Mareeba
SHIRE COUNCIL

MINUTES

Wednesday, 23 October 2019

Ordinary Council Meeting

MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 23 OCTOBER 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

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr Wyatt was granted a leave of absence due to illness.

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 2019/125

Moved: Cr Angela Toppin
Seconded: Cr Alan Pedersen

That the minutes of Ordinary Council Meeting held on 18 September 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 REEVER AND OCEAN PTY LTD - RECONFIGURING A LOT - SUBDIVISION (5 LOTS INTO 49 LOTS) IN TWO STAGES - LOTS 17, 18 & 19 ON SP296830, LOT 22 ON SP304952 AND LOT 20 ON N157423 - 112 BARNWELL ROAD, KURANDA - RAL/18/0002

RESOLUTION 2019/126

Moved: Cr Alan Pedersen
Seconded: Cr Tom Gilmore

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	**ADDRESS**	112 Barnwell Road, Kuranda
DATE LODGED	18 January 2018 Change Application made 29 August 2019	**RPD**	Lots 17, 18, 19 on SP296830, Lot 22 on SP304952 and Lot 20 on N157423
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (5 lots into 49 lots) in two stages		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (5 lots into 49 lots) in two stages

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
HRP16299-003-MP-08 J	Non Urban Residential Proposed Lot Layout and Staging Plan	Cardno	28/08/2019

(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, as applicable to each stage, must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the respective stage, 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 or the Adopted Infrastructure Charges Notice 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 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. If any existing building/structures are in proximity to any new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

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

3.8 Charges

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

3.9 Ecological Assessment Report - Stage 1

Prior to an application for operational works being made for Stage 1 of the development, the applicant/development is to submit to Council an Ecological Assessment Report prepared generally in accordance with the methodology outlined within *Planning Scheme Policy 2 - Ecological Assessment Reports* of the Mareeba Shire Council Planning Scheme 2016.

In particular, the Ecological Assessment Report must establish the extent of *Litoria Myola* habitat within the development site.

All aspects of the development must avoid any adverse impacts on the *Litoria Myola* habitat.

3.10 Environmental Covenants

The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of preserving native animals, plants and their habitat.

The covenant will be of a form that is acceptable to the Registrar of Titles and Council's delegated officer and will apply to the following areas of the development site:

- All land mapped as Category R Regulated Vegetation except for where this land is within a Drainage Reserve under the control of Council;
- All land mapped as State and Regional Conservation Corridor (FNQ Regional Plan 2031 - Areas of Ecological Significance) where this land is not within a Drainage Reserve under the control of Council;
- All land identified as habitat of *Litoria Myola* in the Ecological Assessment Report (Condition 3.9); and
- All other essential/critical habitat identified in the Ecological Assessment Report (Condition 3.9)

The covenant must stipulate that the covenant area must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions (which may be varied by written agreement between the parties):

(a) no existing living native vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;

(b) no fixtures, fences or improvements other than those approved by the Council shall be erected on site;

(c) to prohibit the construction of any dams or other structures or undertaking of any activities which may interrupt the natural hydrology, on any part of the site at any time.

(d) no native animals within the covenant area shall be killed or interfered with;

(e) no domestic dogs (except dogs registered under the Guide Dogs Act) or domestic cats are to be kept within the covenant area at any time;

(f) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental impact on the covenant area;

Notwithstanding clause (a) to (f), if any native or indigenous animal on the covenant area/s poses a risk to human safety the native or indigenous animal may be removed with the prior written consent of the Council and any other approvals which might be required by law.

The covenant agreement/s shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Natural Resources, Mines and Energy.

The covenant document shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the covenant/s.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 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) At minimum the Stormwater Quality Management must identify:

(i) any stormwater quality improvement devices;

(ii) first flush run off;

(iii) demonstrating no adverse effect on surrounding or downstream water quality; and

(iv) utilisation of sediment control and other pollution control devices.

(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) Drainage reserves must be dedicated over those areas identified as Drainage Reserve on Drawing No. HRP 16299-003-MP-08 F.

(h) 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.

(i) All stormwater drainage must be discharged at a lawful point of discharge.

4.3 Roadworks – Internal

(i) The alignment of Road A must be amended to eliminate the three (3) bends in proximity to entrance to the Kur-Cow facility on proposed Lot 44.

