



# **MINUTES**

**Wednesday, 21 November 2018**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 21 NOVEMBER 2018 AT 9:00AM**

**1 MEMBERS IN ATTENDANCE**

Cr Tom Gilmore (Mayor), Cr Alan Pedersen (Deputy Mayor), Cr Edward (Nipper) Brown, Cr Mary Graham, Cr Angela Toppin, Cr Lenore Wyatt

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

**Leave of Absence**

Cr Kevin Davies on Council business.

**3 BEREAVEMENTS/CONDOLENCES**

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

**4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST**

Cr Graham informed the meeting that she had a possible conflict of interest, in accordance with Section 173 of the *Local Government Act 2009*, in relation to *ITEM 9.5*, as her daughter is a petitioner. Cr Graham advised that she will leave the room and not participate in the discussion and not vote.

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2018/44**

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That the minutes of Ordinary Council Meeting held on 23 October 2018 be confirmed.

**CARRIED**

**RESOLUTION 2018/45**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That the minutes of Special Council Meeting held on 7 November 2018 be confirmed.

**CARRIED**

**6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**

Nil

**7 CORPORATE AND COMMUNITY SERVICES**

**8.1 M WALLACE & A KNUDSEN - MATERIAL CHANGE OF USE - ANIMAL KEEPING (BOUTIQUE KENNEL) - LOT 10 ON RP747823 - 25 RAINFOREST DRIVE, JULATTEN - DA/17/0020**

**RESOLUTION 2018/46**

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Wallace & A Knudsen	ADDRESS	25 Rainforest Drive, Julatten
DATE LODGED	26 May 2017	RPD	Lot 10 on RP747823
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	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

(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 one (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 Council's 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 three (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 one (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).

**CARRIED**

Cr Brown recorded his vote against the motion

**8.2 T & L MARSTERSON – MATERIAL CHANGE OF USE - TOURIST PARK (74 PERSONS MAXIMUM), ANIMAL KEEPING (STABLES/AGISTMENT) AND OUTDOOR SPORT & RECREATION - LOT 3 ON RP708286 - 548 MCGRATH ROAD, MAREEBA - DA/17/0034**

**RESOLUTION 2018/47**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

It is recommended that:

1. In relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	T & L Marsterson	ADDRESS	548 McGrath Road, Mareeba
DATE LODGED	30 June 2017	RPD	Lot 3 on RP708286
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Park (74 persons maximum), Animal Keeping (Stables/Agistment) and Outdoor Sport & Recreation		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Tourist Park (74 persons maximum), Animal Keeping (Stables/Agistment) and Outdoor Sport & Recreation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA01 A Sheet 1 of 2	Proposed Development - Tourist Park & Outdoor Sport and Recreation	Freshwater Planning Pty Ltd	May 2017
DA01 A Sheet 2 of 2	Proposed Development - Tourist Park & Outdoor Sport and Recreation	Freshwater Planning Pty Ltd	May 2017

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.5 Noise Nuisance

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

Guests are not permitted to play amplified music of any kind.

### 3.6 Waste Management

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

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

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

### 3.7 Bushfire Management

3.7.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the tourist park must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.7.2 The applicant must ensure any open fires are appropriately managed and contained.

### 3.8 Flood Evacuation Plan

The applicant shall prepare a flood evacuation plan for the tourist park. A copy of the flood evacuation plan must be given to each guest upon arrival at the tourist park.

### 3.9 Signage

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

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

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

3.9.4 The sign must be removed when no longer required.

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

- 3.10 The maximum length of stay for any caravan/motorhome must not exceed five (5) consecutive days.
- 3.11 The tourist park must only accommodate self contained caravans and motor homes. Self contained caravans and motor homes must have an onboard toilet and shower, onboard water supply and wastewater holding tanks.
- 3.12 Notification of Potential Rural Zone Impacts

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

*"Guest should take note:*

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

#### 4. Infrastructure Services and Standards

##### 4.1 Access

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

##### 4.2. Occupational railway crossing

The existing occupational railway crossing (ID: 1839) of the Tablelands Branch located south of the subject site and providing access to the Mulligan Highway is not approved for use by the development.

The railway manager (Queensland Rail) has advised that as this crossing is a private crossing no public access to the development is permitted.

