



# **MINUTES**

**Wednesday, 17 August 2022**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 17 AUGUST 2022 AT 9:00AM**

**1 MEMBERS IN ATTENDANCE**

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

**2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**

Nil

**3 BEREAVEMENTS/CONDOLENCES**

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

**4 DECLARATION OF CONFLICTS OF INTEREST**

Nil

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2022/158**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That the minutes of Special Council Meeting held on 20 July 2022 be confirmed.

**CARRIED**

**RESOLUTION 2022/159**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 20 July 2022 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 C.H. ENTERPRISE PTY LTD - MATERIAL CHANGE OF USE - TOURIST PARK (SELF-CONTAINED CAMPING & CARAVAN SITES) - LOT 450 ON NR5228 - 97 KOVACIC ROAD, MAREEBA - MCU/21/0018**

**RESOLUTION 2022/160**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	C.H. Enterprise Pty Ltd	<b>ADDRESS</b>	97 Kovacic Road, Mareeba
<b>DATE LODGED</b>	17 May 2022	<b>RPD</b>	Lot 450 on NR5228
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Tourist Park (Self-contained Camping & Caravan Sites)		

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

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

And

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

APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Tourist Park (Self-contained Camping & Caravan Sites)(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed Camping Ground Layout	Scope Town Planning	-

(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/tourist park operator 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 6m<sup>2</sup> 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 campers must not exceed five (5) consecutive days.
- 3.11 The tourist park must only accommodate self-contained motor homes/caravans and campers. Self-contained motor homes/caravans and campers must have an onboard toilet and shower, onboard water supply and wastewater holding tanks.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

The existing access crossover servicing the approved campground area must be upgraded/constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage/Water Quality

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

4.2.2 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.

4.2.3 The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

##### 4.3 Car Parking/Internal Driveways

4.3.1 All car parking associated with the campground must be accommodated within the identified camping area.

4.3.2 Any internal access roads shown on the approved plan must be constructed to an all-weather compacted gravel standard, prior to the commencement of the use.

Internal access roads must be maintained at this standard for the life of the development.

##### 4.4 Lighting

4.4.1 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.

4.4.2 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.

#### 4.5 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).

#### 4.6 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 a **one-off payment** of \$6,432.55 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](http://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](http://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) Kovacic Road Standard

This development permit did not require the upgrade of the formed gravel section of Kovacic Road used to access the development. Should you wish to upgrade this section of Kovacic Road in future to include a bitumen seal, Council is not liable or responsible for contributing in any way to the cost of these works. Furthermore, Kovacic Road is



not likely to be graded or repaired at more frequent intervals as a result of the development and any associated added traffic on the Road.

(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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Council's Planning Department to obtain application form and applicable fee)
- Approval to Operate Campground/Caravan Park (Please contact Council's Local Laws Department to obtain application form and applicable fee)

**CARRIED**

**8.2 P BLUNDELL FAMILY TRUST - MATERIAL CHANGE OF USE - TOURIST ATTRACTION (VINTAGE VEHICLE AND MACHINERY MUSEUM) - LOT 23 ON SP184955 - 109 COBRA ROAD, MAREEBA - MCU/22/0015**

**RESOLUTION 2022/161**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	P Blundell Family Trust	<b>ADDRESS</b>	109 Cobra Road, Mareeba
<b>DATE LODGED</b>	13 June 2022	<b>RPD</b>	Lot 23 on SP184955
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Tourist Attraction (Vintage Vehicle and Machinery Museum)		

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 Material Change of Use - Tourist Attraction (Vintage Vehicle and Machinery Museum)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1680-21 WD01	Site Plan	Tony Hales Building Designer	19/11/2021

(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, 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 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 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Sunday.

### 3.5 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.6 Noise Nuisance

Refrigeration equipment, pumps/ compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial location.

## 4. Infrastructure Services and Standards

### 4.1 Access

A bitumen, asphalt or concrete sealed access crossover must be constructed (from the edge of the road pavement, extending for a distance of 10 metres) to the satisfaction of Council's delegated officer.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

### 4.2 Stormwater Management

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

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

### 4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

### 4.4 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS 1547) to the satisfaction of the Council's delegated officer.