(ii) Road A and Road B shall be constructed to Access Street standards (Table D1.1) in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

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

4.4 Roadworks - Barnwell Road - Stage 1

The applicant/developer must upgrade the full length of Barnwell Road to the following standard:

a. **Formation**: 8 metres

b. **Pavement Width**: 6.5 metres

c. **Seal Width**: 6.5 metres

d. **Shoulders**: 0.75 metres gravel

e. Myola Road / Barnwell Road intersection upgrade (as required), likely pavement widening on the left in to Barnwell Road.

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

4.5 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.

4.6 On-Site Wastewater Management

At the time of construction of a new building on any lot, any associated on-site effluent disposal system 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.

4.7 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 **underground** power reticulation to each lot.

4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

Alternatively, the applicant/developer must provide satisfactory evidence that each lot can be effectively serviced by the National Broadband Network Scheme, to the satisfaction of Councils delegated officer.

(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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. 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:

- a registered covenant

(g) *Environmental Protection and Biodiversity Conservation Act 1999*

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

(h) Cultural Heritage

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

(E) REFFERAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 27 September 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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	**Rate**	**Measure**	**Charge**	**Credit Detail**	**Balance**
	$ per Lot	***Lots***		***Lots***	
Stage 1	$15,040.00 (water supply, stormwater, transport and public parks networks)	7 Lots	$105,280.00	5 Lots x $15,040.00	$30,080.00
Stage 2	$15,040.00 (water supply, stormwater, transport and public parks networks)	42 Lots	$631,680.00	Nil	$631,680.00
TOTAL CURRENT AMOUNT OF CHARGE					**$661,760.00**

CARRIED

8.2 MAF INTERNATIONAL - MATERIAL CHANGE OF USE - AIR SERVICES (AVIATION TRAINING CENTRE) - LOT 1 ON RP734348 - 578 RAY ROAD, MAREEBA - MCU/19/0011

RESOLUTION 2019/127

Moved: Cr Angela Toppin
Seconded: Cr Edward (Nipper) Brown

1. That in relation to the following development application:

APPLICATION		**PREMISES**	
APPLICANT	MAF International	**ADDRESS**	578 Ray Road, Mareeba
DATE LODGED	21 August 2019	**RPD**	Lot 1 on RP734348
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Air Services (Aviation Training Centre)		

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.

APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Air Services (Aviation Training Centre) (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
143947-06D	Figure 2 - Concept Plan	RPS	August 2019

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

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 demonstrate to 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/contributions contained within the conditions of approval.

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

3.3 All payments 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 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) On site refuse storage area/s for all refuse bins 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.

3.6 Hours of Operation

The hours of operation for the non-residential components of the approved use (workshops, office, classrooms) shall be limited to the hours between 6am and 6pm Monday to Saturday. No operations associated with the non-residential components of the approved use are permitted on Sundays or Public Holidays.

3.7 Bushfire Management

3.7.1 A Bushfire Management Plan for the site, incorporating evacuation procedures for residents, employees and visitors, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Bushfire Management Plan at all times.

3.7.2 A minimum 5,000 litres of water supply must be provided on site for firefighting purposes. Where a tank water supply is provided, it must be equipped with a standard rural fire brigade fitting and hardstand area for heavy vehicles.

3.8 Residential Occupancy

3.8.1 Each of the seven (7) "house envelopes" shown on the approved plan shall contain only 1 dwelling house.

3.8.2 Only persons who are affiliated in some way with the approved air services (flight training centre) use are permitted to stay on site. The dwellings and other non-self-contained accommodation are not to be occupied by any other person not affiliated with the approved use.

3.9 Building Heights

In order to ensure buildings/structures on-site do not encroach the obstacle limitations surfaces of the Mareeba Airport, no building/structure on-site shall exceed a height of 10m above ground level.

3.10 Signage

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

3.10.2 The sign must not exceed a maximum sign face area of $6m^2$ and must not move, revolve, strobe or flash.

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

3.10.4 The sign must be removed when no longer required.

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

3.11 Notification of Potential Rural Zone Impacts

3.11.1 The applicant/developer is to erect signage at or near the office/reception building and at each residential building advising occupants/visitors that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality in proximity to the Mareeba Airport. The signage should generally state the following:

"Occupants, visitor and Guests should take note:

- *The locality may be used for intensive rural uses. People staying at or visiting the site may experience off site effects from rural activities including noise, sprays, odours 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; and*

- *This site is situated adjacent the Mareeba Airport. People staying at or visiting the site may experience off site effects from the Mareeba Airport including aircraft noise, mechanical aircraft maintenance noise and exhaust/fuel fumes or odour that may cause a loss of residential amenity."*

3.11.2 Administrative procedures are to be put in place ensuring that all persons residing on the site or visiting the site are made aware of the potential for the abovementioned off-site impacts, to the satisfaction of Council's delegated officer.

