



MINUTES

Wednesday, 20 January 2021

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 20 JANUARY 2021 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Cr Kevin Davies, Cr Mary Graham, Cr Lenore Wyatt, Cr Lachlan (Locky) Bensted, Cr Daniel (Danny) Bird, Cr Mario Mlikota

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 2021/1

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 16 December 2020 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 BASKY INVESTMENT TRUST - RECONFIGURING A LOT - SUBDIVISION (1 INTO 28 LOTS) - LOT 2 ON SP298397 - ANTONIO DRIVE, MAREEBA - RAL/20/0012

RESOLUTION 2021/2

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Basky Investment Trust	ADDRESS	Antonio Drive, Mareeba
DATE LODGED	24 September 2020	RPD	Lot 2 on SP298397
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 28 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 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 28 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR123862-8 B	Proposed Lots 1-25, 101, 102 & 901 cancelling Lot 2 on SP298397 Antonio Drive Mareeba	RPS	25-11-2020
Sketch 1464-1C	Stormwater Drainage Master Plan	Trinity Engineering and Consulting	17 November 2020
Sketch 1464-2B	Sewer Reticulation Master Plan	Trinity Engineering and Consulting	6 October 2020
Sketch 1464-3C	Water Reticulation Master Plan	Trinity Engineering and Consulting	17 November 2020
Sketch 1464-4C	Catchment Plan	Trinity Engineering and Consulting	17 November 2020
Sketch 1464-5B	Concept Earthworks Grading Plan	Trinity Engineering and Consulting	16 November 2020

(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, and subject to any alterations:
 - found necessary by the 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 of the development, or alternative documentation as approved by the Land Title Act, 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 or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act 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 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.

3.6 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

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

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

(b) An asphalt sealed, or concrete driveway shall be provided within each access handle of proposed Lots 15, 101 and 102 to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum formation width of 3 metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

4.2 Stormwater Drainage

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

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

- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

4.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the road reserves.

4.4 Roadworks - Internal

- (a) The new internal road is to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) A temporary turnaround area, with a gravel surface, must be provided at the southern end of the new road as part of Stage 2.

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 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).

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.

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.

4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's 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. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) Endorsement Fees

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

(e) Compliance with applicable codes/policies

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

(f) 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.

(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) REFERRAL AGENCY CONDITIONS

Queensland Treasury conditions dated 4 December 2020.

(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
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 1	\$19,280.00	5 Lots	\$96,400.00	1 lot \$19,280.00	\$77,120.00
Stage 2	\$19,280.00	9 Lots	\$173,520.00	Nil	\$173,520.00
Stage 3	\$19,280.00	13 Lots	\$250,640.00	Nil	\$250,640.00
TOTAL CURRENT AMOUNT OF CHARGE					\$501,280.00

CARRIED

8.2 G & A SHEPPARD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOT 2 ON RP726691 - 29 BOYLES ROAD, KURANDA - RAL/20/0003

RESOLUTION 2021/3

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G & A Sheppard	ADDRESS	29 Boyles Road, Kuranda
DATE LODGED	5 June 2020	RPD	Lot 2 on RP726691
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 3 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 3 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
R4-20(2)	Development Plan - 1 into 3 Lot Reconfiguration	U&i Town Plan	12/11/2020

(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, and subject to any alterations:

- found necessary by the 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 for the development, 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 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 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 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.

3.8 Charges

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

3.9 Bushfire Management

3.9.1 At the time of dwelling construction on Lots 1 and 2, a minimum of 5,000 litres of water storage for firefighting purposes must be provided and preserved for no other purpose. The supply can be satisfied by either a separate tank, a reserve section of a larger domestic water supply tank, a dam or swimming pool. Where a tank water supply is provided it must be fitted with standard rural fire brigade fittings and be situated adjacent a hard stand area of heavy vehicles.

3.9.2 A bushfire management plan must be prepared for Lots 1 - 3 to the satisfaction of Council's delegated officer. The future use of each lot must comply with the requirements of the bushfire management plan at all times.

3.10 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.

