



# **MINUTES**

**Wednesday, 20 February 2019**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 20 FEBRUARY 2019 AT 9:00AM**

**1 MEMBERS IN ATTENDANCE**

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

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

Nil

**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**

Nil

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2019/2**

Moved: Cr Lenore Wyatt

Seconded: Cr Alan Pedersen

That the minutes of Ordinary Council Meeting held on 23 January 2019 be confirmed.

**CARRIED**

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

Nil

**7 DEPUTATIONS AND DELEGATIONS**

Jax Bergersen presented a petition on behalf of Kuranda residents. A petition was also tabled on behalf of the Julatten/Mt Molloy residents.

**7.1 KURANDA AND JULATTEN/MT MOLLOY PETITIONS**

**RESOLUTION 2019/3**

Moved: Cr Tom Gilmore

Seconded: Cr Lenore Wyatt

That Council receives the petitions and refers them to officers for a report to Council.

**CARRIED**

**8 CORPORATE AND COMMUNITY SERVICES**

**8.1 MAX SLADE DESIGNS PTY LTD - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION (4 X 4 BEDROOM UNITS) - LOT 1 ON RP725081 - 3 KENNEALLY ROAD, MAREEBA - MCU/18/0026**

**RESOLUTION 2019/4**

Moved: Cr Alan Pedersen

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Max Slade Designs Pty Ltd	<b>ADDRESS</b>	3 Kenneally Road, Mareeba
<b>DATE LODGED</b>	10 October 2018	<b>RPD</b>	Lot 1 on RP725081
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Short-term Accommodation (4 x 4 Bedroom Units)		

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

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Short-term Accommodation (4 x 4 Bedroom Units)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M 17 - 4595 Sheet No. A100	Overall Site Plan	Max Slade Designs	November 2017
M 17 - 4595 Sheet No. A101	Site Plan	Max Slade Designs	November 2017
M 17 - 4595 Sheet No. A111	Stage 3 - 4/4 Bedroom Units	Max Slade Designs	November 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 or the payment of infrastructure charges within the Adopted Infrastructure Charges Notice.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.5 Noise Nuisance
    - 3.5.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

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

### 3.5.2 Full time onsite manager

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

## 3.6 Waste Management

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

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

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

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

## 3.7 Clothes Drying area

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

## 3.8 Window Screening

The applicant/developer is required to install and maintain suitable screening to all unit windows facing the south-east and north-east site boundaries for the purposes of privacy and reducing light spillage. The screening structures must be constructed from non-reflective materials that are consistent with materials used

elsewhere on the facade of the building, to the satisfaction of Council's delegated officer.

### 3.9 Hot Water System Relocation

The applicant/developer is required to install and maintain appropriate screening to all hot water systems attached the unit structures. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the structures.

### 3.10 Building Materials and Finishes

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

## 4. Infrastructure Services and Standards

### 4.1 Access

Prior to the commencement of the use the existing site access must be upgraded to a commercial/industrial standard in order to accommodate two directional large vehicle traffic (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to the issue of a development permit for building works, the applicant/developer must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer. Where staged works are proposed, the Stormwater Management Plan and Report must detail the stormwater drainage for the whole of the development and for each stage of the development.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

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

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

#### 4.3 Car Parking/Internal Driveways

- 4.3.1 The applicant/developer must ensure that each unit is provided with one (1) car parking space (16 total) which are available solely for the parking of vehicles associated with the accommodation. The car parking spaces must be located within proximity to the accommodation units.

- 4.3.2 Prior to the commencement of the use, all car parking spaces including the administration office set down/car parking areas, and all internal driveways servicing the approved use must be concrete, bitumen or asphalt sealed, line marked and appropriately drained, to the satisfaction of Council's delegated officer.

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

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

- 4.3.3 The internal driveways servicing the approved use must be wide enough to allow for two direction vehicle traffic, to the satisfaction of Council's delegated officer. If this is not the case and the existing loop road through the existing caravan park is proposed or required to service the development (short-term accommodation units only), this loop road must be upgraded to a concrete, asphalt or bitumen sealed standard, to a minimum width of four (4) metres (including any widening required on corners) and appropriately drained, to the satisfaction of Council's delegated officer.