3.12 All sensitive uses on site must be acoustically insulated to at least the minimum standards specified by *AS2021 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*.

3.13 Building Materials and Finishes

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

4. Infrastructure Services and Standards

4.1 Access

Access crossovers servicing the development must be upgraded/constructed (from the edge of Ray Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer. Accesses must be wide enough to accommodate two directional traffic.

4.2 Stormwater Drainage/Water Quality

4.2.1 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.

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 also provide 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.

4.2.4 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.

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

4.2.6 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 an adequate number of carparks including disabled parking is provided on-site to accommodate the office/classroom, workshop and non-self-contained accommodation components of the development generally in accordance with that shown on the approved plan. The dwelling houses and the caretaker's accommodation must be provided with at least one (1) undercover car park each.

4.3.2 The entire internal road network servicing the development must be wide enough to accommodate two (2) directional traffic.

4.3.3 All car parking spaces and internal roads must be concrete, bitumen or asphalt sealed, delineated, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.3.4 Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Conditions 4.3.1 - 4.3.3;
- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities (if required);
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

4.3.5 Vehicles are not permitted to park in the Ray Road road reserve at any time.

4.4 Landscaping/Landscape Buffering

Prior to the commencement of the use, the applicant / developer must prepare and submit a detailed landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

(i) A minimum 15 metre wide agricultural landscape buffer along the northern boundary of the site to the extent shown on the approved plan. This landscaping should include ground cover, shrubs and trees that will grow to form a dense, effective agricultural buffer no less than 10 metre in height.

(ii) A minimum three (3) metre wide landscape strip along the entire Ray Road frontage of the site, excluding access points. This landscaping should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height.

(iii) any internal landscaping proposed.

All landscaping works shall be carried out in accordance with Planning Scheme Policy 6 - Landscaping and Preferred Plant Species and must be undertaken prior to the commencement of the use. A minimum of 25% of plants must be provided as larger, advanced stock with a minimum height of 0.7m. All landscaping must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

4.5 Lighting

4.5.1 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.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (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.*

4.5.2 Any outdoor lighting must be installed so as to not cause confusion to any aircraft using the Mareeba Airport and should not include any reflective cladding, upwards shining lights, flashing lights or sodium lights.

4.6 Water Supply

(i) The development must be provided with a potable water supply that satisfies 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).

(ii) All non-potable water supplied to the development must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

4.7 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.

Note: *Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.*

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

(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

(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

(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:

Development Type	**Charge Rate**	**Measure**	**Charge**	**Credit**	**Balance**
	(road network only)		**$**	**$**	**$**
Residential (dwelling)	$4,700.00	7	$32,900.00	$4,700.00	$28,200.00
Residential (caretaker's accommodation)	$3,357.50	1	$3,357.50	Nil	$3,357.50
Accommodation (short term)	$1,678.75 (per unit)	20	$33,575.00	Nil	$33,575.00
Industry	$8.37.00 (per m^2)	2,260	$18,916.20	Nil	$18,916.20
Commercial (office) & Education facility	$23.50 (per m^2)	200	$4,700.00	Nil	$4,700.00
TOTAL CURRENT AMOUNT OF CHARGE					**$88,748.70**

CARRIED

8.3 OPTUS ADDITIONAL LEASE AREA - MAREEBA WATER TOWER SITE

RESOLUTION 2019/128

Moved: Cr Alan Pedersen
Seconded: Cr Kevin Davies

That Council approves the allocation of an additional lease area on the immediate north-western side of the larger water tower structure located within Lot 558 NR665, corner Basalt and Constance Streets Mareeba with the following conditions:

1. That all costs associated with the preparation of the new lease and any titles office registration of such is to be borne by Optus Mobile Pty Ltd; and

2. That all costs associated with any required modification to the maintenance access gates to the cooling units currently located at the base of the tower are borne by Optus Mobile Pty Ltd; and
3. That the generator unit is operated only during times of mains electricity supply failure or routine unit testing.

CARRIED

8.4 LEASE OF LOT 888 NR7943

RESOLUTION 2019/129

Moved: Cr Angela Toppin
Seconded: Cr Edward (Nipper) Brown

That Council delegates authority for the CEO to negotiate a lease arrangement with Bartter Enterprises Pty Ltd for tenure over a 46-hectare area within Lot 888 NR7943.

