



MINUTES

Wednesday, 16 June 2021

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 16 JUNE 2021 AT 9:12AM**

1 MEMBERS IN ATTENDANCE

Cr Kevin Davies, Cr Mary Graham, Cr Angela Toppin (Mayor), 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 CONFLICTS OF INTEREST

Cr Bensted informed the meeting that he has a declarable conflict of interest in relation to *ITEM 8.5 P KLARFELD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 498 ON SP189698 - 280 CLOHESY RIVER ROAD, KOAH - RAL/21/0003*. Cr Bensted is the leasee to the adjoining property and as a result will leave the room whilst the matter is discussed and voted on.

Cr Bensted informed the meeting that he has a declarable conflict of interest in relation to *ITEM 8.7 TEMPORARY ENTERTAINMENT EVENT APPLICATION - KURANDA ROOTS FESTIVAL 16-18 JULY 2021*. Cr Bensted's mother is the owner of the adjoining property and as a result will leave the room whilst the matter is discussed and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/85

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 19 May 2021 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 MAREEBA SHIRE COUNCIL - RECONFIGURING A LOT - SUBDIVISION (2 INTO 21 LOTS) - LOT 222 & 879 ON SP297023 - EFFLEY & KEEGAN STREET, MAREEBA - RAL/21/0006

RESOLUTION 2021/86

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Mareeba Shire Council	ADDRESS	Effley Street & Keegan Street, Mareeba
DATE LODGED	31 March 2021	RPD	Lot 222 & 879 on SP297023
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 21 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) and relevant period in (F);

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 (2 into 21 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Reconfiguring a Lot Creating 19 New Industrial Lots & Balance	Mareeba Shire Council	16/03/2021

(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

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, 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 or the Adopted Infrastructure Charges Notice.

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

3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval 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 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.

3.7 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

Access to each allotment must be constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of layback kerb along the frontage of each allotment will satisfy this condition.

4.2. Stormwater Drainage

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

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

4.3 Water Supply

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

4.4 Sewerage Connection

The developer must provide a connection for each proposed allotment to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of 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 lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Telecommunications

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

4.7 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development Manual 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) Endorsement Fees

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

- (d) Compliance with applicable codes/policies

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

- (e) Environmental Protection and Biodiversity Conservation Act 1999

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

- (f) Cultural Heritage

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

- (E) REFERRAL AGENCY CONDITIONS

No requirements - State Assessment and Referral Agency response dated 6 May 2021.

- (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).

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>	
Industrial	\$19,280.00	19 Lots (Excluding Balance Lots)	\$366,320.00		\$366,320.00
Credit					
Existing Lot	Industrial	Per Lot	\$19,280.00	1	\$19,280.00
TOTAL CURRENT AMOUNT OF CHARGE					\$347,040.00

CARRIED

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

RESOLUTION 2021/87

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

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	Request for referral agency response before application	DATE REFERRAL RECEIVED	5 April 2021
TYPE OF REFERRAL:	Concurrence agency referral (request for response before application) 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 and 57 of the Planning Act 2016 the applicant and future 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 include in the development permit for building works the conditions and advisory notes in (A) provided that the proposed development is in accordance with the following submitted material in (B) and for the reasons set out in (C):

(A) Conditions

1. The proposed shed must be constructed generally in accordance with the position and orientation shown on the site plan accompanying the application.
2. The dimensions of the shed must not exceed those shown on the submitted plan/s, specifically 20.188m x 12m. The maximum height of the shed must not exceed 5.5m.

3. The shed colours used must be consistent with those colorbond colours outlined in the application, specifically a wall colour of "Basalt" and a roof colour of "Zincalume".
4. The shed shall be sited 31 metres off the western boundary and 15 metres from the southern boundary.
5. The screen fencing and landscaping strip shown on Site Plan 0634 WD-01A Issue E must be installed by 30 September 2021 and maintained for the life of the shed.

