



MINUTES

Wednesday, 15 September 2021

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 15 SEPTEMBER 2021 AT 9:00AM**

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 Davies informed the meeting that he has a declarable conflict of interest in relation to *9.5 WASTE DISPOSAL FOLLOWING CLOSURE OF CURRENT CELLS AT MAREEBA LANDFILL*. Cr Davies advised that as he is employed by fgf Remondis at the Springmount Waste Facility and therefore it is reasonable that a person may think he could have a conflict of interest in this matter. As such Cr Davies advised that he would leave the room whilst the matter is discussed and voted on.

Cr Bensted informed the meeting that he has a conflict of interest in relation to *10.4 APPOINTMENT OF GREAT WHEELBARROW RACE ADVISORY COMMITTEE MEMBERS*. Cr Bensted advised that his sister has lodged an expression of interest to join the Wheelbarrow Race Advisory Committee and he left the room whilst the matter was discussed and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/150

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That the minutes of Ordinary Council Meeting held on 18 August 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 BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (2 INTO 26 LOTS) AND MATERIAL CHANGE OF USE - MULTIPLE DWELLING (25 X DWELLING HOUSES) - LOT 2 ON SP298298 & LOT 48 ON SP320488 - MERINDAH CLOSE & KAROBEAN DRIVE, MAREEBA - MCU/21/0009

RESOLUTION 2021/151

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich	ADDRESS	Merindah Close & Karobean Drive, Mareeba
DATE LODGED	13 May 2011	RPD	Lot 2 on SP298298 & Lot 48 on SP320488
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (2 into 26 Lots) and Material Change of Use - Multiple Dwelling (25 x Dwelling Houses)		

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.

(B) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (2 into 26 Lots) and Material Change of Use - Multiple Dwelling (25 x Dwelling Houses)

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Plan Ref: 8673	Development Plan	Twine Surveys Pty Ltd	20/04/2021

(D) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

Reconfiguring a Lot Component

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 "reconfiguring a Lot Component" conditions contained within this development permit must be complied with (where relevant) to the satisfaction of Council's delegated officer prior to the endorsement of a 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.
 - 2.2 Where an allotment is proposed on a plan of survey and contains a dwelling house, the "Material Change of Use Component" conditions contained within this development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, 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 (not applicable for Lot 2)

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) A driveway crossover application must be submitted, the relevant fee paid, and the final works inspected and approved prior to the endorsement of any plan of survey creating any lot/s that incorporates a dwelling/s and associated driveway/s. The applicant/developer may construct multiple driveway/access crossovers at one time which can be considered under the one driveway crossover application.

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.

4.4 Civil Works - Internal

- (a) Merindah Close must be constructed to an Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer. Either a cul-de-sac or three-point turn "T-Head" treatment is permitted at the termination of Merindah Close (Stage 2 civil works). Roadworks are permitted to extend into the Emerald End Road reserve, however, any works constructed over Council's underground infrastructure will require additional protection works to that underground infrastructure (to be determined at operational works stage).
- (b) At the completion of stage 1 civil works, a temporary turnaround area, with a bitumen and/or gravel surface, must be provided at the end of the constructed section of Merindah Close.
- (c) Concrete, steel or timber bollards must be installed around the final Merindah Close turn-around treatment (stage 2 civil works) at appropriate intervals to ensure vehicle traffic does not travel directly between Emerald End Road and Merindah Close (and vice-versa), to the satisfaction of Council's delegated officer.
- (d) A two (2) metre wide concrete footpath must be installed on at least one (1) side of Merindah Close (stage 1 and 2 civil works) and connect with the existing footpath on Karobean Drive. The horizontal alignment of the footpath is to be determined at operational works stage.

The footpath may be constructed after the driveway crossover/s to any dwelling/s is installed (to avoid having to remove sections of footpath to install driveways), provided the footpath is installed along the entire frontage of the relevant lot/s prior to the endorsement of any survey plan creating the allotment/s.

4.5 Street Trees

One (1) street tree must be planted along each side of the road at 15 metre intervals (at minimum). Where street trees are likely to interfere with dwelling driveways, the street tree may be moved to either side of the driveway.

4.6 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 along Merindah Close in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

Material Change of Use Component

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

- 2.1 This development permit authorises the construction of a maximum of 25 dwelling houses on the subject land, however, prior to the occupation of any dwelling house (other than for display house purposes), the allotment on which the dwelling house is situated must be created on a plan of survey as a separate allotment and registered with the Department of Resources (Titles), unless otherwise approved by Council's delegated officer.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.4 Each dwelling must comply with the requirements of the *Residential dwelling house and outbuilding overlay code* of the Mareeba Shire Council Planning Scheme 2016, to the satisfaction of Council's delegated officer.
- 3.5 The setbacks for each dwelling from any existing or future property boundary must comply with the requirements of the Queensland Development Code, specifically A1 and A2 of MP 1.2.