CARRIED

8.5 LOCAL LAW NO. 7 (AERODROMES) 2019

RESOLUTION 2019/130

Moved: Cr Edward (Nipper) Brown
Seconded: Cr Mary Graham

That Council:

1. propose to adopt Local Law No. 7 (Aerodromes) 2019 ("the Local Law"); and
2. adopt the preliminary report reviewing the Local Law for anti-competitive provisions pursuant to section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012;* and
3. pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to:
    i. decide the public consultation requirements for the Local Law and proceed with public consultation;
    ii. decide how the process is to be used in the Review.

CARRIED

8.6 ADOPTION OF AMENDING SUBORDINATE LOCAL LAW NO. 2 (MISCELLANEOUS SUBORDINATE LOCAL LAWS) 2019.('THE AMENDING LOCAL LAW')

RESOLUTION 2019/131

Moved: Cr Alan Pedersen
Seconded: Cr Angela Toppin

That Council:

1. Adopts Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019 ("the Amending Local Law"); and
2. Delegates to the Chief Executive Officer the power to take all steps necessary to publish the Amending Local Law; and
3. Adopts the consolidated version of the following subordinate local laws:
    i. Subordinate Local Law No.1 (Administration) 2018;
    ii. Subordinate Local Law No.2 (Animal Management) 2018;
    iii. Subordinate Local Law No.3 (Community and Environmental Management) 2018;
4. Defers adoption of Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018 to a future meeting; and
5. Delegates to the Chief Executive Officer the power to take all steps necessary to comply with the requirements of section 32(4) of the *Local Government Act 2009*.

CARRIED

8.7 ENTERPRISE RISK MANAGEMENT

RESOLUTION 2019/132

Moved: Cr Mary Graham
Seconded: Cr Angela Toppin

That Council receive and note the Risk Treatment Plans as endorsed by the Audit Committee on 1 October 2019.

CARRIED

8.8 OPERATIONAL PLAN 2019/20 PROGRESS REPORT JULY - SEPTEMBER QUARTER

RESOLUTION 2019/133

Moved: Cr Alan Pedersen
Seconded: Cr Kevin Davies

That Council receives and notes the progress report on implementation of the 2019/20 Operational Plan for the July to September quarter.

CARRIED

8.9 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JULY TO SEPTEMBER 2019

RESOLUTION 2019/134

Moved: Cr Angela Toppin
Seconded: Cr Mary Graham

That Council receives and notes the quarterly report of the Development and Governance Group for the July to September 2019 quarter.

CARRIED

8.10 COUNCIL POLICY REVIEW

RESOLUTION 2019/135

Moved: Cr Kevin Davies
Seconded: Cr Mary Graham

That Council:

1. Adopts the Footpath Planting and Management Policy; and
2. Repeals the following policies and procedures:
    (a) Shipping Containers - Placement on Council Aerodromes
    (b) Procedures for the Control of Vertebrate Pests
    (c) Addition of Roads to the Register of Roads Maintained

CARRIED

8.11 AUDIT COMMITTEE POLICY REVIEW

RESOLUTION 2019/136

Moved: Cr Edward (Nipper) Brown
Seconded: Cr Mary Graham

That Council:

1. Repeals the following:
   (a) Audit Committee Terms of Reference adopted on 15 November 2017
   (b) Audit Committee Policy adopted on 15 November 2017
   (c) Audit Committee Charter adopted on 15 November 2017; and
2. Adopts the attached Policies as amended:
   (a) Audit Committee Policy
   (b) Audit Committee Charter

CARRIED

8.12 FINANCIAL STATEMENTS PERIOD ENDING 30 SEPTEMBER 2019

RESOLUTION 2019/137

Moved: Cr Angela Toppin
Seconded: Cr Kevin Davies

That Council note the financial report for the period ending 30 September 2019.

CARRIED

8.13 COMMUNITY HOUSING RESOURCES

RESOLUTION 2019/138

Moved: Cr Kevin Davies
Seconded: Cr Mary Graham

That Council approves the continuation of the staffing arrangements for the Community Housing Service to 30 June 2020, to be funded by the Community Housing operational budget and reserve, which will involve:

1. An extension of the full-time Level 3 Community Housing Officer contract until 30 June 2020; and
2. An extension of the part-time Level 4 Senior Community Housing Officer contract until 30 June 2020.

