

**Report Count:** 1  
**Title:** M Wallace & A Knudsen - Material Change of Use - Animal Keeping (Boutique Kennel) - Lot 10 on RP747823 - 25 Rainforest Drive, Julatten - DA/17/0020  
**Compiled By:** Carl Ewin, Planning Officer  
 Natacha Jones, Administration Officer - Planning  
**Confidential:** No  
**Included:** True  
**Report Type:** Planning Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.1  
**File Name:** CO20181023\_1815\_2106\_5.DOCX

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**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	M Wallace & A Knudsen	<b>ADDRESS</b>	25 Rainforest Drive, Julatten
<b>DATE LODGED</b>	26 May 2017	<b>RPD</b>	Lot 10 on RP747823
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Animal Keeping (Boutique Kennel)		

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 - Animal Keeping (Boutique Kennel)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Proposed Boutique Kennel	Applicant	7/08/2018
-	Fenced Area with 8 x Cabins	ASK Consulting Engineers	7/08/2018
-	Front View/Side View	ASK Consulting Engineers	7/08/2018
-	Rear View	ASK Consulting Engineers	7/08/2018

(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
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.4 Noise Nuisance/Control
    - 3.4.1 Refrigeration equipment, pumps, filter systems, mechanical plant, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

3.4.2 All noise attenuation measures included in *Part 7 Recommendations & Conclusions* of the *Noise Impact Assessment* prepared by *ASK Consulting Engineers dated 23 May 2018 (Report No. 9263R02V03)* must be constructed and implemented prior to the commencement of the use, and maintained/adhered to for the life of the development, to the satisfaction of Council's delegated officer.

The acoustic design elements for each chalet and for the acoustic fencing must be endorsed by a suitably qualified acoustic engineer prior to any building works commencing.

The approved use must not include any sound projecting objects or systems that may cause nuisance to adjoining properties.

3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval, the *Environmental Protection (Noise) Policy 2008* and the noise limits included in *Part 6 Kennel Noise Assessment* of the *Noise Impact Assessment* prepared by *ASK Consulting Engineers dated 23 May 2018 (Report No. 9263R02V03)*.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

3.4.4 All complaints received directly by the applicant/operator that relate to operations at the kennel facility must be recorded in a register with the following details:

- (i) nature, time and date of complaint;
- (ii) type of communication (telephone, letter, personal etc.);
- (iii) name, contact address and contact telephone number of complainant (Note: If the complainant does not wish to be identified then "not identified" is to be recorded); and
- (iv) details about the response, investigation and any action undertaken as a result of the complaint.

### 3.5 Operational Practices/Requirements

3.5.1 No more than 10 guest dogs, not weighing more than 30kg each shall be accommodated within the kennel compound/yard.

3.5.2 Dogs shall be housed in individual chalets, except where they are habitually housed together in their owner's normal domestic environment; and where a shared chalet arrangement will not result in excessing barking or howling.

3.5.3 Dogs accommodated at the kennel shall at all times be kept within the confines of the chalets and/or exercise yard/compound except during their receipt or release.

3.5.4 All dogs accommodated in the kennel must be confined to the chalets between the hours of 6pm and 7am.

3.5.5 Dogs accommodated at the kennel are not permitted to be exercised on the subject site outside the exercise yard/compound, on any nearby property or on any local road.

### 3.6 Dog Bark Management

3.6.1 Dog barking, howling and related vocalisations are to be actively controlled at all times.

3.6.2 To ensure dog barking is actively controlled and minimised, the applicant/operator must prepare a Bark Management Plan which details the means in which barking will be managed. The plan must set out in sufficient detail the procedures to be strictly undertaken in relation to:

(a) control of dog barking in the kennel facility (particularly in the exercise yard), in respect of:

(i) verbal command/interactions;

(ii) additional exercise;

(iii) the use of ultrasonic "pet training devices"; and

(iv) separation procedures.

(b) the requirement for ongoing monitoring of the kennel facility for aggressive dogs of dogs that cause excessive barking and any procedures that may be in place to isolate these dogs.

The Bark Management Plan must be prepared to the satisfaction of Council's delegated officer and must be adhered to at all times, by any person operating/managing the kennel facility.

### 3.6 Storage and Preparation of Food

All food associated with the kennel facility is to be stored and prepared in a properly constructed building capable of being easily cleaned, maintained and kept free of vermin. All food must be stored in vermin proof containers.