(B) Submitted Material

Plan / Document Number	Plan / Document Name	Date
0634 WD-01A E	Site Plan (incl fences and landscaping strip)	Jan 2021
RSCL-453961 01	Contract Plans (subject to maximum shed height of 5.5 metres)	03-Mar-2021
RSCL-453961 02	Contract Plans (subject to maximum shed height of 5.5 metres)	03-Mar-2021

(C) Reasons

1. The reasons and information used in the setting of the conditions detailed above include the relevant Codes of the Mareeba Shire Council Planning Scheme 2016.
2. The subject land has an area of 17,110m² which is well in excess of the typical Low Density Residential zone lot size. All adjoining allotments have areas above the typical Low Density Residential zone lot size.
3. A dwelling house is being constructed of the subject land.
4. The proposed shed will be screened by the additional fencing and landscaping strip shown on Site Plan 0634 WD-01A Issue E, thereby maintaining the residential streetscape.
5. The height of the proposed shed will not exceed the 5.5 metres specified by Acceptable Outcome AO2.1(b) of the Residential Dwelling House and Outbuilding Overlay Code.
6. Four (4) letters of non-objection have been provided in support of the proposed shed.

(D) Advisory Notes

1. The shed is a Class 10a structure only and should remain in use as a "domestic outbuilding" only and should not be used for any commercial storage or any other purpose made assessable by the Mareeba Shire Council Planning Scheme 2016.

CARRIED

8.3 PROPOSED AMENDMENT TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 - SUBDIVISION IN RURAL ZONE

RESOLUTION 2021/88

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council decide to make a major amendment to the Mareeba Shire Council Planning Scheme 2016, generally in accordance with Attachments 1 to 5 of this report. This is in accordance with section 20 of the *Planning Act 2016* and Chapter 2, Part 4 of the Minister's Guidelines and Rules.

CARRIED

8.4 G & R SIMMONDS - MATERIAL CHANGE OF USE - TOURIST PARK (SELF-CONTAINED CAMPGROUND) - LOT 201 ON SP177750 - 127 HUME ROAD, BIBOOHRA - MCU/21/0005

RESOLUTION 2021/89

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G & R Simmonds	ADDRESS	127 Hume Road, Biboohra
DATE LODGED	18 March 2021	RPD	Lot 201 on SP177750
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Park (Self-contained Campground)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Tourist Park (Self-contained Campground)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Tourist Park (Self Contained Camping - up to 74 people)	U&i Town Plan	-

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure 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 Noise Nuisance

Refrigeration equipment, generators, pumps, compressors and mechanical ventilation systems must be located and/or designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

Campground guests are not permitted to play amplified music of any kind.

3.6 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) An on-site refuse storage area 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.

Lids or coverings must be installed on all refuse storage bins when not in use to prevent wildlife scavenging.

3.7 Bushfire Management

3.7.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the campground must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.7.2 The applicant must ensure any open fires are appropriately managed and contained.

3.8 Signage

3.8.1 No more than 1 advertising sign for the approved development is permitted on the subject site.

3.8.2 The sign must not exceed a maximum sign face area of 6m² and must not move, revolve, strobe or flash.

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

3.8.4 The sign must be removed when no longer required.

- 3.8.5 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.
- 3.9 The campground shall not accommodate more than 74 persons at any time. Upon request, booking records must be made available to Council demonstrating compliance with this condition.
- 3.10 The maximum length of stay for any self-contained vehicle must not exceed five (5) consecutive days.
- 3.11 The motor home park must only accommodate self-contained motor homes/caravans. Self-contained motor homes/caravans must have an onboard toilet and shower, onboard water supply and wastewater holding tanks.
- 3.12 In lieu of providing landscape buffering along site boundaries, a notation will be placed on the rates notice of surrounding lots (Lot 200 on SP108025, Lot 202 on SP227855 and Lots 13 & 14 on SP306249) to ensure any future prospective purchaser is aware of the presence of the approved use prior to purchase.
4. Infrastructure Services and Standards
- 4.1 Access
- The existing access crossover servicing the site must be upgraded/constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- 4.2 Coyle/Hume Road Upgrade Works
- 4.2.1 For the purpose of minimising dust impacts on the dwelling house on Lot 299 on NR7718, a 80 metre long single coat dust seal on Coyle Road in the prevailing wind direction must be implemented within 3 years of the commencement of the use, or upon receipt of a substantiated dust complaint by any occupant of this dwelling, whichever comes first.
- 4.2.2 For the purpose of minimising dust impacts on the dwelling house on Lot 11 on SP306249, a 50 metre long single coat dust seal on Hume Road in the prevailing wind direction must be implemented within 3 years of the commencement of the use, or upon receipt of a substantiated dust complaint by any occupant of this dwelling, whichever comes first.
- 4.2.3 Within 3 years of the commencement of the use, the following works must be undertaken on Hume Road:

- (i) Cross drainage infrastructure at approximate chainage 1200 (or alternate location as agreed to by Council's delegated officer) to address floodway issues across Hume Road. This cross drainage infrastructure must include, at minimum, a 10 metre long x 4 metre wide reinforced concrete inverted causeway designed for use by heavy vehicles and designed to allow surface water to flow across Hume Road at its lowest point.
- (ii) The upgrade of Hume Road extending 100m north of the causeway required by (i) above, and extending south from the causeway required by (i) above to a point 10 metres past the access to the site, in accordance with FNQROC Development Manual D1.27 General, Table D1.4 Rural Road Elements (a formed gravel standard).

Plans for works required by Conditions 4.2.1, 4.2.2 & 4.2.3 must be submitted to Council as part of a subsequent application for operation works.

4.3 Stormwater Drainage/Water Quality

- 4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- 4.3.2 Prior to the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event the surface of the campground area deteriorates due to wet weather and/or high traffic.
- 4.3.3 The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

4.4 Car Parking/Internal Driveways

- 4.4.1 All car parking associated with the campground must be accommodated within the identified camping area.
- 4.4.2 Any internal access road shown on the approved plan must be constructed to an all weather compacted gravel standard, prior to the commencement of the use.

The internal access road must be maintained at this standard for the life of the development.

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.

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

4.6 Non-Reticulated Water Supply

All non-potable water supplied to campground visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

In the event that the campground is provided with a potable water supply, it must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines).

4.7 On-Site Wastewater Management

4.7.1 No black or grey water from any campground guest is to be discharged on site.

4.7.2 Any accidental discharge of black or grey water on site must be reported to Council immediately.

5. Additional Payment Condition

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 \$1,300.00 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 infrastructure servicing the land
- 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 commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

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

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

- (c) 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.

- (d) 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) Motor Home Park/Caravan Park/Camping Ground

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

(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.

(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 Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (can be done as part of operational works application)

CARRIED

At 9:19 am, Cr Lachlan (Locky) Bensted left the meeting.

8.5 NEGOTIATED DECISION NOTICE - P KLARFELD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 498 ON SP189698 - 280 CLOHESY RIVER ROAD, KOAH - RAL/21/0003

RESOLUTION 2021/90

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

It is recommended that:

1. "In relation to the written representations made by the applicant regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	P Klarfeld	ADDRESS	280 Clohesy River Road, Koah
DATE REQUEST FOR NDN LODGED	16 May 2021	RPD	Lot 498 on SP189698
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

and in accordance with the Planning Act 2016, the following

- (a) *Condition 3.11 - Amended Lot Layout* should be deleted.
2. A Negotiated Decision Notice be issued to the applicant and submitters advising of Council's decision"

CARRIED

At 9:22 am, Cr Lachlan (Locky) Bensted returned to the meeting.