##### 4.3 McGrath Road

- 4.3.1 The railway level crossing of the Tablelands Branch at McGrath Road (ID: 1838) must be sealed with asphaltic concrete or similar material which must extend over the crossing and for a minimum distance of

10m from the outer rail track (edge running rail) on each side of the crossing, to the satisfaction of Council's delegated officer.

4.3.2 Prior to the commencement of Stage 3, a single coat dust seal must be provided on McGrath Road for the full frontage of Lot 1 on RP734862 (approximately 91 metres), to the satisfaction of Council's delegated officer.

4.3.3 The reasonable value, as agreed by Council's delegated officer, of work required under Condition 4.3.1 and 4.3.2, will be credited towards the infrastructure contribution payable under Condition 5.2.

#### 4.4 Stormwater Drainage/Water Quality

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

4.4.2 Prior to the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event the surface of the tourist park area deteriorates due to wet weather and/or high traffic.

4.4.3 (a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.

(b) Any works on the land must not:

- i. create any new discharge points for stormwater runoff onto the railway corridor;
- ii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor;
- iii. surcharge any existing culvert or drain on the railway corridor;
- iv. reduce the quality of stormwater discharge onto the railway corridor.

4.4.4 The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

#### 4.5 Car Parking/Internal Driveways

4.5.1 All car parking associated with the approved use must be accommodated within the subject land (Lot 3 on RP708286).

- 4.5.2 All internal access roads used as part of the approved use must be constructed to a four (4) metre wide all weather compacted gravel standard, prior to the commencement of the use.

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

#### 4.6 Lighting

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

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

#### 4.7 Non-Reticulated Water Supply

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

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

#### 4.8 On-Site Wastewater Management

- 4.8.1 All on site effluent disposal associated with the approved uses must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

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

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

#### 5. Additional Payment Condition

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$9,170.00 toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

A credit will be applied towards this contribution in accordance with Condition 4.3.3.

- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport infrastructure servicing the land
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
  - Comply with the reasonable direction of Council officers in relation to the completion of the works;
  - Complete the works to the standards required by the Council; and
  - Complete the works prior to the commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Overdimensional Road Loads (Queensland Rail)

Under the Transport Infrastructure (Rail) Regulation 2006 permission from the Railway Manager (Queensland Rail) is required to take overdimensional road loads across Queensland Rail infrastructure (e.g. rail level crossings and rail bridges). Further information can be obtained from Queensland Rail's website at: <http://www.queenslandrail.com.au/forbusiness/overdimensionalloads>.

(b) Works on a railway



Pursuant to section 255 of the Transport Infrastructure Act 1994, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.

The applicant is therefore recommended to consult with the railway manager (Queensland Rail) regarding the approvals required for sealing the railway level crossing. The applicant should contact Kate Rylands of Queensland Rail on telephone number 07 3072 1229 or at QRPropertyWayleaves@qr.com.au in relation to this matter.

- (c) 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.

- (d) Compliance with applicable codes/policies

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

- (e) 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.

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

- (g) Cultural Heritage

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

- (h) 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) 2018* is required prior to the commencement of the motor home park/caravan park/camping ground.

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

**CARRIED**

**8.3 N DERAKHSHAN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS) - LOT 1 ON RP743970 - 2-6 BLACK MOUNTAIN ROAD, KURANDA - RAL/18/0025**

**RESOLUTION 2018/48**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Alan Pedersen

It is recommended that:

1. In relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	N Derakhshan	ADDRESS	2-6 Black Mountain Road, Kuranda
DATE LODGED	31 August 2018	RPD	Lot 1 on RP743970
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 lot into 4 lots)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), 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 Reconfiguring a Lot - Subdivision (1 lot into 4 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposal Plan of Reconfiguration	-	July 2018

(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 endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.

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

3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior 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. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.
- 3.7 All development 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 prior to the endorsement of a plan of survey.

### 3.9 Building Envelopes

- (a) The approved building envelopes for proposed Lots 1, 2, 3 and 4 are the building envelopes as defined on the Proposal Plan of Reconfiguration July 2018.
- (b) Prior to endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (c) All future buildings must be located within the approved building envelopes.

