



Ordinary Meeting

Council Chambers
Date: 16 August 2017
Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

Members Present: Cr T Gilmore (Mayor), Crs, E Brown, K Davies, M Graham, A Pedersen, A Toppin and L Wyatt.

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

BEREAVEMENTS/CONDOLENCES

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

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

There were no Material Personal Interests or Conflicts of Interest declared by any Councillor or Senior Council Officer in relation to the items of business listed on the Agenda.

CONFIRMATION OF MINUTES

Moved by Cr Toppin

Seconded by Cr Brown

"That the Minutes of the Ordinary Council Meeting held on 19 July 2017 be confirmed as true and correct."

CARRIED

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

Nil

CORPORATE AND COMMUNITY SERVICES**REGIONAL LAND USE PLANNING****ITEM-1 M & G CASEY - RECONFIGURING A LOT - SUBDIVISION
(1 INTO 2 LOTS) - LOT 201 RP843530 - 182 KANERVO
ROAD, KOAH - DA/17/0022**Moved by Cr Brown
Pedersen

Seconded by Cr

"1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M & G Casey	ADDRESS	182 Kanervo Road, Koah
DATE LODGED	30 May 2017	RPD	Lot 201 on RP843530
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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

And

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>1. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:</p> <p>PO1 <i>Lots include an area and frontage that:</i></p> <p>(a) <i>is consistent with the design of lots in the surrounding area;</i> (b) <i>allows the desired amenity of the zone to be achieved;</i> (c) <i>is able to accommodate all buildings, structures and works associated with the intended land use;</i> (d) <i>allow the site to be provided with sufficient access;</i> (e) <i>considers the proximity of the land to:</i> (i) <i>centres;</i> (ii) <i>public transport services; and</i> (iii) <i>open space; and</i> (f) <i>allows for the protection of environmental features; and</i> (g) <i>accommodates site constraints.</i></p> <p>AO1.1 <i>Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</i></p>	<p>The subject site and surrounding allotments are not mapped as Good Quality Agricultural Land (GQAL). Council considers that the subject land is not suitable for sustainable agricultural production and further, it is improbable that adjoining allotments will be developed for significant agriculture purposes in the future.</p> <p>In assessing the potential for intensive animal husbandry, Council has applied the S-Factor methodology developed for the assessment of meat poultry farms. The typical meat poultry farm established within the Mareeba Shire accommodates up to 200,000 birds. A buffer distance of 845m is calculated for this farm size. Applying this buffer from the centre of the subject land would cover in excess of 30 surrounding rural and rural residential allotments.</p> <p>This demonstrates that it is not possible for intensive animal husbandry to achieve this separation distance. Separation distances for the establishment of a piggery or feedlot are expected to be no less than that required for a meat poultry farm.</p> <p>The subject land is located within the Mareeba Shire Planning Scheme 2004's Preferred Area No 3 - Clohesy River Area.</p> <p>Council at its Ordinary Meeting held on 15 June 2016 requested that Council officers progress an investigation into a potential rural precinct area centred around Koah Road and to encompass all land within Preferred Area No 3 - Clohesy River Area.</p> <p>Whilst this investigation is still ongoing, the proposed development is considered to be consistent with this long term planning intent and represents the highest and best use of the subject land.</p>

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7939-LL1 Rev A	Proposed Reconfiguration of a Lot (1 lot into 2 lots)	Twine Surveys Pty Ltd	24/4/2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
 - 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property

boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

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

3.8 Charges

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

3.9 Rural Addressing

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

3.10 Building setback from Kanervo Road - Dust Nuisance Minimisation

Any future dwelling house on proposed Lot 21 must be setback a minimum of 100 metres from the Kanervo Road road reserve.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage

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

4.3 Water Supply

Proposed Lot 22 must be provided with a water supply via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L;
 - (ii) fitted with a 50mm ball valve with a camlock fitting;

- (iii) which are installed and connected prior to the occupation or use of the development.