### 3.7 Cleaning of Dog Kennel/s

The chalets and dog exercise yard/compound must be cleaned daily and kept in a sanitary condition at all times, to the satisfaction of Council's delegated officer.

### 3.8 Waste Management

3.8.1 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.

3.8.2 All dog faeces and other bodily waste must be collected, where possible, and disposed of off-site at an approved waste management facility. Untreated on site burial is not acceptable.

### 3.9 Hours of Operation

Dogs are permitted to be dropped off and picked up between the hours of 8am and 5pm, 7 days per week only. Off-site pick up and drop off may occur outside these hours.

Veterinary or other emergency personnel are permitted to attend the kennel facility at all times.

### 3.10 Signage

No more than 1 sign, no greater than 2m<sup>2</sup> in sign face area shall be erected on the subject site to advertise the approved use and must not be illuminated, move, revolve, strobe or flash.

The sign must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Councils delegated officer.

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

### 3.11 Bushfire Management

3.11.1 The applicant/developer must ensure the development is provided with a minimum 5,000 litres of water storage for fire-fighting purposes in proximity to the approved use. Where tank storage is proposed, a 50mm male camlock fire brigade fitting must be installed.

3.11.2 A Bushfire Management Plan for the approved use, incorporating evacuation procedures for kennel dogs, 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

The existing access crossover must be upgraded/constructed (from the edge of Rainforest Drive 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

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 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with 3 on site car parking spaces which are available solely for the parking of vehicles associated with the approved use.

All car parking spaces and internal driveways/vehicle manoeuvring areas must be maintained with a gravel/grassed surface in order to minimise dust generation and must be delineated and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and 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.

#### 4.4 Landscaping

Prior to the commencement of the use, the applicant/developer is to plant a single 1 metre wide strip of landscaping along the entire length of the southern and eastern sides of the fenced exercise yard/compound. The landscaping strip should include a range of plants, shrubs and trees of varying heights in order to form an attractive buffer, to the satisfaction of Council's delegated officer.

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

#### 4.5 Lighting

Where outdoor lighting is proposed, the developer shall locate, design and install the lighting so as to avoid nuisance by way of light spill or glare at adjacent properties and roadways.

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

The approved development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

(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](http://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](http://www.datsip.qld.gov.au)

(E) 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);

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

**Report Count:** 2  
**Title:** Mulungu Aboriginal Corporation - Material Change of Use - Community Care Centre (Expansion) - Lot 4 on RP717124 - 14 Sutherland Street, Mareeba - MCU/18/0022  
**Compiled By:** Brian Millard, Senior Planner  
 Natacha Jones, Administration Officer - Planning  
**Confidential:** No  
**Included:** True  
**Report Type:** Combined Negotiated Decision Notice  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.2  
**File Name:** CO20181023\_1815\_2106\_8.DOCX

**OFFICER’S RECOMMENDATION**

It is recommended that:

1. In relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mulungu Aboriginal Corporation	<b>ADDRESS</b>	14 Sutherland Street, Mareeba
<b>DATE LODGED</b>	31 July 2018	<b>RPD</b>	Lot 4 on RP717124
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Community Care Centre (Expansion)		

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 - Community Care Centre (Expansion)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Mulungu Health - Site Plan	-	19/2/2018
MAREB1-13118 1/2	General Arrangement	Ranbuild	-
MAREB1-13118	General Arrangement	Ranbuild	-

2/2			
IPF-13118 1/4	Integral Pad Footing & RC Floor det	Ranbuild	-
IPF-13118 2/4	Integral Pad Footing & RC Floor det	Ranbuild	-
IPF-13118 3/4	Integral Pad Footing & RC Floor det	Ranbuild	-
IPF-13118 4/4	Integral Pad Footing & RC Floor det	Ranbuild	-
BPS-13118 1/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 2/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 3/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 4/5	Bored Pier & RC Slab	Ranbuild	-
BPS-13118 5/5	Bored Pier & RC Slab	Ranbuild	-

(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, 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 expanded use, except where specified otherwise in these conditions of approval.
  - 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

#### 3.4 Waste Management

Any on-site refuge storage area relocated as a consequence of this development must 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.