#### 4.4 Landscaping & Fencing

- 4.4.1 Prior to the issue of a development permit for building works, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval (one plan may be submitted for the entire site).

The landscape plan must include a minimum 30m<sup>2</sup> of landscaping and must include plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

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

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use and

mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the entire length of the south-east boundary of the site.

Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the north-east boundary of the site from the north east corner of the site (behind the donga's) to a distance of no less than 40 metres along the boundary.

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

#### 4.5 Lighting

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

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

#### 4.6 Water Supply

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

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

#### 4.7 Sewerage Connection



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

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

(D) ASSESSMENT MANAGER'S ADVICE

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

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

(d) Property Connection to existing sewer main

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

(e) Compliance with applicable codes/policies

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

(f) Compliance with Acts and Regulations

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

(g) Environmental Protection and Biodiversity Conservation Act 1999

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

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

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the use.

(j) Transportation of Soil

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

(E) 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).

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

Category	Use Charge	Unit Measure	Charge Rate	No of Units	Amount
<b>Proposal</b>					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	16	\$72,000.00
<b>Total</b>					<b>\$72,000.00</b>

**CARRIED**

**8.2 G & L CARR - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 7 ON RP733904 - 3 COOLSPRINGS CLOSE, KURANDA - RAL/18/0034**

**RESOLUTION 2019/5**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	G & L Carr	<b>ADDRESS</b>	3 Coolsprings Close, Kuranda
<b>DATE LODGED</b>	13 November 2018	<b>RPD</b>	Lot 7 on RP733904
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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

And

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8205-LL1 Rev A	Proposed Reconfiguration of a Lot (1 lot into 2 lots)	Twine Surveys Pty Ltd	19.7.2018

(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.
- 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 Slope Stability

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

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

## 4. Infrastructure Services and Standards

### 4.1 Access

Access to each proposed lot must be constructed (from the edge of the road pavement to the property boundary of the lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

### 4.2 Frontage Works - Coolsprings Close

4.2.1 Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Coolsprings Close, by 1.25 metres, including kerb and channel, for the full frontage of Lot 7 on RP733904, designed in accordance with the FNQROC Development Manual (Access Street standard - Table D1.1), to the satisfaction of Council's delegated officer.

Included in the abovementioned works, the applicant/developer must ensure that any stormwater collected and channelled by the works is discharged to an approved lawful point of discharge, to the satisfaction of

Councils delegated officer. All stormwater channels through private property must be covered by easement/s for drainage purposes in favour of Council. All documentation leading to the registration of the easement/s must be completed at no cost to Council.

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

4.2.2 In lieu of undertaking the abovementioned operational works, the applicant/developer may elect to provide a monetary contribution to Council equal to the cost of undertaking the works required by condition 4.2.1. A written itemised quote from a civil contractor to determine the cost of the works must be provided and accepted by Council's delegated officer.

#### 4.3 Stormwater Drainage

4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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

#### 4.4 Water Supply

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

#### 4.5 On-Site Wastewater Management

Any future on-site effluent disposal system on either lot must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (AS/NZS1547) 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 **\$14,845.00** (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 (\$5,675.00 per additional lot)
- The trunk transport infrastructure servicing the land (\$4,585.00 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) Endorsement Fees

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

- (d) Compliance with applicable codes/policies

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

- (e) Notation on Rates Record

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

- conditions regarding future building works on sloped land
- conditions regarding on-site wastewater disposal

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

- (g) Cultural Heritage

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



duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot – 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

- Nil

**CARRIED**

**8.3 CHANGE OF DEVELOPMENT APPROVAL & EXTENSION TO CURRENCY PERIOD - BRIGHT ACQUISITIONS PTY LTD - MATERIAL CHANGE OF USE - ACCOMMODATION UNITS, CARAVAN PARK, DWELLING HOUSE, EDUCATIONAL ESTABLISHMENT, HOST FARM, MOTOR HOME PARK, RESIDENTIAL UNITS, SHOP, TOURIST FACILITY AND ANCILLARY USES - LOT 42 ON SP300440 AND EASEMENT A - 186 TINAROO CREEK ROAD, MAREEBA - DA/14/0064**

**RESOLUTION 2019/6**

Moved: Cr Angela Toppin

Seconded: Cr Kevin Davies

It is recommended that:

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	Bright Acquisitions Pty Ltd	<b>ADDRESS</b>	186 Tinaroo Creek Road, Mareeba
<b>DATE REQUESTS LODGED</b>	14 December 2018	<b>RPD</b>	Lot 42 on SP300440 and Easement A on SP300440
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Accommodation Units, Caravan Park, Dwelling House, Educational Establishment, Host Farm, Motor Home Park, Residential Units, Shop, Tourist Facility and Ancillary and Associated Uses and the retention of Existing Rural Activities or Pursuits		

and in accordance with the Planning Act 2016,

- (A) The approved plan/s of Council’s Decision Notice dated 18 April 2018 be amended as follows:

The approved plans and/or documents for this development approval area listed in the following table:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 16	Setback and Buffer Considerations	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 1	Proposed Master Plan	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 2	Proposed Master Plan - Northern Precinct	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 3	Proposed Master Plan - Northern Precinct Detail	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 4	Proposed Master Plan - Western Precinct	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 5	Proposed Master Plan - Southern Precinct	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 6	Proposed Ground Floor Plan	Victor G Feros Town Planning Consultants	11 December 2018

Sheet 7	Proposed First Floor Plan	Victor G Feros Town Planning Consultants	11 December 2018
n/a	Staging Plan	Victor G Feros Town Planning Consultants	11 December 2018
n/a	Staging Schedule	Victor G Feros Town Planning Consultants	11 December 2018
n/a	Access Plan	Victor G Feros Town Planning Consultants	11 December 2018
Sheet 8	Eastern Precinct	Victor G Feros Town Planning Consultants	11 December 2018

(B) Condition 2.1 of Council's Decision Notice dated 18 April 2018 be amended as follows:

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 in accordance with the Staging Plan dated 11 December 2018 and the Staging Schedule dated 11 December 2018 except where specified otherwise in these conditions of approval.

2. The relevant period be extended for six (6) years from 4 March 2019 to 4 March 2025.
3. A Notice of Decision on Request to Change a Development Approval and Extension to the currency period be issued to the applicant and the State Assessment and Referral Agency (SARA) via email CairnsSARA@dilgp.gov.au advising of Council's decision.

**CARRIED**

#### **8.4 APPLICATION FOR RENEWAL OF SPECIAL LEASE 9/50839 OVER LOT 20 ON NR7989, LOCATED OFF TINAROO CREEK ROAD, MAREEBA**

##### **RESOLUTION 2019/7**

Moved: Cr Alan Pedersen

Seconded: Cr Kevin Davies

That Council offer no objection to:

1. the renewal of the special lease over Lot 20 on NR7989, located off Tinaroo Creek Road, Mareeba; and
2. the conversion to freehold of Lot 20 on NR7989 subject to this land being provided with legal access via frontage to a gazetted road reserve or via an access easement.

**CARRIED**

#### **8.5 SELECTED APPROVED ANIMAL INSPECTION PROGRAM**

##### **RESOLUTION 2019/8**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council:

1. Approve a selective Approved Inspection Program (as attached) to be carried out to ensure compliance with the registration and microchipping requirements if the Animal Management (Cats & Dogs) Act 2008; and
2. Approve a selective Approved Inspection Program (as attached) be carried out to ensure compliance with section 14 of Local Law No. 2 Animal Management 2018 - duty to provide proper enclosure and prevent the animal from wandering.

**CARRIED**

#### **8.6 MAREEBA INDOOR SPORTS HALL - 183 WALSH STREET, MAREEBA**

##### **RESOLUTION 2019/9**

Moved: Cr Lenore Wyatt

Seconded: Cr Alan Pedersen

That Council delegate authority to the Chief Executive Officer to negotiate a management agreement with Mulungu Aboriginal Corporation Primary Health for the use of the Mareeba Sport Hall, 183 Walsh Street.

**CARRIED**

#### **8.7 OPERATIONAL PLAN 2018-2019 PROGRESS REPORT OCTOBER - DECEMBER QUARTER**

##### **RESOLUTION 2019/10**

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

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

**CARRIED**

#### **8.8 MAREEBA INDUSTRIAL PARK**

##### **RESOLUTION 2019/11**

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

That the price of current developed land for sale at the Mareeba Industrial Park Development be increased to \$65 per square metre as at 1 July 2019.