Any alternate siting must comply with the requirement of P1 and P2 of MP 1.2 and must be approved by Council's delegated officer prior to the issue of a development permit for building works.

- 3.6 Each dwelling must be provided with a letterbox.
- 3.7 Each dwelling must be provided with a clothes drying area.

4. Infrastructure Services and Standards

4.1 Stormwater Drainage/Water Quality

- (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 must be discharged to an approved legal point of discharge.

- (c) The dwellings situated on Lots 6 - 18 may utilise the drainage feature (drain) to the north as a legal point of discharge provided an open concrete drain is installed between the point of discharge and the concrete invert of the drainage feature (drain) to stop erosion and is clearly visible and able to be driven over or around by parks and gardens workforce to ensure convenient upkeep and maintenance, to the satisfaction of Council's delegated officer.

(E) 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

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Works
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
<i>Payable at time of subdivision of each lot</i>					
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$19,764.00	25 Lots	\$494,100.00	Nil	\$494,100.00
TOTAL CURRENT AMOUNT OF CHARGE					\$494,100.00

CARRIED

8.2 L MORGANTE - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 1 ON RP912860 & LOT 3 ON SP315714 - 542 EMERALD END ROAD, MAREEBA - RAL/21/0011

RESOLUTION 2021/152

Moved: Cr Lenore Wyatt
 Seconded: Cr Mary Graham

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

APPLICATION		PREMISES	
APPLICANT	L Morgante	ADDRESS	542 Emerald End Road, Mareeba
DATE LODGED	28 May 2021	RPD	Lot 1 on RP912860 & Lot 3 on SP315714
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

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.

(B) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Boundary Realignment

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Ref.: 8863	Development Plan Plan of Lots 1 & 2	Twine Surveys Pty Ltd	25/05/2021

(D) 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 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 new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey
- 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

The existing access crossover that will service Lot 1 and a new access crossover servicing Lot 2 must be upgraded/constructed (from the edge of Emerald End Road to the property boundaries) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

(E) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(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

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

CARRIED

8.3 JC & ME HENDLE - CONCURRENCE AGENCY REFERRAL FOR BUILDING WORKS (CLASS 1A DWELLING) - LOT 1 ON RP715041 - 30 MIDDLEMISS STREET, MAREEBA - CAR/21/0026

RESOLUTION 2021/153

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICATION NO:	CAR/21/0026		
RPD:	Lot 1 on RP715041	ADDRESS:	30 Middlemiss Street, Mareeba
APPLICANT:	JC & ME Hendle C/- Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	OWNER:	JC & ME Hendle
ASSESSMENT MANAGER	Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	DATE REFERRAL RECEIVED	23 August 2021
TYPE OF REFERRAL:	Concurrence agency referral for building works (Class 1A Dwelling) assessable against the Flood Hazard Overlay Code of the Mareeba Shire Council Planning Scheme 2016		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Medium Density Residential		

and in accordance with sections 56 of the Planning Act 2016, the applicant and 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
1850079	Site Plan	Applicant	-
09-002-01	Floor Plan	VAM Designs	March 2009
09-002-02	Elevations	VAM Designs	March 2009
09-002-04	Typical Section	VAM Designs	March 2009
09-002-04	Footings Plan	VAM Designs	March 2009

(B) REASONS FOR REFUSAL

- The proposed building work is in conflict with the Overall Outcome (a)(iii) E. & F. of the Flood hazard overlay code.

(a) *Development in the 'Extreme flood hazard area':*

iii. *is limited to:*

- E. *replacement of existing lawful development, including Accommodation activities where habitable rooms are elevated above the defined floor level and include freeboard;*
- F. *where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.*

Reasons for conflict

Regardless of the construction of the proposed dwelling being commenced lawfully under a now lapsed building approval, the current statutory building and planning instruments are required to be considered now that a fresh building approval is being sought.

The nearly completed dwelling house is situated within a low part of the property within the 'Extreme flood hazard area'. The flood water modelling predicts that the depth of flood water at the location of the dwelling during a 1 in 100 year flood event will be approximately 4.4 metres, which will almost completely inundate the dwelling, at a constructed overall height of approximately 4.7 metres (refer to attached flood water depth modelling map).