3.11 Building Envelopes

- (a) The approved building envelopes for proposed lots 1 and 2 are the building envelopes shown on plan No. R4-20 (2) dated 12/11/2020. The building envelopes must not exceed 2,500m² each (excluding access driveways).
- (b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (c) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.
- (d) No vegetation shall be cleared outside the approved building envelopes.

3.12 Environmental Covenants

The applicant/developer 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 native vegetation and habitat preservation including the preservation, protection and maintenance of native vegetation and a mapped ecological corridor.

The covenant will be of a form that is acceptable to the Registrar of Titles and will apply to the entirety of Lots 1 and 2 excluding the building envelopes mentioned in Condition 3.11 and driveways. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer.

The covenant agreement 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 with the Department of Resources.

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 vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;
- (b) no fences permitted within the covenant area;
- (c) no construction to take place within the covenant areas;

- (d) 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.
- (e) no native animals within the covenant area shall be killed or interfered with;
- (f) no domestic dogs or domestic cats are to be kept within the covenant area at any time;
- (g) 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 environmental impact on the covenant area;

Notwithstanding clause (a) to (g), if any native or indigenous animal on the covenant area 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 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.

4. Infrastructure Services and Standards

4.1 Access

4.1.1 A single asphalt or concrete sealed driveway (no bitumen), with a minimum width of six (6) metres must be constructed to provide shared access to Lots 1 and 2. The crossover must be constructed (from the edge of Boyles Road to the property boundary of the lots) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 The existing access crossover servicing Lot 3 must also be upgraded to a bitumen, asphalt or concrete standard (from the edge of Boyles Road to the property boundary) in accordance with the FNQROC Development Manual, 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) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.3 Water Supply

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

(a) a bore or bores provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual;

or

(b) 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) to be installed and connected prior to the occupation of any dwelling on the Lot.

If on site water storage tank/s is the chosen method of domestic water supply, a notation will be placed on the rates notice for each lot notifying prospective purchasers that no water supply has been provided to each lot and that future domestic water supply will be satisfied via tank supply and be their responsibility and provided solely at their expense.

4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on each 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.

4.5 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 (to be included for the full length of the shared driveways required by 4.1 (b) above).

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 \$9,640.00 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 transport network servicing the land (\$4,820.00 per additional allotment)
 - The trunk open space infrastructure servicing the land (\$4,820.00 per additional allotment)
- 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) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) Notation on Rates Record

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

- a registered covenant (Lot 1 and 2 only)
- an approved building envelope plan (Lot 1 and 2 only)
- conditions regarding bushfire management
- an approved bushfire management plan
- a registered easement over the subject site (Lot 3 only)
- conditions regarding water supply (Lot 1 and 2 only)

(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) 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).

CARRIED**8.3 APPLICATION FOR RENEWAL OF TERM LEASE 0/213315 - SKYRAIL ELEVATED PASSENGER CABLEWAY****RESOLUTION 2021/4**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the renewal of Term Lease 0/213315 over part of the Skyrail Elevated Passenger Cableway being Lot A on CP891018, Lot B on CP891020, Lot C on CP891022, Lot E on CP891025, Lot F on CP891027, Lot H on CP894157, Lot D and G on CP894159.

CARRIED**8.4 RENEWAL OF SPECIAL LEASE 9/52334, OR CONVERSION TO FREEHOLD OVER LOT 18 ON DA840915, CETINICH ROAD, PADDYS GREEN****RESOLUTION 2021/5**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the renewal of Special Lease 9/52334 over Lot 18 on DA840915, situated at Cetinich Road, Paddys Green; or to the conversion of Lot 18 on DA840915 to freehold, subject to Lot 18 being amalgamated with adjoining Lot 127 on SP101839.

CARRIED**8.5 EXTENSION TO RELEVANT PERIOD - D WARD & G WRIGHT - MATERIAL CHANGE OF USE - ANIMAL HUSBANDRY-INTENSIVE (DEVELOPMENT OF A 50 CAT CATTERY) - LOT 4 ON RP749637 - 131 BOYLES ROAD, KURANDA - MCU/07/0027****RESOLUTION 2021/6**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

1. "That in relation to the application to extend the relevant period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	D Ward & G Wright	ADDRESS	131 Boyles Road, Kuranda
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	7 November 2020	RPD	Lot 4 on RP749637
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Husbandry-Intensive (expansion of dog kennel from 40 to 80 dogs and development of a 50 cat cattery)		

and in accordance with the Planning Act 2016,

(a) The relevant period be extended for two (2) years from 10 June 2021 to 10 June 2023.