8.6 I WALLACE - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON RP730887 - 155 HASTIE ROAD, MAREEBA - RAL/21/0007

RESOLUTION 2021/91

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	I Wallace	ADDRESS	155 Hastie Road, Mareeba
DATE LODGED	13 April 2021	RPD	Lot 2 on RP730887
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

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

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

And

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
ARO0062-SK01	Proposal Plan	ARO Industries Pty Ltd	6/04/2021

(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, 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 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 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.
 - 3.6 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.
 - 3.7 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

The existing access crossover servicing balance Lot 2 must be upgraded/constructed (from the edge of Hastie Road to the property boundary) in accordance with the FNQROC Development Manual (as amended), to the satisfaction of Council's delegated officer.
 - 4.2 Roadworks - External

Hastie Road must be upgraded for the full frontage of Lot 2A to match the existing Hastie Road cross-sectional geometry to the south-east of the site. These works should generally include the following:

- The widening of the development side of Hastie Road to achieve a total road width of 10 metres;
- the installation of kerb and channel (of similar profile to the existing kerb and channel) on the development side of Hastie Road for the full frontage of Lot 2A; and
- Any stormwater inlet pit/s required to be installed to connect to the existing underground stormwater network on the opposite side of Hastie Road.

Plans for the abovementioned works must be submitted to Council as part of a subsequent application for operational works.

4.3 Stormwater Drainage

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

4.3.2 All stormwater drainage must be discharged to an approved legal point of discharge.

4.4 Water Supply

4.4.1 Lot 2A must be provided with a water service connection in accordance with FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

4.4.2 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).

4.5 Sewerage Connection

4.5.1 Lot 2A must be provided with a connection to Council's reticulated sewerage network in accordance with FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

4.5.2 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).

4.6 Electricity provision/supply

Lot 2A must be provided with an electricity supply in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

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

4.7 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to Lot 2A and arrange provision of necessary conduits and enveloping pipes.

(D) ASSESSMENT MANAGER'S ADVICE

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

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

(c) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(d) Property Connection to existing sewer main (house connection branch installation)

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

(e) 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.

(f) 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.

(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) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access crossover approval as required by Condition 4.1 (can be done as part of Operation Works application)

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>	
Additional Lot	\$19,280.00	2	\$38,560.00	1 (\$19,280.00)	\$19,280.00
TOTAL CURRENT AMOUNT OF CHARGE					\$19,280.00

CARRIED

At 9:23 am, Cr Lachlan (Locky) Bensted left the meeting.

8.7 TEMPORARY ENTERTAINMENT EVENT APPLICATION - KURANDA ROOTS FESTIVAL 16-18 JULY 2021

RESOLUTION 2021/92

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council:

Approve the Temporary Entertainment Event Application for Rudekat Records for the Kuranda Roots Festival on 545 Kay Road Mareeba, from 16 to 18 July 2021, subject to the following conditions:

1. the permissible noise level measured at the nearest occupied building must not exceed the following limits—
 - (i) before 7 am, if the use causes audible noise; or
 - (ii) from 7 am to 10 pm, if the use causes noise of more than 70dB(A); or
 - (iii) from 10 pm to midnight, if the use causes noise of more than the lesser of the following
 - i. 50dB(A);
 - ii. 10dB(A) above the background level;
2. if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;
3. amplification equipment used for the prescribed activity shall be set up so as to minimise the noise impact on residential premises;
4. a letter drop must be conducted to residents within 200 metres of the boundaries of the site where the prescribed activity is being held. The letter must detail the dates and operating times of the prescribed activity;
5. during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by mobile phone. The approval holder, or any person acting on behalf of the approval holder, must be able to exercise control over the volume of the sound at the mixing console;
6. the approval holder must maintain a defined access point for emergency vehicles at all times;
7. the approval holder must provide a first aid station and qualified first aid officer/s;
8. food shall be sold only from the temporary food stalls or mobile food vans approved by the local government. All food must be processed, prepared and packed in accordance with the provisions of the Food Act 2006;

9. an adequate number of toilets are to be provided to meet the needs of all attendants. All toilets are to be kept in a sanitary state at all times during the prescribed activity;
10. for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy -
 - (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
11. prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
12. the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
13. if the activity involves playing live or taped performances—the approval holder must obtain a casual licence from the Australasian Performing Rights Association;
14. the approval holder must comply with relevant workplace health and safety requirements.