CARRIED

8.14 ADOPTION OF MIWATER AUTOMATIC METER READ SOFTWARE SOLUTION

RESOLUTION 2019/139

Moved: Cr Mary Graham
Seconded: Cr Kevin Davies

That Council endorses the adoption of Taggle MiWater cloud hosted Automatic Meter Reading (AMR) software system.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 CAPITAL PROJECT PRIORITISATION AND DECISION MAKING 2020/21

RESOLUTION 2019/140

Moved: Cr Angela Toppin
Seconded: Cr Mary Graham

That Council adopts the updated Project Prioritisation Tool (PPT) criteria and risk assessment methodology for prioritising capital works projects for 2020/21.

CARRIED

9.2 LONG TERM ASSET MANAGEMENT PLAN UPDATE

RESOLUTION 2019/141

Moved: Cr Kevin Davies
Seconded: Cr Mary Graham

That Council adopts the updated Long Term Asset Management Plan 2020 - 2029.

CARRIED

9.3 MAREEBA AIRPORT UPGRADING - SEPTEMBER 2019 PROGRESS REPORT

RESOLUTION 2019/142

Moved: Cr Alan Pedersen
Seconded: Cr Angela Toppin

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

CARRIED

9.4 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 17 SEPTEMBER 2019

RESOLUTION 2019/143

Moved: Cr Edward (Nipper) Brown
Seconded: Cr Kevin Davies

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 17 September 2019.

CARRIED

9.5 TENDER AWARD - TMSC2019-12 KURANDA VILLAGE CLEANING CONTRACT

RESOLUTION 2019/144

Moved: Cr Kevin Davies
Seconded: Cr Mary Graham

That Council awards Tender TMSC2019-12 Kuranda Village Cleaning Contract to Biniris (Aust) Pty Ltd, for the amount of $278,754.72 (excluding GST) for a two (2) year period.

CARRIED

9.6 TENDER AWARD - TMSC2019-16 MOUNT HAREN ROAD GEOTECHNICAL WORKS

RESOLUTION 2019/145

Moved: Cr Angela Toppin
Seconded: Cr Alan Pedersen

That Council:

1. Awards the contract for TMSC2019-16 Mount Haren Road Geotechnical Works to LDI Constructions Pty Ltd at a total value of $174,525.60 (exclusive GST); and
2. Delegates authority to the 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

9.7 TENDER AWARD - TMSC2019-17 GREEN FOREST ROAD GEOTECHNICAL WORKS

RESOLUTION 2019/146

Moved: Cr Kevin Davies
Seconded: Cr Angela Toppin

That Council:

1. Awards the contract for TMSC2019-17 Green Forest Road Geotechnical Works, Option 1, to Geo Design Pty Ltd at a total value of $76,949.80 (exclusive GST); and
2. Delegates authority to the 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

9.8 TENDER AWARD - TMSC2019-19 CONSTRUCTION OF BARRON FALLS WALKING TRAIL

RESOLUTION 2019/147

Moved: Cr Angela Toppin
Seconded: Cr Kevin Davies

That Council:

1. Awards the contract for TMSC2019-19 Construction of Barron Falls Walking Trail, separable portion one, to World Trails Pty Ltd at a total value of $2,007,624.29 (exclusive GST); and
2. Delegates authority to the 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

9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - SEPTEMBER 2019

RESOLUTION 2019/148

Moved: Cr Edward (Nipper) Brown
Seconded: Cr Mary Graham

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

CARRIED

9.10 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - SEPTEMBER 2019

RESOLUTION 2019/149

Moved: Cr Kevin Davies
Seconded: Cr Mary Graham

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

CARRIED

9.11 TENDER TMSC2019-22 MANHOLE SEWER REMEDIATION PROJECT STAGE 1

RESOLUTION 2019/150

Moved: Cr Angela Toppin
Seconded: Cr Edward (Nipper) Brown

That Council awards TMSC2019-22 Manhole Sewer Remediation Project - Stage 1 Project to Belair Plumbing Pty Ltd for the amount of $149,798.00 (including GST).

CARRIED

9.12 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - SEPTEMBER 2019

RESOLUTION 2019/151

Moved: Cr Mary Graham
Seconded: Cr Edward (Nipper) Brown

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

CARRIED

9.13 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - SEPTEMBER 2019

RESOLUTION 2019/152

Moved: Cr Kevin Davies
Seconded: Cr Edward (Nipper) Brown

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

CARRIED

10 OFFICE OF THE CEO

10.1 ANNUAL REPORT 2018/19

RESOLUTION 2019/153

Moved: Cr Tom Gilmore
Seconded: Cr Alan Pedersen

That Council adopt the Annual Report for the 2018/2019 Financial Year.

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 20 November 2019.

There being no further business, the meeting closed at 9:45am.

.....

Cr Tom Gilmore

Chairperson