### 4. Infrastructure Services and Standards

#### 4.1 Access

A **commercial** access crossover must be constructed (from the edge of Sutherland Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

The existing driveway is to be reconstructed to a minimum width of 6 metres to allow for two way traffic and to correct the nonconforming approach angle and existing concrete failures.

#### 4.2 Stormwater Management

4.2.1 Prior to building works commencing, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.2.2 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 on Sutherland Street.

#### 4.3 Car Parking/Internal Driveways

All car parking spaces and internal driveways/vehicle manoeuvring areas must be concrete, asphalt or bitumen sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and 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.

#### 4.4 Landscaping & Fencing

4.4.1 A landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The landscape plan must include, at minimum, 1 metre wide landscape strips along the northern, eastern and southern sides of the open carport structure.

All landscaping must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4.2 A 1.8 metre high solid screen (no gaps) timber or Colorbond fence of neutral colour is to be erected along those parts of the northern, southern and eastern boundaries of Lot 4 on RP717124 adjacent to the open carport structure, to the satisfaction of Council's delegated officer.

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 Lighting

Where lighting is installed, 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.

(D) ASSESSMENT MANAGER'S ADVICE

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

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

- (c) Compliance with Acts and Regulations

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

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

- (e) Cultural Heritage

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

- (f) Building over sewer

An application to build over Council's sewerage infrastructure must be submitted to and approved by Council's delegated officer prior to the commencement of building works.

(E) 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);

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

- Development Permit for Building Work

(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)

**Report Count:** 3

**Title:** DP Energy Australia Pty Ltd - Reconfiguring A Lot - Dividing 1 Lot Into 2 Lots By Agreement (Lease) - Lot 581 on SP263756 - 11332 Mulligan Highway, Desailly - RAL/18/0019

**Compiled By:** Brian Millard, Senior Planner  
Natacha Jones, Administration Officer - Planning

**Confidential:** No

**Included:** True

**Report Type:** Combined Negotiated Decision Notice

**Agenda Section:** Corporate and Community Services

**Item Number:** 8.3

**File Name:** CO20181023\_1815\_2106\_9.DOCX

**OFFICER’S RECOMMENDATION**

It is recommended that:

1. In relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	DP Energy Australia Pty Ltd	<b>ADDRESS</b>	11332 Mulligan Highway, Desailly
<b>DATE LODGED</b>	18 June 2018	<b>RPD</b>	Lot 581 on SP263756
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Dividing 1 lot into 2 lots by agreement (lease)		

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 Reconfiguring a Lot - Dividing 1 lot into 2 lots by agreement (lease)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q184063-002-GN-01 A	Reconfiguring a Lot - Proposed Plan of Lease A in Lot 581 on SP263756	Cardno	14/05/2018

(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

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/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 Bushfire Management

A Bushfire Management Plan must be prepared for proposed Lease A to the satisfaction of Council's delegated officer. The future use of proposed Lease A must comply with the requirements of the Bushfire Management Plan at all times.

3.9 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) Notation on Rates Record

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

- conditions regarding bushfire management
- an approved bushfire management plan
- a registered easement over the subject site

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning response dated 23 August 2018.

(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

**Report Count:** 4  
**Title:** Application for Commercial Other - Subsidiary on premises (provision of meals) Liquor Licence - Kur-Cow Farm Steak House - Lot 22 on SP296830, 112 Barnwell Road, Kuranda  
**Compiled By:** Brian Millard, Senior Planner  
Natacha Jones, Administration Officer - Planning  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.4  
**File Name:** CO20181023\_1815\_2106\_6.DOCX

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#### RECOMMENDATION

That Council advises the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the granting of a Commercial Other - Subsidiary on Premises (Provision of Meals) Licence to Barnwell Food and Beverages Pty Ltd over the Kur-Cow Steak House on land described as Lot 22 on SP296830, situated at 112 Barnwell Road, Kuranda, subject to the standard trading conditions.

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**Report Count:** 5  
**Title:** Application for Permit to Occupy over Lot A on CNS18/033 being part of Lot 578 on SP159910, Locality of Mareeba  
**Compiled By:** Brian Millard, Senior Planner  
Natacha Jones, Administration Officer - Planning  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.5  
**File Name:** CO20181023\_1815\_2106\_7.DOCX

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#### RECOMMENDATION

That Council offer no objection to the issue of a permit to occupy over Lot A on Drawing CNS18/033, described as part of Township Reserve R157 being Lot 578 on SP159910, Locality of Mareeba and advise the Department of Natural Resources, Mines and Energy that Council does not wish to accept trusteeship of Township Reserve R157.

