



MINUTES

Wednesday, 18 September 2019

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 18 SEPTEMBER 2019 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

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

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr Kevin Davies was granted a leave of absence.

Cr Edward (Nipper) Brown was granted a leave of absence

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 Toppin declared a perceived conflict of interest in relation to ITEM- 9.10 Tender TMSC2019-05 Mareeba Waste Transfer Station Redevelopment as she is Chair of the Business Liasion Association and two of the tenderers namely FGF and HEH are sponsors of the bursaries that this Association grants. Cr Toppin has advised that she will leave the room whilst the matter is discussed and not vote.

5 CONFIRMATION OF MINUTES

RESOLUTION 2019/101

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That the minutes of Ordinary Council Meeting held on 21 August 2019 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

8 CORPORATE AND COMMUNITY SERVICES

8.1 G & S HORNER - MATERIAL CHANGE OF USE - ANIMAL KEEPING (STABLES) - LOT 11 ON RP748324 - 2 EMERALD HEIGHTS ROAD, MAREEBA - MCU/19/0010

RESOLUTION 2019/102

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G & S Horner	ADDRESS	2 Emerald Heights Road, Mareeba
DATE LODGED	2 July 2019	RPD	Lot 11 on RP748324
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Keeping (Stables)		

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

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

(A) REFUSED DEVELOPMENT: Development Permit for Material Change of Use - Animal Keeping (Stables)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development is in conflict with Performance Outcomes PO8 and PO9 of the Rural Residential Zone Code:

Non-residential development

PO8

Non-residential development:

- (a) *is consistent with the scale of existing development;*
- (b) *does not detract from the amenity of nearby residential uses;*
- (c) *does not impact on the orderly provision of non-residential development in other locations in the shire; and*
- (d) *directly supports the day to day needs of the immediate residential community; or*
- (e) *has a direct relationship to the land on which the use is proposed.*

Amenity

PO9

Development must not detract from the amenity of the local area, having regards to:

- (a) *noise;*
- (b) *hours of operation;*
- (c) *traffic;*
- (d) *advertising devices;*
- (e) *visual amenity;*
- (f) *privacy;*
- (g) *lighting;*
- (h) *odour; and*
- (i) *emissions.*

2. That there are not sufficient grounds to justify approval, despite the identified conflicts.

CARRIED

8.2 M ANTON - MATERIAL CHANGE OF USE - HIGH IMPACT INDUSTRY (CONCRETE RECYLING YARD - UP TO 5000 TONNES PER YEAR) - LOTS 2 & 3 ON SP223151 - 3276 & 3278 MULLIGAN HIGHWAY, MOUNT MOLLOY - MCU/19/0009

RESOLUTION 2019/103

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Anton	ADDRESS	3276 & 3278 Mulligan Highway, Mount Molloy
DATE LODGED	26 June 2019	RPD	Lots 2 & 3 on SP223151
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)		

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 - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sheet 2	Site Plan	-	-
-	Indicative Site Layout Plan	-	-

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

3.4 Bushfire Management

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

3.5 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No operations are permitted on Sundays or Public Holidays.

3.6 Product Sale

All recycled products are to be sold off-site only with no individual sales/transactions permitted from the subject site.

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

3.8 Environmental Management Plan

The applicant/developer shall provide Council with an environmental management plan prepared by a suitably qualified professional which addresses (as a minimum):

- All environmental impacts of the proposal and measures proposed to mitigate the impacts;
- Emergency management procedures;
- Refuse collection and disposal; and
- Management and supervision procedures.

The environmental management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.

The applicant/developer or on-site manager must ensure the approved use is operated in accordance with the environmental management plan at all times and for the life of the development.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

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

4.2 Erosion and Sediment Control Plan

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 Prior to the development commencing, the applicant must develop an Erosion and Sediment Control Plan. The plan must detail what measures/procedures will be implemented on-site to prevent erosion and sediment run-off during construction and operation.