Non Standard Conditions:

15. The approval is valid from 16 July to 18 July 2021;
16. Any documentation provided to the emergency services departments, assessed and approved by those departments, must be adhered to at all times;
17. Covid19 requirements must be adhered to at all times as per Queensland Health's Chief Health Officer directions at the time of the event;
18. Queuing of Vehicles along Emerald Creek Falls is not permitted, all vehicles must drive into the property for processing;
19. The applicant is responsible to ensure that Traffic Management Services are adequate for the duration of the event;
20. Contact must be made with the Mareeba Fire and Rescue duty officer prior to the event to co-ordinate a pre event inspection for fire safety and access and any concerns addressed in the interest of safety;
21. Hazard Mitigation Plans in regard to the fire risk be supplied prior to the event for consultation and assistance with arrangement for a Permit to Light Fire will be provided if burning of excess fuel is required. These plans should include resources on scene to combat fire and fire breaks around camp areas completed. Hazard Mitigation plans to be supplied to QPWS also for consultation and approval as adjoining landholder and key stakeholder in the area; and

22. Helicopter Landing area to be inspected by Queensland Fire and Rescue Services and any concerns addressed prior to the event.

CARRIED

CR GRAHAM RECORDED HER VOTE AGAINST THE MOTION

At 9:26 am, Cr Lachlan (Locky) Bensted returned to the meeting.

8.8 AUCTIONEER AND REAL ESTATE SERVICES

RESOLUTION 2021/93

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. Invite written quotes to manage and perform auctioneering and real estate services; and
2. Authorise Council's Chief Executive Officer to negotiate, execute and vary the correspondence and relevant contracts as necessary for disposal and title transfer of the subject parcels in accordance with section 238 (1) of the *Local Government Regulation 2012*.

CARRIED

8.9 DELEGATIONS UPDATE MAY 2021

RESOLUTION 2021/94

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That:

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

CARRIED

8.10 FINANCIAL STATEMENTS PERIOD ENDING 31 MAY 2021

RESOLUTION 2021/95

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council receives the Financial Report for the period ending 31 May 2021.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MAY 2021****RESOLUTION 2021/96**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of May 2021.

CARRIED

9.2 LONG TERM ASSET MANAGEMENT PLAN 2022-2031**RESOLUTION 2021/97**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council adopts the Long Term Asset Management Plan 2022-2031.

CARRIED

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MAY 2021**RESOLUTION 2021/98**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Technical Services Operations Report for May 2021.

CARRIED

9.4 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MAY 2021**RESOLUTION 2021/99**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Works Progress Report for the month of May 2021.

CARRIED

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MAY 2021**RESOLUTION 2021/100**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services, Water and Waste Operations Report for May 2021.

CARRIED

9.6 AMENDED WASTE FEES AND CHARGES 2021/22**RESOLUTION 2021/101**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council adopts the amended Waste Fees and Charges for 2021/22, with the following additional change:

Mulch purchase - self load \$18 per m³

Mulch purchase loaded - \$25 per m³.

CARRIED

CR MLIKOTA RECORDED HIS VOTE AGAINST THE MOTION

9.7 T-MSC2021-07 GREEN WASTE SERVICES**RESOLUTION 2021/102**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council awards Tender T-MSC2021-07 Green Waste Services to Shark Recyclers:

1. to mulch and remove green waste and deliver to tenderers facility for \$10.29 per m³ (excluding GST)
2. to mulch and leave on site for \$6.00 per m³ (excluding GST).

CARRIED

10 CONFIDENTIAL REPORTS**RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

10.1 Kuranda Infrastructure Agreement

This matter is considered to be confidential under Section 275 - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

RESOLUTION 2021/103

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council does not move into closed session of Council.

CARRIED

10.1 KURANDA INFRASTRUCTURE AGREEMENT**RESOLUTION 2021/104**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. adopts the attached Kuranda Infrastructure Agreement (KIA) review and submits to the Department of State Development, Infrastructure, Local Government and Planning
2. makes the report public once approval is granted by the Minister's office.

CARRIED

11 BUSINESS WITHOUT NOTICE

Nil

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 21 July 2021.

There being no further business, the meeting closed at 9:53am.

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Cr Angela Toppin

Chairperson