---

**Report Count:** 6  
**Title:** Application for Conversion of Term Lease over Lot 5 on BW19, Locality of Crystalbrook  
**Compiled By:** Brian Millard, Senior Planner  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.6  
**File Name:** CO20181023\_1815\_2106\_13.DOCX

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#### **RECOMMENDATION**

That Council offer no objection to the conversion to freehold of term lease PH 9/2438 over Lot 5 on BW19, Locality of Crystalbrook.

---

**Report Count:** 7  
**Title:** Annual Report 2017-2018  
**Compiled By:** Anthony Archie, Manager Development and Governance  
Elaine Brown, Executive Support Officer  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.7  
**File Name:** CO20181023\_1815\_2106\_1.DOCX

---

#### **RECOMMENDATION**

That Council adopt the Annual Report for the 2017/2018 Financial Year.

---

**Report Count:** 8  
**Title:** Delegations Update October 2018  
**Compiled By:** Anthony Archie, Manager Development and Governance  
Elaine Brown, Executive Support Officer  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.8  
**File Name:** CO20181023\_1815\_2106\_3.DOCX

---

#### RECOMMENDATION

That

1. Council delegates the exercise of the powers contained in the attached Tables of Delegable Powers and Instruments of Delegation to the Chief Executive Officer, with such powers to be exercised subject to any limitations; and
  2. Any prior delegations of power relating to the same matters are revoked.
- 

**Report Count:** 9  
**Title:** Enterprise Risk Management  
**Compiled By:** Anthony Archie, Manager Development and Governance  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.9  
**File Name:** CO20181023\_1815\_2106\_12.DOCX

---

#### RECOMMENDATION

That Council:

1. Receive and note the Risk Treatment Plans as endorsed by the Audit Committee on 2 October 2018, acknowledging that the Chief Executive Officer will present to Council all risks and associated risk treatment plans for 'significant' or 'extreme' risks; and
  2. adopt the amended Enterprise Risk Management Process as attached.
-

**Report Count:** 10  
**Title:** Development and Governance Quarterly Report - July to September 2018  
**Compiled By:** Anthony Archie, Manager Development and Governance  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.10  
**File Name:** CO20181023\_1815\_2106\_4.DOCX

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#### **RECOMMENDATION**

That Council receive and note the quarterly report of the Development and Governance Group for the July to September 2018 quarter.

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**Report Count:** 11  
**Title:** Operational Plan 2018-2019 Progress Report July - September Quarter  
**Compiled By:** Anthony Archie, Manager Development and Governance  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.11  
**File Name:** CO20181023\_1815\_2106\_11.DOCX

---

#### **RECOMMENDATION**

That Council receive and note the progress report on implementation of the 2018/19 Operational Plan for the July to September Quarter 2018 quarter.

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**Report Count:** 12  
**Title:** Financial Statements period ending 30 September 2018  
**Compiled By:** Elisa Tatti, Manager Finance  
Linda Tarsitano, Financial Accountant  
Elaine Brown, Executive Support Officer  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.12  
**File Name:** CO20181023\_1815\_2106\_24.DOCX

---

#### **RECOMMENDATION**

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

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**Report Count:** 13  
**Title:** Tourism Kuranda  
**Compiled By:** Kahlia Pepper, Tourism Kuranda Executive Officer  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Corporate and Community Services  
**Item Number:** 8.13  
**File Name:** CO20181023\_1815\_2106\_2.DOCX

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#### **RECOMMENDATION**

That Council:

1. Appoints RJ New Designs to develop the new Tourism Kuranda Website as recommended by the Tourism Kuranda Advisory Committee;
2. Allocates up to \$2,500 from the Tourism Kuranda surplus for Kuranda fashion and lifestyle promotional articles to be placed in local media as recommended by the Tourism Kuranda Advisory Committee;
3. Allocates up to \$8,000 from the Tourism Kuranda surplus for new visual content and footage to be developed for promotional activities as recommended by the Tourism Kuranda Advisory Committee; and
4. Does not endorse the recommendation by the Tourism Kuranda Advisory Committee to replace the former sign opposite the BP service station in Kuranda, instead the proposed sign is referred to the Wayfinding Project for consideration by the Kuranda Infrastructure Advisory

Committee.