The dwellings habitable rooms will be situated well below the defined flood water level. The proposed building works will directly result in an increase in the number of persons and personal property at risk of flood inundation.

2. The proposed building work is in conflict with performance Outcome PO3 and Acceptable Outcome AO3.1 of the Flood hazard overlay code.

PO3

Development, where involving a Material change of use within an 'Extreme flood hazard area' on the Flood Hazard overlay maps (OM006a-o), is appropriate to the flood hazard risk having regard to the:

- (a) *the likelihood and frequency of flooding;*
- (b) *flood risk acceptability of development;*
- (c) *vulnerability of and safety risk to persons associated with the use;*
- (d) *associated consequences of flooding in regard to impacts on proposed buildings, structures, and supporting infrastructure; and*
- (e) *associated consequences of flooding in respect to undue burden on disaster response recovery capacity and capabilities.*

AO3.1

*Uses within the following activity groups are not located within an 'Extreme flood hazard area identified' on the **Flood hazard overlay maps (OM006a-o):***

- (a) *Accommodation activities;*
- (b) *Commercial activities;*
- (c) *Community activities except where for a Club with a maximum gross floor area of 100m²;*

- (d) *Industrial activities;*
- (e) *Rural activities, except where for Animal husbandry, Cropping, or Permanent plantation.*

Reasons for conflict

The proposed development is a class 1a dwelling which is considered an 'accommodation activity'. The proposed building works do not include the elevation of the dwelling to achieve a finished floor level higher than the modelled flood water height.

The nearly completed dwelling is situated within a low part of the property within the 'Extreme flood hazard area'. The flood water modelling predicts that the depth of flood water at the location of the dwelling during a 1 in 100 year flood event will be approximately 4.4 metres, which will almost completely inundate the dwelling, at a constructed overall height of approximately 4.7 metres (refer to attached flood water depth modelling map).

The dwellings habitable rooms will be situated well below the defined flood water level. The proposed building works will directly result in an increase in the number of persons and personal property at risk of flood inundation.

It should also be noted that it is likely that the proposed dwelling was not initially designed and engineered to withstand almost complete inundation. Even if Council approved the dwelling in its current location, this lack of flood water action consideration in the actual design of the dwelling would be significant issue for any building certifier.

3. The proposed building work is in conflict with Performance Outcome PO4 and Acceptable Outcome AO4.1 and AO4.2

PO4

Development is located and designed to:

- (a) *maintain and enhance the flood conveyance capacity of the premises;*
- (b) *not increase the number of people calculated to be at risk from flooding;*
- (c) *not increase the flood impact on adjoining premises;*
- (d) *ensure the safety of all persons by ensuring that development levels are set above the defined flood level;*
- (e) *reduce property damage; and*
- (f) *provide flood immune access to buildings.*

Note—Buildings may be constructed from flood resistant, waterproof materials below the defined flood level where certified by a qualified structural engineer to be flood proof (including the ability to withstand damage from floodwater and debris) and where an alternative outcome to AO4.1-AO4.4 is also demonstrated.

Note—In the event that a lawful building or structure is destroyed by flood or other event the building may be replaced in situ where there is no increase in:

- i. *gross floor area; or*
- ii. *the number of dwellings or bedrooms on the premises.*

AO4.1

Buildings, including extensions to existing buildings, are:

- (a) *not located within an 'Extreme flood hazard area' identified on the **Flood hazard overlay maps (OM006a-o)**; or*
- (b) *elevated above the defined flood level, with 0.3 metres freeboard from the defined flood level provided for habitable rooms within a dwelling.*

AO4.2

All building work must be high set and retains the flood storage and conveyance capacity of the premises.

Note—Building work must be certified by a qualified structural engineer to be flood proof including the ability to withstand damage from floodwater and debris.

Reasons for conflict

The nearly completed dwelling is situated within a low part of the property within the 'Extreme flood hazard area'. The proposed building works do not include the elevation of the dwelling to achieve a finished floor level higher than the modelled flood water height.

The flood water modelling predicts that the depth of flood water at the location of the dwelling during a 1 in 100 year flood event will be approximately 4.4 metres, which will almost completely inundate the dwelling, at a constructed overall height of approximately 4.7 metres (refer to attached flood water depth modelling map).

The dwellings habitable rooms will be situated well below the defined flood water level. The proposed building works will directly result in an increase in the number of persons and personal property at risk of flood inundation.

It should also be noted that it is likely that the proposed dwelling was not initially designed and engineered to withstand almost complete inundation and the associated impacts from floodwater and debris. Even if Council approved the dwelling in its current location, this lack of consideration in the dwelling design would be significant issue for any building certifier involved.