2. A Notice of Council’s decision be issued to the applicant advising of Council’s decision”.

CARRIED

8.6 EXTENSION TO CURRENCY PERIOD & CHANGE OF DEVELOPMENT APPROVAL - CA ARCHITECTS (R.A. FUNCTION SERVICES PTY LTD) - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - LOT 1 ON RP745867 - 189 FICHERA ROAD, MAREEBA - DA/16/0054

RESOLUTION 2021/7

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

1. That in relation to the request to extend the currency period and request for minor change to the following development approval:

APPLICATION		PREMISES	
APPLICANT	CA Architects	ADDRESS	189 Fichera Road, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD AND MINOR CHANGE LODGED	12 October 2020 & 7 January 2021	RPD	Lot 1 on RP745867
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation		

and in accordance with the Planning Act 2016, the following

(a) Condition 4.5 of Councils Decision Notice issued on 21 December 2016 be amended as follows:

4.5 Landscape and Fencing

Prior to the commencement of the use, the applicant / developer must prepare and submit a 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 three (3) metre wide landscape buffer along the Fichera Road frontage of the site, north of the site access to the north-west corner of the site.
- (ii) A minimum two (2) metre wide landscape strip along the Fichera Road frontage of the site, south of the site access and up to the existing fruit trees at the southern end of the site.
- (iii) a minimum three (3) metre wide landscape buffer along the northern boundary of the site for a length of 50m from the north-west corner of the site.
- (iv) a minimum two (2) metre wide landscape buffer along the northern boundary of the site starting from the edge of the three (3) metre buffer (as outlined above in (iii)) to a point adjacent the easternmost accommodation unit.
- (v) a minimum of one (1) shade tree for every six (6) parking spaces.
- (vi) any landscaping proposed amongst the 27 cabin blocks.

Landscaping associated with points (i), (ii), (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height. Existing mango trees are able to be used as part of the landscape buffers. **Landscaping associated with points (i), (ii), (iii) and (iv) must be planted, mulched and irrigated prior to 30 June 2021 or a later date where strictly agreed to by Council.**

~~All remaining~~ Landscaping **associated with points (v) and (vi) must works shall** be undertaken prior to the commencement of the use. ~~and~~ **All Landscaping** must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

- (b) Condition 4.9 be included in the amended Decision Notice as follows:

4.9 Privacy Screening

4.9.1 Prior to the occupation of any top floor accommodation unit in Unit Blocks 5, 7, 9, 11 and 13, the applicant/developer must ensure directional privacy screening is installed external to the top floor balconies of Units contained in Unit Blocks 5, 7, 9, 11 and 13 to effectively screen from view the dwelling and immediate surrounding yard of northern adjoining Lot 2 on RP745867.

4.9.2 Once the landscape buffering required by Condition 4.5 has reached maturity and, in the opinion of Council's delegated officer is providing an effective visual buffer to protect the privacy and amenity of northern adjoining Lot 2 on RP745867, the

privacy screening required by Condition 4.9.1 may be removed at the discretion of the applicant/developer.

- (c) The relevant period be extended for 4 years from 21 December 2020 to 21 December 2024.
2. A Notice of Council's decision be issued to the applicant and the Department of State Development, Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dsgmip.gov.au (reference: SDA-1016-034130) advising of Council's decision".

CARRIED

8.7 FURTHER DEALING WITH APPLICATION FOR LEASE OVER PART OF LOT 619 ON OL72, SHOWN AS LOT A ON DRAWING TSV20003, LOCALITY OF WATSONVILLE

RESOLUTION 2021/8

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council offer no objection to the transfer of land shown as Lots A, B and C on Drawing CNS20/097P from Lot 619 on OL72 to the Baldy Mountain Forest Reserve, described as Lot 1 on AP19246.