4.2.3 The applicant/developer must ensure that the Erosion and Sediment Control Plan is complied with at all times.

4.3 Water Supply

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

4.4 On-site Wastewater Management

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

4.5 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Compliance with applicable codes/policies

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

(c) Compliance with Acts and Regulations

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 26 August 2019.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

CARRIED

**8.3 G DIXON - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 28 ON SP160169
- 3946 KENNEDY HIGHWAY, MAREEBA - RAL/19/0018**

RESOLUTION 2019/104

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G Dixon	ADDRESS	3946 Kennedy Highway, Mareeba
DATE LODGED	1 August 2019	RPD	Lot 28 on SP160169
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), 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 considers that the development has been reasonably conditioned to comply with all relevant instruments.

Specifically, the assessment manager considers that proposed Lots 1 and 2 are not an area for use for primary production, nor will the reconfiguration prevent the establishment of a wide range of rural pursuits in the rural zone.

Proposed Lots 1 and 2 are already developed and their separation will not result in a loss of productive capacity of land within the Class A area. The reconfiguration does not reduce agricultural efficiency or prevent the development of a future agricultural activity.

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed Division From 1 into 2 Blocks located at 3946 Kennedy Hwy Mareeba	Geoff Dixon (amended by SARA)	27 August 2019

(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 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 endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.3 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.

3.4 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.

3.5 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

3.6 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.

3.7 Charges

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

3.8 Rural Addressing

The applicant must pay a contribution per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

4. Infrastructure Services and Standards

4.1 Access Easement

A reciprocal easement in favour of both proposed allotments must be provided over the proposed access easement for the purposes of access/drainage/maintenance.

The approved easement document must be submitted at the same time applicant/developer seeks approval for signing and dating of the plan of survey and must be lodged and registered in the Department of Natural Resource, Mines and Energy in conjunction with the plan of survey.

4.2 Stormwater Drainage

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

4.3 Water Supply

Proposed Lots 1 and 2 must be provided with a water supply via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or
- (c) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L;
 - (ii) fitted with a 50mm ball valve with a camlock fitting;
 - (iii) which are installed and connected prior to the occupation or use of the development.

4.4 On-Site Wastewater Management

Each lot must have a standalone on-site effluent disposal system to the satisfaction of the Council's delegated officer.

4.5 Electricity provision/supply

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

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

4.6 Telecommunications

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

(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) 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.

(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) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 27 August 2019.

(F) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.4 T BLAKE - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 6 ON RP903630 - 8 DEBEL CLOSE, MAREEBA - RAL/19/0015

RESOLUTION 2019/105

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

(1) That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	T Blake	ADDRESS	8 Debel Close, Mareeba
DATE LODGED	2 July 2019	RPD	Lot 6 on RP903630
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (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 into 2 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
VGF-C1149 Sheet 1	Site Plan	Victor G Feros Town Planning Consultants	25 June 2019

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**(a) Development assessable against the Planning Scheme**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions 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 the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
 - 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access

and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

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

3.8 Charges

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

4. Infrastructure Services and Standards

4.1 Access

An access crossover for each allotment, must be constructed from the edge of the road pavement, to the property boundary of each respective allotment, in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

An asphalt sealed or reinforced concrete driveway (no bitumen) must be provided within the access handle for Lot 1. The driveway will:

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

4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development (including between Lot 1 and 2) and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3 Water Supply

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

4.4 On-Site Wastewater Management

Prior to Council endorsing a plan of survey, a plan prepared by a licensed surveyor must be submitted to Council demonstrating that each lot's respective on-site wastewater disposal systems, including and soakage trenches, are wholly located within the lot that they service, to the satisfaction of Council's delegated officer.

4.5 Fencing

4.5.1 Prior the endorsement of a plan of survey the applicant/developer is required to install solid screen colorbond or overlapping timber paling fencing, with minimum height of 1.8m and maximum height of 2m along the entire length of the common boundary between Lots 1 and 2 excluding that part of the common boundary between Debel Close and the point in line with the forward most projection of the dwelling on Lot 2.

4.5.2 The erection of fencing along the common boundary of Lot 1 and 2 between Debel Close and the point in line with the forward most projection of the dwelling on Lot 2 is optional and is not required to be solid screen fencing, however, cannot exceed 1.8m in height.

