitably qualified contractors for the management of green waste received at Council's waste transfer facilities."

CARRIED

MAYORAL MINUTE

ADHOC-1

QANTAS PILOT ACADEMY

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council provide emergent funding up to \$20,000 for preparation of a submission for the Qantas Pilot Academy."

CARRIED

BUSINESS WITHOUT NOTICE

ADHOC-2

PETITION REGARDING THERWINE STREET UPGRADE

Moved by Cr Wyatt

Seconded by Cr Brown

"That the petition regarding Therwine Street upgrade be received."

CARRIED

NEXT MEETING OF COUNCIL

The next meeting of Council will be a special meeting to adopt the Council budget and will commence at 9:00 am on Wednesday 20 June 2018. This will then be followed by the ordinary Council meeting.

There being no further business, the meeting closed at 9:36 am.

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Cr Alan Pedersen
Deputy Mayor