CARRIED

8.8 A GROOT - CONCURRENCE AGENCY REFERRAL FOR BUILDING WORKS (CLASS 10A SHED) - LOT 4 ON SP218658 - 9 CATERINA CLOSE, MAREEBA - CAR/20/0016

RESOLUTION 2021/9

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICATION NO:	CAR/20/0016		
RPD:	Lot 4 on SP218658	ADDRESS:	9 Caterina Close, Mareeba
APPLICANT:	A Groot C/- Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	OWNER:	Norcrete Pty Ltd
ASSESSMENT MANAGER	Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	DATE OF REFERRAL CONFIRMATION NOTICE	8 January 2021
TYPE OF REFERRAL:	Concurrence agency referral for building works (Class 10A Shed) assessable against the Residential Dwelling House and Outbuilding Overlay Code of the Mareeba Shire Council Planning Scheme 2016		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Low Density Residential		

and in accordance with section 56 of the Planning Act 2016, the Assessment Manager be notified that the Mareeba Shire Council, as a Referral Agency for building work assessable against the Mareeba Shire Council Planning Scheme 2016, requires the Assessment Manager to refuse the development application for building works as outlined in the submitted material in (A) for the reasons set out in (B):

(A) SUBMITTED MATERIAL:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Planning Report 9 Caterina Close	Northern Building Approvals	-
A01	Site Plan	A Groot	16/12/20
RSCL-567145 01A	Notes & Specifications	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 02A	OHS-Notes_Class-10	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 03A	Roof Framing Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 04A	Roof Framing Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 05A	Roof Framing Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 06A	Elevation Framing	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 07A	Elevation Framing	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 08A	Roof Sheeting Plan	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 09A	Elevation Sheeting	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 10A	Elevation Sheeting	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 11A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 12A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 13A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 14A	Connection Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 15A	Typical Roller Door Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 16A	Typical Roller Door Detail	Rapid Sheds & Construction	15 Dec 20
RSCL-567145 17A	Detail Column	Rapid Sheds & Construction	15 Dec 20

(B) REASONS FOR REFUSAL:

1. The size of the proposed shed is in conflict with Performance Outcome PO2 and Acceptable Outcome AO2.1 of the Residential Dwelling House and Outbuilding Overlay Code.

PO2

Domestic outbuildings:

- (a) *do not dominate the lot on which they are located; and*
- (b) *are consistent with the scale and character of development in the zone in which the land is located.*

AO2.1

Where located in the Low density residential zone or the Medium density residential zone, domestic outbuildings do not exceed:

- (a) *100m² in gross floor area; and*
- (b) *5.5 metres in height above natural ground level.*

Reasons for conflict

Under PO2, the requirement for this domestic outbuilding is that it not dominate the lot on which it is located; and that it be consistent with the scale and character of development in the Low density residential zone.

Apart from a small shed, which is likely to be removed to make way for the proposed shed, the subject land is vacant. The shed will be oriented with its 28 metre long, 6.058 high southern side generally presenting to Caterina Close. The length of this wall, its height and the sheds location within the subject land will dominate the subject lot.

The size of the proposed shed is significantly larger in scale than any other domestic outbuilding approved in the Low density residential zone since the commencement of the Mareeba Shire Council Planning Scheme 2016 in July 2016. For comparison, the largest shed previously approved has an area of 126m².

In the opinion of Council, there is no situation in which the proposed shed can be considered as being consistent with the scale and character of development in the Low density residential zone.

2. The proposed shed will have an extremely adverse effect on the amenity, or likely amenity, of the locality; and will be in extreme conflict with the character of the locality.

CARRIED

8.9 APPLICATION FOR EXTENDED LIQUOR TRADING HOURS - ANT HILL HOTEL - LOT 42 ON RP857690 & LOT 320 ON CPM3563, 79 BYRNES STREET & 126 WALSH STREET, MAREEBA

RESOLUTION 2021/10

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council advise the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the extended liquor trading hours for the Commercial Hotel liquor licence over land described as Lot 42 on RP857690 and Lot 320 on CPM3563, situated at 79 Byrnes Street and 126 Walsh Street, Mareeba, subject to the standard trading conditions.