## 4. Infrastructure Services and Standards

### 4.1 Access

- (a) Access must be provided/constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (b) A bitumen, asphalt or concrete driveway shall be provided within the access easements to the satisfaction of Council's delegated officer. The driveway will:
- have a minimum formation width of 3 metres;
  - be constructed for the full length of the access handle;

- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle;
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

#### 4.2 Roadworks – External Construction - Black Mountain Road for full frontage of Lot 1 on RP743970

The development side of Black Mountain Road must be widened from the existing centreline to an overall sealed width of 4.5 metres, with barrier kerb constructed on the development side. This widening must be blended into the existing seal to avoid sharp transitions in the sealed pavement.

The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

The new section of barrier kerb must connect to the existing kerb at the intersection of the Kennedy Highway and Black Mountain Road.

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

#### 4.3 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to 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.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

#### 4.4 Water Supply

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

#### 4.5 On-Site Wastewater Management

Any future on-site effluent disposal system on each lot must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.6 Electricity Provision/Supply

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

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

#### 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.

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

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

5.2 The developer must pay \$10,155.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk water supply infrastructure servicing the land (\$5,570.00 per additional lot)
- The trunk open space infrastructure servicing the land (\$4,585.00 per additional lot)

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

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

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

---

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Water Meters/Water Service Connection

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

(c) Easement Documents

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

(d) 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.

(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) Notation on Rates Record

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

- an approved building envelope plan
- a registered easement over the subject site

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 28 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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

**CARRIED**

**8.4 SND DEVELOPERS PTY LTD - MATERIAL CHANGE OF USE - SHORT TERM ACCOMMODATION - LOT 71 ON SP136296 - 28 KEEBLE STREET, MAREEBA - MCU/18/0019**

**RESOLUTION 2018/49**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Alan Pedersen

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	SND Developers Pty Ltd	<b>ADDRESS</b>	28 Keeble Street, Mareeba
<b>DATE LODGED</b>	17 July 2018	<b>RPD</b>	Lot 71 on SP136296
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Short-Term Accommodation		

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 - Short-Term Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1323-A-00	Cover Sheet	Humac Design	-
1323-A-01B	Site Plan	Humac Design	11.09.2018
1323-A-02B	Floor Plan	Humac Design	11.09.2018
1323-A-03B	First Floor Plan	Humac Design	11.09.2018
1323-A-04B	Elevations	Humac Design	11.09.2018

(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 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.
- 2.3 Prior to the commencement of use, the applicant must provide a letter from the Department of State Development, Manufacturing, Infrastructure and Planning confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.

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

#### 3.4 Noise Nuisance

- 3.4.1 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 and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
- 3.4.2 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.
- 3.4.3 The use, including the unloading or loading of goods, is not to include the use of any sound projecting objects or systems that may cause a nuisance to adjoining properties.

#### 3.5 Waste Management

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, 1.8m high solid fence or building.

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.

### 3.6 Maximum Accommodation Density

The total number of people accommodated by the approved development at any one time must not exceed 148 persons, exclusive of the on-site manager.

### 3.7 No amplified entertainment above 75dB(C) shall be carried out on the subject land.

### 3.8 Privacy

Any windows on the western side of the managers unit must be screened using fixed external blinds/screens so that no windows have direct views into Lots 72 to 74 on SP136296.

### 3.9 Amenity

All building materials and colours to be used must be non-reflective and be generally in accordance with the approved plans to the satisfaction of Council's delegated officer.

### 3.10 Full time onsite manager

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 public accessible to all adjoining property owners.

## 4. Infrastructure Services and Standards

### 4.1 Access

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

### 4.2 Stormwater Drainage/Water Quality

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

Plan and Report must detail the stormwater drainage for the whole 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 Frontage Works - Keeble Street

The developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- (a) The developer is to construct kerb and channel on the development side of Keeble Street for the full frontage of the subject land;
- (b) The applicant is to widen the existing asphalt seal on Keeble Street to the kerb and channel required by Condition 4.3(a);
- (c) A concrete footpath minimum of 2.0m width must be constructed along the development side of Keeble Street for the full frontage of the subject land;
- (d) Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD);
- (e) Footpath earthworks, topsoiling and turfing reinstatement of all disturbed footpath areas;
- (f) Adjustments and relocations necessary to public utility services resulting from these works;

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

#### 4.4 Car Parking/Internal Driveways

The developer must ensure that the development is provided with a minimum of 25 on-site car parking spaces, two (2) 22 seater bus parking bays and eight (8)

bicycle parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

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;
- Australian Standard AS2890.3 – Bicycle Parking Facilities.