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**Report Count:** 14  
**Title:** NDRRA - TMSC2018-19 Replacement of James Creek Crossing  
**Compiled By:** Sam Wakeford, Manager Technical Services  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.1  
**File Name:** CO20181023\_1844\_2106\_4.DOCX

---

#### RECOMMENDATION

That Council:

1. awards the contract for TMSC2018-19 Replacement of James Creek Crossing to HEH Civil Pty Ltd at a total value of \$897,456.43 (exclusive of GST) subject to Queensland Reconstruction Authority approval of the awarding of the Tender to the recommended Contractor, with consideration to Project Value and Scope; and
  2. delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contracts, negotiate, finalise and execute any and all matters relating to this Tender.
- 

**Report Count:** 15  
**Title:** NDRRA - TMSC2018-21 Mareeba and Eastern Roads Package  
**Compiled By:** Sam Wakeford, Manager Technical Services  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.2  
**File Name:** CO20181023\_1844\_2106\_6.DOCX

---

#### RECOMMENDATION

That Council:

1. awards the contract for TMSC2018-21 Mareeba and Eastern Roads Package to Gregg Construction Pty Ltd at a total value of \$1,465,240.08 (exclusive of GST) subject to Queensland Reconstruction Authority approval of the awarding of the Tender to the recommended Contractor, with consideration to Project Value and Scope; and

- delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contracts, negotiate, finalise and execute any and all matters relating to this Tender.

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**Report Count:** 16  
**Title:** Tender TMSC2018-15 Kuranda Centenary Park - Amenities Upgrade  
**Compiled By:** John Stevens, Project Manager  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.3  
**File Name:** CO20181023\_1815\_2106\_17.DOCX

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#### RECOMMENDATION

That Council:

- Awards Tender TMSC2018-15 Kuranda Centenary Park - Amenities Upgrade to Osborne Construction Solutions, for a total value of \$274,164.00 (inclusive of GST); and
- Allocates additional funding from the Kuranda Infrastructure Fund reserves to deliver the scope of tendered works, plus make allowance for project management costs, latent conditions and contingency.

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**Report Count:** 17  
**Title:** Supplementary EOI-MSC2018-01 Panel of Preferred Providers, Occasional Plant Hire 2018-2019  
**Compiled By:** Sam Wakeford, Manager Technical Services  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.4  
**File Name:** CO20181023\_1817\_2106\_2.DOCX

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#### RECOMMENDATION

That Council empanels the contractors listed in the documentation attached to this report for the purpose of providing additional preferred providers under EOI-MSC2018-01 Occasional Plant Hire for the 2018/19 financial year.

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**Report Count:** 18  
**Title:** Application for Permanent Road Closure, Abutting Lot 2 on RP732204, RA 21 Pike Road, Mareeba  
**Compiled By:** Mark Campman, Technical Officer (Investigations)  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.5  
**File Name:** CO20181023\_1815\_2106\_22.DOCX

---

### **RECOMMENDATION**

That Council, as the Road Manager, advises the Applicant and the Department of Natural Resources, Mines and Energy (DNRME) that:

1. Council objects to the permanent closure of this section of temporarily closed area, shown as Lot A on AP20238, however Council has no objection to the continuation of the current temporary closure arrangement;
2. Council objects to permanent closure of this section of road reserve abutting the southern boundary of Lot 2 on RP732204, however Council provides no objection to the temporary closure of this section of road reserve subject to the following conditions;
  - The applicant is wholly responsible for all costs associated with finalising the process; and
  - Proposed property boundaries are not to impact on existing road formation, with an area of land required to enable access for future maintenance as required by Council; and
  - Area of Temporary Closure is to be determined following detail survey, to be undertaken by the applicant.

Council objects to the permanent closure of these areas with the reason being that future requirements of this road corridor cannot be determined at this time. Should temporary closure be granted Council would have no objection to the fencing of the areas boundary, however no permanent structures are to be constructed within these areas.