CARRIED

8.10 KURANDA RECREATION CENTRE - LEASE TENURE

RESOLUTION 2021/11

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council grant the Kuranda Recreation Centre Incorporated a final 14-day deadline date of 3 February 2021 for payment of outstanding rates to the order of \$4,069.33. Failure to provide full payment by this date, Council will:

1. terminate the lease in accordance with the terms of the lease; and
2. call for a tender from interested parties to lease the premises.

CARRIED

8.11 Q-MSC2020-26 AGISTMENT PERMIT - BOWERS STREET MAREEBA

RESOLUTION 2021/12

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council:

1. awards Contract No. Q-MSC2020-26 for a land tenure instrument for agistment purposes over a portion (Stage 1) of Lot 539 SP146295, Bowers Street Mareeba to HMBT Pty Ltd, ABN 60 679 054 253; and
2. authorises Council's Chief Executive Officer to negotiate and finalise an appropriate land tenure instrument for agistment purposes with HMBT Pty Ltd in accordance with the *Land Act 1994* (Qld) and relevant Council policies.

CARRIED

8.12 COUNCIL POLICY REVIEW

RESOLUTION 2021/13

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council:

1. repeals the following policy:
 - a. Environmental Management Policy - adopted 21 June 2017.
2. adopts the following policies:
 - a. Climate Change Resilience Policy;
 - b. Environmental Protection and Sustainability Policy.

CARRIED

8.13 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2020**RESOLUTION 2021/14**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. receives the Financial Report for the period ending 31 December 2020;
2. authorises the write off for outstanding rates and charges for Lot 1 MLG 20392;
3. endorses the transition of tendering processes to the Nex Gen Procurement Ecosystem.

CARRIED

8.14 AUDITOR-GENERAL'S 2020 FINAL REPORT**RESOLUTION 2021/15**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council receives and notes the Auditor-General's 2020 Final Report.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - DECEMBER 2020****RESOLUTION 2021/16**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of December 2020.

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - DECEMBER 2020**RESOLUTION 2021/17**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Technical Services Operations Report for December 2020.

CARRIED

9.3 MAREEBA SHIRE WATER STRATEGY**RESOLUTION 2021/18**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council:

1. notes this Mareeba Shire Water Strategy report; and
2. during the 2021/2022 budget deliberations considers a significant increase in water access charges

CARRIED

9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - DECEMBER 2020**RESOLUTION 2021/19**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council receives the Infrastructure Services, Water and Waste Operations Report for December 2020.

CARRIED

9.5 REGIONAL DRFA CATEGORY 5 FLOOD WARNING INFRASTRUCTURE**RESOLUTION 2021/20**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council:

1. notes funding to be received under the Disaster Recovery Funding Arrangements (DRFA) for the Flood Warning Infrastructure project;
2. delegates authority to the Chief Executive Officer to award the contract for the Flood Warning Infrastructure Project up to the amount funded by the Queensland Reconstruction Authority; and
3. delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with the contract subject to Council's normal procurement policies and practices.

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2020**RESOLUTION 2021/21**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services, Works Progress Report for the month of December 2020.

CARRIED

10 CONFIDENTIAL REPORTS**10.1 ORGANISATIONAL DEVELOPMENT PROGRESS AND INFORMATION REPORT****RESOLUTION 2021/22**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Kevin Davies

That Council receives the Organisational Development progress and information report.

CARRIED

11 BUSINESS WITHOUT NOTICE

11.1 CRIME IN MAREEBA

RESOLUTION 2021/23

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That the Mayor write to the local member Cynthia Lui in regard to the spike in vandalism and crime in Mareeba and ask her to urgently to address this matter.

CARRIED

11.2 LGAQ WASTE CONFERENCE

RESOLUTION 2021/24

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Cr Kevin Davies attend the LGAQ Conference in Brisbane on the 15 and 16 February 2021.

CARRIED

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 17 February 2021.

There being no further business, the meeting closed at 9:41am.

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Cr Angela Toppin

Chairperson