4.5.3 That part of the fencing that crosses Easement B on RP901433 must not interfere with the purpose of the easement (drainage).

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.

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.

(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, 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.

(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:

- a registered drainage easement over the lots (Easement B on RP901433)
- flood immunity

(g) 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.

(h) 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

(i) Cultural Heritage

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

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect);

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot (no sewer)</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$14,100.00	2	\$28,200.00	1 lot (\$14,100.00)	\$14,100.00
TOTAL CURRENT AMOUNT OF CHARGE					\$14,100.00
					CARRIED

8.5 COUNCIL POLICY REVIEWS

RESOLUTION 2019/106

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council:

1. Repeals the following Policies:
 - (a) Standing Orders (Meeting Procedures) for Council Meetings adopted on 15 May 2019;
 - (b) Councillor Remuneration, Expenses Reimbursement and Resources Policy adopted on 6 April 2016;
 - (c) Internal Audit Policy adopted on 15 November 2017;
 - (d) Internal Audit Charter adopted on 15 November 2017;
 - (e) Rates Rebates and Remissions Policy 2019/20 adopted on 19 June 2019;
 - (f) Enterprise Risk Management Policy, Process and Framework adopted on 20 December 2017; and
 - (g) Caretaker Period Policy adopted on 20 September 2016;
2. Adopts the attached Policies as amended:
 - (a) Standing Orders (Meeting Procedures) for Council Meetings;
 - (b) Councillor Remuneration, Expense Reimbursement and Resources Policy;
 - (c) Internal Audit Policy;
 - (d) Internal Audit Charter;
 - (e) Rates Rebates and Remissions Policy 2019/20;
 - (f) Enterprise Risk Management Policy, Process and Framework

CARRIED

8.6 DELEGATIONS UPDATE AUGUST 2019

RESOLUTION 2019/107

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That:

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

CARRIED

8.7 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2019**RESOLUTION 2019/108**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council;

1. note the financial report for the period ending 31 August 2019;
2. endorse emergency purchase order PAD13478;
3. approve, in accordance with Council's procurement policy the Mareeba International Club as a sole supplier of a large venue in Mareeba; and
4. approve the amended 2019/20 capital works program to include capital carry overs from 2018/19 and additional capital projects.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 QMSC2019-07 BARANG STREET RENEWAL PROJECT - COMMUNITY HOUSING****RESOLUTION 2019/109**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council not award QMSC2019-07 Barang Street Renewal Project - Community Housing.

CARRIED

9.2 QMSC2019-10 SUPPLY AND DELIVERY OF VEHICLE**RESOLUTION 2019/110**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council awards contract QMSC2019-10 to the Mete Auto Group (Mareeba) for the supply and delivery of one (1) new 2019 Mazda BT50, 4x2 cab chassis, fitted with steel bulbar, at a value of \$24,363.64 (Excluding GST).

CARRIED

9.3 QMSC2019-11 SUPPLY AND DELIVERY OF VEHICLE**RESOLUTION 2019/111**

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That Council;

1. awards contract QMSC2019-11 to the Mete Auto Group (Mareeba) for the supply and delivery of one (1) new 2019 Mazda BT50, 4x2 Freestyle cab chassis XT, at a value of \$32,636.36 (Excluding GST), and
2. authorise the disposal by Auction of Asset No. 1280 - 2012 Toyota Hi-Lux 4x2.

CARRIED

9.4 TMSC2019-09 LEASE & MANAGEMENT OF THE MAREEBA SWIMMING POOL AND KURANDA AQUATIC CENTRE**RESOLUTION 2019/112**

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That Council;

1. awards the tender TMSC2019-09 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Mareeba Swimming Pool at an annual cost to Council of \$5,000 for a two (2) year period with options of two further one (1) year extensions;
2. awards the tender TMSC2019-09 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Kuranda Aquatic Centre at an annual cost to Council of \$75,000 for a two (2) year period with options of two further one (1) year extensions;
3. delegates authority to the Chief Executive Officer to negotiate and finalise all matters relevant to the Leases.