CARRIED

8.4 FURTHER DEALING WITH TERM LEASE 0/220395, BEING LOT 215 ON DA451, LOCALITY OF MOUNT MOLLOY

RESOLUTION 2021/154

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council advise the Department of Resources that Council has no objection to the renewal of the term lease for grazing purposes over Lot 215 on DA451, Bakers Road, Mount Molloy, and further, Council has no objection to the conversion of Lot 215 on DA451 to freehold.

CARRIED

8.5 MAREEBA INDUSTRIAL PARK**RESOLUTION 2021/155**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Kevin Davies

That the following lots at Mareeba Industrial Park are reduced to \$60.00 per square metre:

- Lot 215 SP276129;
- Lot 3 SP298322;
- Lot 4 SP298322;
- Lot 71 SP198060; and
- Lot 72 SP198060.

CARRIED

8.6 CONTINUATION OF COMMERCIAL USE OF ROADS APPROVAL - CAFE CREMA MAREEBA CENTENARY CAR PARK**RESOLUTION 2021/156**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council approve the Commercial Use of Roads permit under Council's Local Law for the applicant to continue to operate at the same location at Centenary Park upon receipt of an application from the new owner of Café Crema.

CARRIED

8.7 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2021**RESOLUTION 2021/157**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council;

1. receives the Financial Report for the period ending 31 August 2021; and
2. approves the amended 2021/22 Capital Works Program to include carry overs from 2020/21 and additional capital projects.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - AUGUST 2021****RESOLUTION 2021/158**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

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

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - AUGUST 2021**RESOLUTION 2021/159**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

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

CARRIED

9.3 KURANDA CBD STEAM WEEDING TRIAL**RESOLUTION 2021/160**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council:

1. Continues the current practice of to using an organic herbicide treatment for weed control in the Kuranda CBD whilst continuing to investigate alternative, cost effective methods of vegetation management; and
2. Sells the saturated steam unit.

CARRIED

9.4 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2021**RESOLUTION 2021/161**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

At 9:24 am, Cr Kevin Davies left the meeting.

9.5 WASTE DISPOSAL FOLLOWING CLOSURE OF CURRENT CELLS AT MAREEBA LANDFILL

RESOLUTION 2021/162

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council:

1. sends landfill waste to the Springmount Waste Facility once the current landfill cell is full;
2. accepts the offer from Remondis Australia Pty Ltd of \$67.50 per tonne (ex GST and Queensland Waste Levy), subject to annual escalation based on CPI; and
3. continues to explore alternative waste disposal options to ensure best value for the community.

CARRIED

At 9:28 am, Cr Kevin Davies returned to the meeting.

9.6 GRAVITY SEWER MAIN FROM CEDRIC DAVIES COMMUNITY HUB TO LIFESTYLE RESORT PUMP STATION

RESOLUTION 2021/163

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council;

1. approves the installation of a gravity sewer main from Cedric Davies Community Hub to Lifestyle Sewerage Pump Station for the amount of \$220,000 (ex GST); and
2. allocates funds from the wastewater reserves for this project.

CARRIED

9.7 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - AUGUST 2021

RESOLUTION 2021/164

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

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

CARRIED

10 OFFICE OF THE CEO**10.1 CHRISTMAS SHUTDOWN AND OFFICE CLOSURE FOR STAFF FUNCTION****RESOLUTION 2021/165**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council approves:

1. the 2021/22 Christmas/New Year closure from midday on Friday 24 December 2021 and reopen Monday 4 January 2022, and;
2. the closure of all Council offices and libraries for a staff function for an afternoon, on a date yet to be determined, in June/July 2022.

CARRIED

10.2 PETITION TO LOWER THE LOAD LIMIT ON JOHN DOYLE BRIDGE**RESOLUTION 2021/166**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

That Council receives the petition and a report be tabled to Council.

CARRIED

10.3 PETITION FOR A SHADE CLOTH OVER KURANDA POOL**RESOLUTION 2021/167**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the petition and a report be tabled to Council.

CARRIED

At 9:39 am, Cr Lachlan (Locky) Bensted left the meeting.

10.4 APPOINTMENT OF GREAT WHEELBARROW RACE ADVISORY COMMITTEE MEMBERS**MOTION**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council appoints the following additional members of the Great Wheelbarrow Race Advisory Committee:

Nina Akselsen Grant

Sarah Bensted

Jodie Turner.

At 9:39 am, Cr Lachlan (Locky) Bensted returned to the meeting.

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 20 October 2021.

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

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Cr Angela Toppin

Chairperson