At the time of construction of a dwelling on proposed Lot 21, a water supply must be provided via:

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

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 21, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (AS/NZS 1547) 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.

5. Additional Payment Condition/s (section 650 of the Sustainable Planning Act 2009)

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 \$4,500.00 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 (\$4,500.00 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:

- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply via bore or rainwater tanks
- Dwelling house setback for Lot 21

(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.341)

- Reconfiguring a Lot not requiring Operational Works – two (2) 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

- (c) *loss or fragmentation is minimised to the extent possible.*

PO2

*Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:*

- (a) *avoid land use conflict;*
- (b) *manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) *avoid reducing primary production potential; and*
- (d) *not adversely affect public health, safety and amenity.*

PO3

*Development in the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)**:*

- (a) *ensures that agricultural land is not permanently alienated;*
- (b) *ensures that agricultural land is preserved for agricultural purposes; and*
- (c) *does not constrain the viability or use of agricultural land.*

PO6

*Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)**, including boundary realignments, only occurs where it:*

- (a) *improves agricultural efficiency;*
- (b) *facilitates agricultural activity; or*
- (d) *facilitates conservation outcomes; or*
- (d) *resolves boundary issues where a structure is built over the boundary line of two lots.*

2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

PO1

Lots include an area and frontage that:

- (a) *is consistent with the design of lots in the surrounding area;*
- (b) *allows the desired amenity of the zone to be achieved;*
- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

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

CARRIED

GOVERNANCE AND COMPLIANCE

ITEM-4

DELEGATIONS UPDATE AUGUST 2017

Moved by Cr Wyatt

Seconded by Cr Graham

"That:

1. Council delegates the exercise of the powers contained in the attached Tables of Delegable Powers to the Chief Executive Officer, with such powers to be exercised subject to any limitations.
2. Any prior delegations of power relating to the same matters contained in the attached Tables of Delegable Powers are revoked."

CARRIED

ITEM-5

PROPOSED LAND SALES

Moved by Cr Pedersen

Seconded by Cr Toppin

"That Council:

1. Claim exemption under s236(1)(c)(iv) of the Local Government Regulation 2012 in relation to the sale of that part of Lot 10 SP168631 located in the east for inclusion into the adjoining Lot 11 SP168631, to an adjoining owner, other than by tender or auction;
2. Accept a purchase price of \$80,000 plus GST (as determined by an independent valuer) from the owner of Lot 10 SP168631 and that the purchaser also undertakes to pay all costs, reasonably incurred, in relation to the survey and realignment of the boundary, preparation of plan/s, lodgement fees, duties and other costs involved in this process;
3. Sell Lot 9 RP901433 in accordance Local Government Regulation 2012 and Councils procurement policy;
4. Delegate authority to the Chief Executive officer to action the above, in consultation with the Mayor; and
5. Allocate proceeds from these sales to future land acquisitions and/or public access improvements."

CARRIED

ENVIRONMENTAL HEALTH

ITEM-6 SELECTIVE APPROVED ANIMAL INSPECTION PROGRAM - KURANDA SPEEWAH AND MT MOLLOY AREA 2017

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council:

1. Approve a selective Approved Inspection Program (as attached) to be carried out to ensure compliance with the registration and microchipping requirements of the Animal Management (Cats & Dogs) Act 2008; and
2. Approve a selective Approved Inspection Program (as attached) be carried out to ensure compliance with section 14 of Local Law No. 2 (Animal Management) 2011 - duty to provide proper enclosure and prevent the animal from wandering."

CARRIED

FINANCE

ITEM-7 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 JULY 2017

Moved by Cr Wyatt

Seconded by Cr Davies

"That Council note the financial report for the period ending 31 July 2017 and endorse the emergency order."