### 4.5 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the approved use. All car parking spaces and internal driveways must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

#### 4.6 Lighting

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

#### (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) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

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

(e) Compliance with applicable codes/policies

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

(f) Compliance with Acts and Regulations

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

(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](http://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](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect)

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
<b>Tourist Attraction</b>	<b>per m2 GFA</b>	<b>GFA (m2)</b>			
Sheds 1, 2, 3 and 5	\$2.80	1316.6	\$3,686.48	Nil	\$3,686.48
Shed 4	\$2.80	448	\$1,254.40	Nil	\$1,254.40
Shed 6	\$2.80	800	\$2,240.00	Nil	\$2,240.00
Shed 7	\$2.80	800	\$2,240.00	Nil	\$2,240.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$9,420.88</b>

**CARRIED**

**8.3 C & C IACUTONE - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 17, 18, 19 & 21 ON SP195707 - 4283 KENNEDY HIGHWAY & 43 MALONE ROAD, MAREEBA - RAL/22/0008**

**RESOLUTION 2022/162**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	C & C Iacutone	<b>ADDRESS</b>	4283 Kennedy Highway & 43 Malone Road, Mareeba
<b>DATE LODGED</b>	25 May 2022	<b>RPD</b>	Lots 17, 18, 19 & 21 on SP195707
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	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.

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9060 Rev B	Plan of Lots 7-10 Cancelling Lots 17-19 & 21 on SP195707	Twine Surveys Pty Ltd	26.04.2022

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

- to ensure compliance with the following conditions of approval.

2. Timing of Effect

The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.

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

3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.

3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.

3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

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

3.8 Charges

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

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) Notation on Rates Record

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

- a registered easement over the subject site (Lot 8)

(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](http://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](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

**CARRIED**



**8.4 TENURE INSTRUMENT FOR PART OF LOT 478 CPHG557****RESOLUTION 2022/163**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council approve the issue of a Licence Agreement to the Dimbulah Horse & Pony Club Inc for the use of the additional parcel of land adjacent to Lease D on SP312808 in Lot 478 CPHG557.

**CARRIED**

**8.5 AGISTMENT PERMIT POLICY EXCEPTION - CALCULATION OF ANNUAL PERMIT FEE****RESOLUTION 2022/164**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council approve the annual agistment permit rental fee of \$585.19 (excl. GST) for Lot 520 NR6843 Ellery Road Mareeba.

**CARRIED**

**8.6 CONVERSION OF A PORTION OF LOT 45 SP136298 ARARA STREET KURANDA****RESOLUTION 2022/165**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council provide a response to:

1. Skyrail Pty Ltd supporting the proposal for acquisition by Skyrail of a portion of Lot 45 SP136298 Arara Street Kuranda to upgrade the Skyrail gondola garage terminal building located on adjoining Lot 400 SP332594 to accommodate the instalment of wider replacement gondola cabins.
2. Department of Transport and Main Roads indicating that Council does not support the disposal of the remainder of the portion of Lot 45 SP136298.

**CARRIED**

**8.7 DELEGATIONS UPDATE AUGUST 2022****RESOLUTION 2022/166**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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**

## **8.8 OPERATIONAL PLAN 2021/22 PROGRESS REPORT JANUARY TO JUNE 2022**

### **RESOLUTION 2022/167**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council receives and notes the progress report on implementation of the 2021/22 Operational Plan for the period January to June 2022.

**CARRIED**

## **8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 JULY 2022**

### **RESOLUTION 2022/168**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Financial Report for the period ending 31 July 2022.

**CARRIED**

## **9 INFRASTRUCTURE SERVICES**

### **9.1 APPLICATION FOR PERMANENT ROAD CLOSURE - LAND ABUTTING LOT 75 ON N157410 - RA 32 QUERIN ROAD BIBOOHRA**

#### **RESOLUTION 2022/169**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council as the Road Manager, advise the applicant and the Department of Resources that:

1. Council objects to the proposal as presented, however;
2. Council offers no objection to an amended proposal for permanent closure and amendment of the 'Road Licence' as per Council Drawing; V1 - Proposed Permanent Closure & Road Licence Areas, on the condition that:
  - a. A minimum 20 metre wide 'road' parcel is to be retained following Closure, and
  - b. The subject parcel must be amalgamated into freehold Lot 75, and

- c. The amended 'Road Licence' may encroach into the required 20 metre wide 'road' parcel, however, it is not to extend past the existing 'Road Licence' boundary, and
- d. The proponent is wholly responsible for all costs associated with finalising the process, and
- e. The existing fence line may remain on its current alignment, however, it is to be relocated to the 'Road Licence' boundary when it is next renewed, or
- f. If the 'Road Licence' is surrendered the fence must be relocated to the property boundary, prior to surrender, and
- g. No permanent infrastructure is to be constructed within 'Road Licence' area, and
- h. Council reserves the right to request the Landowner or DoR, surrender the 'Road Licence' if any portion of the 'Road' parcel is required at some point in the future.