A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.

#### 4.5 Landscaping

4.5.1 The development must be landscaped in accordance with an approved landscape plan.

4.5.2 Prior to the issue of the development permit for operational works, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.

4.5.3 The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

4.5.4 The landscaping plan must incorporate the following:

- landscaping strips within the subject land, along the Keeble Street frontage and all side and rear boundaries.
- Trees that will grow to provide shade must be planted throughout the car park area and around its perimeter at the rate of one (1) tree per ten (10) car parking spaces or part thereof; or shade structures are provided over 40% of the car parking spaces.

4.5.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.

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

#### 4.6 Fencing

Prior to the commencement of the use, the applicant/developer must erect a 1.8 metre high, neutral colour, timber paling fence along the full southern and western boundaries of the subject land.

The fencing must comply with Queensland Rail drawing number QR-C-S3231 - 'Standard Timber Fence 1800mm High Timber Paling Fence'.

All fencing must be erected prior to the commencement of the use and must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.7 Lighting

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

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

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

#### 4.8 Water Supply

- (a) 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).
- (b) Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated water supply system demonstrating compliance with Condition 4.8(a).

The engineering plans and specifications for the connection, including any requirement for onsite firefighting storage, must be accompanied by an engineering report demonstrating that Council's existing infrastructure will be able to provide the minimum acceptable standard of service for water reticulation.

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

#### 4.9 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).

Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.

#### (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) 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.

(f) A Trade Waste Permit will be required prior to the commencement of use.

(g) 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.

(h) 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.

(i) 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).

(j) 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 conditions dated 15 October 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

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

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
<b>Proposal</b>					
Development authorised under MCU/18/0019	Accommodation (short term)	Suite with 1-2 bed/room with no ensuite	\$6,000.00	22	\$132,000.00
		Suite with 3 or more bed	\$8,400.00	10	\$84,000.00
		<b>Total</b>			
<b>Credit</b>					
Existing Lot	Residential	Per Lot	\$18,340.00	1	\$18,340.00
<b>TOTAL</b>					<b>\$197,660.00</b>

**CARRIED**

**8.5 LOCAL GOVERNMENT INFRASTRUCTURE PLAN****RESOLUTION 2018/50**

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council receive and note this report.

**CARRIED**

**8.6 COMPLIANCE & ENFORCEMENT POLICY****RESOLUTION 2018/51**

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That Council adopt the Compliance and Enforcement Policy.

**CARRIED**

**8.7 ANIMAL FACILITY 35 HICKLING AVENUE, MAREEBA - EXPRESSION OF INTEREST****RESOLUTION 2018/52**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council invites Expressions of Interest from entities to construct, own, and operate a cat and dog boarding facility and/or refuge facility, that includes an area for Council's Pound requirements on Lot 561 NR810260, 35 Hickling Avenue, Mareeba.

**CARRIED**

**8.8 COUNCIL POLICY REVIEW AND UPDATE****RESOLUTION 2018/53**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council:

1. Repeals the following policies/guidelines:
  - (a) Dealing with allegations of corrupt conduct of the CEO Guideline
  - (b) Fraud and Corruption Prevention Policy and Guideline
  - (c) Related Party Disclosures Policy
  - (d) Requests by Councillors for Advice or Information from Staff

- (e) Standing Orders for Council Meetings
  - (f) Contact with Lobbyists Policy
2. Adopts the following policies/guidelines:
- (a) Code of Conduct for Councillors
  - (b) Fraud and Corruption Control Policy
  - (c) Fraud and Corruption Control Plan
  - (d) Investigation Policy
  - (e) Related Party Disclosures Policy
  - (f) Councillor Acceptable Requests Policy (Guideline)
  - (g) Standing Orders (Meeting Procedures) for Council Meetings
  - (h) Contact with Lobbyists Policy

**CARRIED**

## **8.9 FINANCIAL STATEMENTS PERIOD ENDING 30 SEPTEMBER 2018**

### **RESOLUTION 2018/54**

Moved: Cr Mary Graham

Seconded: Cr Angela Toppin

That Council note the financial report for the period ending 31 October 2018.