CARRIED

COMMUNITY WELLBEING

ITEM-8 TOURISM KURANDA ADVISORY COMMITTEE

Moved by Cr Wyatt

Seconded by

"That Council endorse the recommendation by the Tourism Kuranda Advisory Committee that the Tourism Kuranda Executive Officer attend the Greater China Premium Travel Showcase 2017."

LOST

Moved by Cr Wyatt

Seconded by Cr Davies

That Council:

1. Will consider the recommendation by Tourism Kuranda Advisory Committee that Council signage in Kuranda is cleaned and refreshed and a Report be tabled regarding the Kuranda entrance poles;
2. That the Kuranda Precinct Committee be consulted with regard to the recommendation by Tourism Kuranda that Council makes available office accommodation at the Kuranda Community Precinct for the Tourism Kuranda Executive Officer."

CARRIED

INFRASTRUCTURE SERVICES

ITEM-9 INFRASTRUCTURE SERVICES - MONTHLY REPORT - JULY 2017

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council:

1. Receive and note the Infrastructure Services, Monthly Activities report for the month of July 2017; and
2. That the matter of pest and weed control be raised with the FNQROC for lobbying for more state and federal action to deal with this issue."

CARRIED

PROJECT MANAGEMENT

ITEM-10 THERWINE STREET REDEVELOPMENT PROJECT - EXPRESSIONS OF INTEREST - DESIGN AND CONSTRUCTION

Moved by Cr Davies

Seconded by Cr Graham

"That Council invites Expressions of Interest from suitably qualified contractors for the detailed design and construction of the Therwine Street Redevelopment."

CARRIED

TECHNICAL SERVICES

ITEM-13 AERODROME FEES & CHARGES 2017/2018 - CLARIFICATION OF WORDING

Moved by Cr Wyatt

Seconded by Cr Davies

"That Council resolves to adopt the amended wording on the Aerodrome Fees and Charges for the financial year 2017/2018 Schedule to read "per tonne per landing" and to change empty weight to "MTOW; maximum take-off weight" as highlighted in the Schedule attached."

CARRIED

WATER & WASTE

ITEM-14 TENDER EVALUATION TMSC2017-19 SEWER RELINING MAREEBA

Moved by Cr Toppin

Seconded by Cr Brown

"That Council award Tender TMSC2017-19 Mareeba Sewer Relining to Relining Solutions Pty Ltd for a total value of \$701,044.50 (Inclusive of GST)."

CARRIED

CHIEF EXECUTIVE OFFICER

ITEM-15 ATTENDANCE AT WASTE Q CONFERENCE

Moved by Cr Davies

Seconded by Cr Graham

"That Council approve Cr Brown's attendance at the Waste Q Conference in Mackay 11-13 October 2017."

CARRIED

ITEM-16 CHRISTMAS SHUTDOWN AND OFFICE CLOSURE FOR STAFF FUNCTION

Moved by Cr Toppin

Seconded by Cr Brown

"That Council:

1. Endorse the 2017/18 Christmas/New Year closure from 5pm on Friday 22 December 2017 and reopen Tuesday 2 January 2018;
2. Approve the early closure of service centres from 12pm on Friday 15 December 2017 for a staff function."

CARRIED**ITEM-17 AUDIT COMMITTEE CHAIR REPORT**

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council confirm the appointment of Ruth Faulkner, Conus Business Consultancy Services, as Audit Committee - Independent Chairperson (EOI-MSC2017-04)."

CARRIED**BUSINESS WITHOUT NOTICE**

Nil

Cr Graham left the meeting at 9:41am and did not return by the close of the meeting.

CLOSURE OF MEETING

Moved by Cr Toppin

Seconded by Cr Brown

"That in accordance with Section 275(1)(e,h) of the Local Government Regulation 2012, the meeting be closed to the public at 9:42am to discuss matters relative to contracts proposed and other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage."

CARRIED**OPENING OF MEETING**

Moved by Cr Davies

Seconded by Cr Wyatt

"That the meeting be opened at 9:56."

CARRIED