**CARRIED**

## **9.2 T-MSC2022-06 MAREEBA AMAROO EASTERN CATCHMENT PLAY EQUIPMENT**

### **RESOLUTION 2022/170**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council award the design and construct contract for T-MSC2022-06 Mareeba Amaroo Eastern Catchment Play Equipment and associated works to Moduplay Pty Ltd for the fixed price amount of \$270,000.00 (excl. GST).

**CARRIED**

## **9.3 T-MSC2022-05 KURANDA CENTENARY PARK PLAY EQUIPMENT**

### **RESOLUTION 2022/171**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council award the design and construct contract for T-MSC2022-05 Kuranda Centenary Park Play Equipment and associated works, including removal of the existing play equipment, to Moduplay Pty Ltd for the fixed price amount of \$300,000.00 (excl. GST).

**CARRIED**

**9.4 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JULY 2022****RESOLUTION 2022/172**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of July 2022.

**CARRIED**

**9.5 FLEET REPLACEMENT - ASSET NO 623 CREW CAB TIPPER****RESOLUTION 2022/173**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council awards contract VP309586 to Pacific Hino for the amount of \$108,269.02 (excl. GST), for the supply and delivery of one (1) Hino 300 Series, 921 Auto.

**CARRIED**

**9.6 FLEET REPLACEMENT - ASSET NO 675 CREW CAB TIPPER****RESOLUTION 2022/174**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council:

1. awards contract VP309608 to Pacific Hino for the amount of \$111,490.54 (excl. GST), for the supply and delivery of one (1) Hino 300 Series, 921 Auto, and
2. authorise the disposal by Auction of Asset No 675, one (1) Hino 816 Crew, 2WD Crew Cab Tipper.

**CARRIED**

**9.7 ROAD NAMING - NEW ACCESS TO MAREEBA WASTE TRANSFER STATION****RESOLUTION 2022/175**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council endorses Recovery Way as the name of the new access to Mareeba Waste Transfer Station.

**CARRIED**

**9.8 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JUNE 2022****RESOLUTION 2022/176**

Moved: Cr Mario Mlikota

Seconded: Cr Daniel (Danny) Bird

That Council receives the Infrastructure Services, Technical Services Operations Report for July 2022.

**CARRIED**

**9.9 FNQ029 REGIONAL REMOVAL AND BENEFICIAL REUSE OF BIOSOLIDS****RESOLUTION 2022/177**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That the Council:

1. Enters into contract FNQ029 – Regional Removal and Beneficial Reuse of Biosolids with Arkwood (Gloucester) Pty Ltd based on a Schedule of Rates, for a period of 2 years commencing 1 October 2022, with an extension option of up to 12 months, available at Council's discretion; and
2. Delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter contracts, negotiate, finalise, and execute all matters associated with or in relation to this contract, subject to Council's normal procurement policies and practices.

**CARRIED**

**9.10 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JULY 2022****RESOLUTION 2022/178**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Water and Waste Operations Report for July 2022.

**CARRIED**

**9.11 2022/23 REGIONAL BITUMEN RESEAL PROGRAM****RESOLUTION 2022/179**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council:

1. Awards the 2022/23 Regional Bitumen Reseal Program to RPQ Pty Ltd. Based on the indicative works program and pricing the annual contract value to Mareeba Shire Council is estimated to be in the vicinity of \$550,000 (excl. GST), with the potential for the Scope to be varied to include resealing required during 2023/24 and 2024/25.
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies.

**CARRIED**

**9.12 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JULY 2022****RESOLUTION 2022/180**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services, Works Progress Report for the month of July 2022.

**CARRIED**

**10 OFFICE OF THE CEO**

**10.1 COUNCILLOR ATTENDANCE AT FNQ REGIONAL PROJECTS FORUM**

**RESOLUTION 2022/181**

Moved: Cr Lenore Wyatt  
Seconded: Cr Mary Graham

That Council approves the attendance of Cr Mlikota at the Far North Queensland Regional Projects Forum to be held in Cairns on 9 September 2022.

**CARRIED**

**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 21 September 2022.  
There being no further business, the meeting closed at 9:35am.

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Cr Angela Toppin  
Chairperson