**CARRIED**

## **8 INFRASTRUCTURE SERVICES**

### **9.1 REVIEW OF UNNAMED ROAD RESERVES IN LOCALITIES OF MAREEBA, ARRIGA, MUTCHILBA AND CHILLAGOE**

#### **RESOLUTION 2018/55**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Alan Pedersen

That Council denotes the following roads as private access roads and therefore revokes the road names for these formerly unnamed roads:

1. Lee Sye Road, off Tyrconnell Road, Arriga
2. Ganly Road, off Henry Hannam Drive, Mareeba
3. Mutchilba Road, off Mutchilba Road (at intersection of McLeod Road), Mutchilba
4. Ferguson Street, off Eastern Street, Chillagoe

**CARRIED**

**9.2 NDRRA - TMSC2018-18 DESIGN & CONSTRUCT FLAGGY CREEK CROSSING****RESOLUTION 2018/56**

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That Council:

1. awards the contract for TMSC2018-18 Design and Construct Flaggy Creek Crossing to King Concreting (QLD) Pty Ltd, trading as Civform, at a total value of \$590,835 (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.

**CARRIED**

**9.3 MASTER PLAN FOR DAVIES, EALES AND FIRTH PARK****RESOLUTION 2018/57**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

That Council adopts the Master Plan for Davies, Eales and Firth Parks.

**CARRIED**

**9.4 MAREEBA CBD TRAFFIC MANAGEMENT STUDY****RESOLUTION 2018/58**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council;

1. endorses the Mareeba CBD Traffic Management Study as provided, and
2. approves the implementation plan as detailed.

**CARRIED**

At 9:19 am, Cr Mary Graham left the meeting.

**9.5 RESIDENT PETITION - BORLAND AND RANKIN STREETS, MAREEBA****RESOLUTION 2018/59**

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That Council advises the Head Petitioner that a project will be included in the Project Prioritisation Tool (PPT), for consideration in a future Capital Works budget, with Borland and Rankin Streets to continue to be maintained as part of normal operations.

**CARRIED**

At 9:19 am, Cr Mary Graham returned to the meeting.

**9.6 APPLICATION FOR PERMANENT ROAD CLOSURE, ABUTTING LOT 1 ON MPH40852, RA 1290 BRAUND ROAD, NORTHCOTE VIA DIMBULAH****RESOLUTION 2018/60**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

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

1. Council objects to the current application for permanent road closure, however
2. Council offers no objection to permanent road closures to address identified encroachments only, as per Map CNS18/018A, being the Lot B area and approximately 1250m<sup>2</sup> in area, and
3. The Landowner is wholly responsible for all costs associated with finalising the process.

**CARRIED**

**9.7 REVIEW OF APPLICATION FOR PERMANENT ROAD CLOSURE APPLICATION - LOT 510 HG748, BRAUND ROAD, NORTHCOTE.****RESOLUTION 2018/61**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council:

1. withdraws its support for the current Permanent Road Closure Application made by the Land Owner of Lot 510 HG748, due to the correction of property boundaries resulting in updated survey details; and
2. offers no objection to permanent road closures to address encroachments if requested by landowner, and the Landowner is wholly responsible for all costs associated with finalising the process.

**CARRIED**

**9.8 MAREEBA AIRPORT UPGRADING - OCTOBER 2018 PROGRESS REPORT****RESOLUTION 2018/62**

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

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

**CARRIED****9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - OCTOBER 2018****RESOLUTION 2018/63**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of October 2018.

**CARRIED****9.10 CAPITAL PROJECT PRIORITISATION AND DECISION MAKING 2019-20****RESOLUTION 2018/64**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council adopts the updated Project Prioritisation Tool (PPT) criteria and risk assessment methodology for prioritising Infrastructure Services capital works projects.

**CARRIED****9.11 LONG TERM ASSET MANAGEMENT PLAN****RESOLUTION 2018/65**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Lenore Wyatt

That Council adopts the Long Term Asset Management Plan 2018.