**CARRIED**

## 8.9 TOURISM KURANDA

### RESOLUTION 2019/12

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council appoints the following nominees to the Tourism Kuranda Advisory Committee for a three-year term to February 2022

- Angela Freeman
- Terry Pates
- Richard Berman-Hardman
- Robert McCartney
- Rob Dean

**CARRIED**

## 8.10 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2019

### RESOLUTION 2019/13

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council note the financial report for the period ending 31 January 2019.

**CARRIED**

## 9 INFRASTRUCTURE SERVICES

### 9.1 APPLICATION FOR PERMANENT ROAD CLOSURE, ABUTTING LOT 456 ON PLAN NR5514, RA 6153 KENNEDY HIGHWAY, MAREEBA.

### RESOLUTION 2019/14

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Kevin Davies

That Council advises the Department of Natural Resources, Mines and Energy that:

1. Council is not the Road Manager of the Kennedy Highway and is unable to authorise the road closure as Council is not trustee of the reserve; and
2. Council objects to the permanent closure of road reserve described as Lot B on CNS18/058P abutting Lot 456 on NR5514, Parish of Tinaroo, as the road reserve may be required for its gazetted purpose in the future.

**CARRIED**

**9.2 KURANDA CEMETERY****RESOLUTION 2019/15**

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council undertakes further investigation to determine the viability of Lot 514 Plan SP248398 in Koah as a new cemetery to service Kuranda and surrounding communities.

**CARRIED**

**9.3 MAREEBA AIRPORT UPGRADING - JANUARY 2019 PROGRESS REPORT****RESOLUTION 2019/16**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council receives the January 2019 progress report on the Mareeba Airport Upgrade Project.

**CARRIED**

**9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - JANUARY 2019****RESOLUTION 2019/17**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of January 2019.

**CARRIED**

**9.5 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - JANUARY 2019****RESOLUTION 2019/18**

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of January 2019.

**CARRIED**

**9.6 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - JANUARY 2019****RESOLUTION 2019/19**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council:

1. receives the Infrastructure Services, Waste Operations Progress Report, January 2019;
2. approves the co-contribution for the Mareeba Transfer Station upgrade under the Levy Ready program to be funded from waste reserves; and
3. approves a further \$31,000 for the Leachate Collection Pit and Rising Main to the existing Leachate Reticulation Network to be funded from waste reserves.

**CARRIED**

**9.7 EOI-MSC2018-03 - GREEN WASTE MANAGEMENT SERVICES****RESOLUTION 2019/20**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council invites Shark Recycling and Panebianco Enterprises Pty Ltd to tender for the management of green waste received at Council's waste transfer facilities.

**CARRIED**

**9.8 TENDER EVALUATION TMSC2019-01 OOTANN ROAD PACKAGE TWO - SUPPLY AND DELIVERY OF TYPE 2.1 ROAD BASE****RESOLUTION 2019/21**

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That Council awards Tender TMSC2019-01 Supply and Delivery of 10,000 tonnes of Type 2.1 Road Base for Ootann Road to Gunther Civil Pty Ltd at \$37.19 per tonne (including GST) amounting to a total value of \$371,920.40 (including GST).

**CARRIED**

**9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2019****RESOLUTION 2019/22**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2019.

**CARRIED**

## **10 OFFICE OF THE CEO**

### **10.1 FINANCIAL ASSISTANCE GRANTS**

#### **RESOLUTION 2019/23**

Moved: Cr Alan Pedersen

Seconded: Cr Kevin Davies

That Council

1. advocate the Australian Government to restore the value of the Financial Assistance Grants to at least 1 percent of Commonwealth taxation revenue; and
2. formally support the Local Government Association of Queensland in their campaign to restore the level of funding.

**CARRIED**

### **10.2 CHANGE IN COUNCIL MEETING DATE - MARCH 2019**

#### **RESOLUTION 2019/24**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council hold its March Ordinary Council meeting on Tuesday 19 March 2019.

**CARRIED**

## **11 CONFIDENTIAL REPORTS**

Nil

## **12 BUSINESS WITHOUT NOTICE**

Nil

## **13 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9am on 19 March 2019.

There being no further business, the meeting closed at 9:40am.



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Cr Tom Gilmore

Chairperson