CARRIED

9.5 TMSC2019-11 LEASE & MANAGEMENT OF THE DIMBULAH SWIMMING POOL AND DIMBULAH CARAVAN PARK

RESOLUTION 2019/113

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council;

1. awards the tender TMSC2019-11 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Dimbulah Swimming Pool at an annual cost to Council of \$30,000 for a two (2) year period with options of two further one (1) year extensions;
2. awards the tender TMSC2019-11 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Dimbulah Caravan Park at an annual cost to Council of \$20,000 for a two (2) year period with options of two further one (1) year extensions;
3. delegates authority to the Chief Executive Officer to negotiate and finalise all matters relevant to the Leases.

CARRIED

9.6 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - AUGUST 2019

RESOLUTION 2019/114

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

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

CARRIED

9.7 MAREEBA AIRPORT UPGRADING - AUGUST 2019 PROGRESS REPORT

RESOLUTION 2019/115

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

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

CARRIED

9.8 APPLICATION FOR PERMANENT ROAD CLOSURE OF LAND ABUTTING LOT 10 ON RP867000, RA 1575 KENNEDY HIGHWAY, KURANDA

RESOLUTION 2019/116

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council as the Road Manager, advise the proponent and the Department of Natural Resources, Mines and Energy that:

Council provide no objection to the permanent road closure application with the following conditions:

1. before an offer is made, the fence encroachments which extend into Lot 73 on RP903071 are to be corrected for the new boundary alignments; and
2. the sought-after parcel of road reserve is to be amalgamated into Lot 10 on RP867000 on closure; and
3. if closure is granted, Council would require that the full width of the existing road reserve be closed; and
4. the proponent is wholly responsible for all costs associated with finalising the process.

CARRIED

9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2019

RESOLUTION 2019/117

Moved: Cr Lenore Wyatt

Seconded: Cr Alan Pedersen

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

CARRIED

At 9:30 am, Cr Angela Toppin left the meeting.

9.10 TENDER TMSC2019-05 MAREEBA WASTE TRANSFER STATION REDEVELOPMENT

RESOLUTION 2019/118

Moved: Cr Mary Graham

Seconded: Cr Alan Pedersen

That Council:

1. awards TMSC2019-15 Mareeba Waste Transfer Station Redevelopment Project to T & K Fitzgerald for the amount of \$1,549,281 (excl GST); and
2. allocate an additional \$720,000 from the Waste Reserves for the project.

CARRIED

At 9:31 am, Cr Angela Toppin returned to the meeting.

9.11 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - AUGUST 2019

RESOLUTION 2019/119

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

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

CARRIED

9.12 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - AUGUST 2019

RESOLUTION 2019/120

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That Council receives the Infrastructure Services, Waste Operations Progress Report for August 2019.

CARRIED

10 CONFIDENTIAL REPORTS

RESOLUTION 2019/121

Moved: Cr Angela Toppin

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:

10.1 New Lease for QPWS at Chillagoe Hub

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.

10.2 Barron Falls Walking Trails - Design and Supply of Bridge Structures

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

RESOLUTION 2019/122

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council moves out of Closed Council into Open Council.

CARRIED

10.1 NEW LEASE FOR QPWS AT CHILLAGOE HUB

RESOLUTION 2019/123

Moved: Cr Mary Graham

Seconded: Cr Angela Toppin

That Council enters into a formal lease with the relevant State Government entity to provide for Queensland Parks and Wildlife Service occupancy at the Chillagoe Hub facility for a period of three (3) years, commencing 1 November 2019, with a further two by one (2 x 1) year options thereafter.

CARRIED

10.2 BARRON FALLS WALKING TRAILS - DESIGN AND SUPPLY OF BRIDGE STRUCTURES

RESOLUTION 2019/124

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council;

1. resolves that Wagners CFT is the only supplier who is reasonably available; and

2. delegates authority to the Chief Executive Officer to negotiate, and finalise the contract for the Design, Certification and Supply of Pedestrian Bridge Structures for the Barron Falls Walking Trail Project, after consultation with Councillors.

CARRIED

11 BUSINESS WITHOUT NOTICE

Nil

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 23 October 2019.

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

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Cr Tom Gilmore

Chairperson