**CARRIED**

**9.12 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - OCTOBER 2018****RESOLUTION 2018/66**

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

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

**CARRIED****9.13 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - SEPTEMBER 2018****RESOLUTION 2018/67**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

**CARRIED****9.14 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - OCTOBER 2018****RESOLUTION 2018/68**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

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

**CARRIED****9.15 PETITION FOR MAINTENANCE OF HODZIC ROAD****RESOLUTION 2018/69**

Moved: Cr Lenore Wyatt

Seconded: Cr Alan Pedersen

That Council receives the Petition and meet with the Head Petitioner and residents of Hodzic Road to discuss their concerns.

**CARRIED**



**9 OFFICE OF THE CEO**

**10.1 CHANGE IN COUNCIL MEETING DATES - JANUARY AND OCTOBER 2019**

**RESOLUTION 2018/70**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

That Council hold its January 2019 Ordinary Council meeting on Wednesday 23 January 2019 and October 2019 Ordinary Council meeting on Wednesday 23 October 2019."

**CARRIED**

**10.2 COUNCILLOR ATTENDANCE AT CONFERENCE**

**RESOLUTION 2018/71**

Moved: Cr Angela Toppin

Seconded: Cr Edward (Nipper) Brown

That Council approve Cr Wyatt's attendance at the Women in Public Sector Leadership Summit in Canberra 28-31 May 2019.

**CARRIED**

**10 CONFIDENTIAL REPORTS****RESOLUTION 2018/72**

Moved: Cr Alan Pedersen

Seconded: Cr Mary Graham

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

**11.1 Tender Evaluation - TMSC2018-17 Lease of Site for Aircraft Refuelling at Mareeba Airport**

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

**11.2 Rates Concession Section 275(1)(d) Local Government Regulations 2012**

This matter is considered to be confidential under Section 275 - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

**11.3 Lease to Purchase - Lot 55 on SP198060, Martin Tenni Drive, Mareeba Industrial Park**

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

**CARRIED**

**MOTION**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council moves out of Closed Council into Open Council.

**11.1 TENDER EVALUATION - TMSC2018-17 LEASE OF SITE FOR AIRCRAFT REFUELLING AT MAREEBA AIRPORT****RESOLUTION 2018/73**

Moved: Cr Angela Toppin

Seconded: Cr Edward (Nipper) Brown

That Council:

1. Awards Tender TMSC2018-17 Lease of Site for Aircraft Refuelling at Mareeba Airport to Ocwen Energy Pty Ltd (trading as Lowes Petroleum Service); and

2. Enters into a standard consecutive lease over the nominated site of 1,400 square metres with Ocwen Energy Pty Ltd (trading as Lowes Petroleum Service) for an initial term of 20 years plus 2 x 10-year options at the tendered rate.

**CARRIED**

## **11.2 RATES CONCESSION SECTION 275(1)(D) LOCAL GOVERNMENT REGULATIONS 2012**

### **RESOLUTION 2018/74**

Moved: Cr Alan Pedersen

Seconded: Cr Mary Graham

That Council resolves to accept the concession application by:

1. the Kuku Djungan Aboriginal Corporation and grant the rates concession in respect of Lot 303 on T2131 subject to the Kuku Djungan Aboriginal Corporation entering into a Rate Concession Agreement under section 121(c) of the Local Government Regulations 2012; and
2. Robert Lavington and John Mulholland as personal representatives and grant the rates concession in respect of Lot 1 on MPH 1967 subject to Mr Lavington and Mr Mulholland entering into a Rates Concession Agreement under section 121(c) of the Local Government Regulations 2012.

**CARRIED**

## **11.3 LEASE TO PURCHASE - LOT 55 ON SP198060, MARTIN TENNI DRIVE, MAREEBA INDUSTRIAL PARK**

### **RESOLUTION 2018/75**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

That Council:

1. approve the offer of a five (5) year lease or licence prior to purchase Lot 55 SP198060 at Martin Tenni Drive in the Mareeba Industrial Park; and
2. delegate authority to the Mayor to negotiate other legal purchasing arrangements for established Mareeba Industrial Park lots, including lease to purchase, licence agreements and deferred settlements.

**CARRIED**

**11 BUSINESS WITHOUT NOTICE**

Nil

**12 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9am on 19 December 2018.

There being no further business, the meeting closed at 9:48am.

.....

Cr Tom Gilmore

Chairperson