---

**Report Count:** 19  
**Title:** Infrastructure Services, Technical Services Monthly Activities Report - September 2018  
**Compiled By:** Sam Wakeford, Manager Technical Services  
Marjorie Anthony, PA to Director Infrastructure Services  
Christopher Lea, Project Manager Civil  
Victor Madrid, Coordinator Technical Services  
Mary Naylor, Senior Facilities Officer  
John Stevens, Project Manager  
Wendy Melville, Admin Officer  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.6  
**File Name:** CO20181023\_1844\_2106\_1.DOCX

---

#### **RECOMMENDATION**

That Council:

1. Receives the Infrastructure Services, Technical Services Monthly Report for the month of September 2018; and
  2. Approves reallocation of \$10,000 Capital Works funding from "Replace Soil Laboratory Roof " to a new project "Mareeba Heritage Centre Roof Repainting"; and
  3. Approves reallocation of \$10,000 Capital Works funding from "Replace Soil Laboratory Roof " to a new project "Dimbulah Hall - Replace Toilets"; and
  4. Approves reallocation of \$30,000 Capital Works funding from "Replace Asset 2603 " to a new project "Replace Asset 1345".
-

**Report Count:** 20  
**Title:** Mareeba Airport Upgrading - September 2018 Progress Report  
**Compiled By:** Sam Wakeford, Manager Technical Services  
Marjorie Anthony, PA to Director Infrastructure Services  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.7  
**File Name:** CO20181023\_1817\_2106\_1.DOCX

---

#### **RECOMMENDATION**

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

---

**Report Count:** 21  
**Title:** Traffic Advisory Committee - Minutes of Meeting held 18 September 2018  
**Compiled By:** Glenda Kirk, Director Infrastructure Services  
Marjorie Anthony, PA to Director Infrastructure Services  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.8  
**File Name:** CO20181023\_1815\_2106\_15.DOCX

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#### **RECOMMENDATION**

That Council notes the minutes of the Traffic Advisory Committee Meeting held Tuesday, 18 September 2018.

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**Report Count:** 22  
**Title:** Mareeba Waste Transfer Station Facility Redevelopment  
**Compiled By:** Morris Hamill, Manager Water and Waste  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.9  
**File Name:** CO20181023\_1815\_2106\_20.DOCX

---

#### **RECOMMENDATION**

That Council:

1. approves the strategic direction for the redevelopment of the Mareeba Landfill and Waste Transfer Station as detailed in this report; and
  2. proceeds with the redevelopment of the Mareeba Transfer Station.
- 

**Report Count:** 23  
**Title:** Infrastructure Services, Waste Operations Report - September 2018  
**Compiled By:** Morris Hamill, Manager Water and Waste  
Rohan Geddes, Water and Waste Engineer  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.10  
**File Name:** CO20181023\_1815\_2106\_18.DOCX

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#### **RECOMMENDATION**

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

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**Report Count:** 24  
**Title:** Infrastructure Services, Water and Wastewater Group Monthly Operations Report - September 2018  
**Compiled By:** Morris Hamill, Manager Water and Waste  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.11  
**File Name:** CO20181023\_1815\_2106\_21.DOCX

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#### **RECOMMENDATION**

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

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**Report Count:** 25  
**Title:** Infrastructure Services, Works Section Activity Report - September 2018  
**Compiled By:** Andrew Foster, Manager Works  
Kerston McLean, Administration Officer - Quality Assurance  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.12  
**File Name:** CO20181023\_1815\_2106\_16.DOCX

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#### **RECOMMENDATION**

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

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**Report Count:** 26  
**Title:** Petition to Seal From Kerb to Kerb and Concrete an Area on Borland Street and Rankin Street, Mareeba  
**Compiled By:** Peter Franks, Chief Executive Officer  
Mark Campman, Technical Officer (Investigations)  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** Infrastructure Services  
**Item Number:** 9.13  
**File Name:** CO20181023\_1815\_2106\_19.DOCX

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#### **RECOMMENDATION**

"That Council receives the Petition and refers it to Council officers for further investigation and report to a future Council Meeting."

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**Report Count:** 27  
**Title:** Summary of New Planning Applications & Delegated Decisions For The Month of September 2018  
**Compiled By:** Brian Millard, Senior Planner  
Natacha Jones, Administration Officer - Planning  
**Confidential:** No  
**Included:** True  
**Report Type:** Standard Report  
**Agenda Section:** For Information  
**Item Number:** 13.1  
**File Name:** CO20181023\_1815\_2106\_23.DOCX

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Please see below information.

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