



MINUTES

Wednesday, 21 September 2022

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 21 SEPTEMBER 2022 AT 09:00AM**

1 MEMBERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Cr Kevin Davies, Cr Mary Graham, Cr Lenore Wyatt, Cr Lachlan (Locky) Bensted, Cr Daniel (Danny) Bird (via teleconference), 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 Mlikota informed the meeting that he has a declarable conflict of interest in relation to *ITEM 8.1 - Adermina Pty Ltd - Material Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursery Home) - Lots 1 & 2 on RP748307 - 62 Mount Kooyong Road, Julatten - MCU/22/0014*. The nature of the conflict is that his daughter is employed by the applicant's planner and as a result a reasonable person may think they would be biased in the decision making. As a result Cr Mlikota informed the meeting that he would leave the room whilst the matter is considered and voted on.

Cr Mlikota informed the meeting that he has a declarable conflict of interest in relation to *ITEM 8.7 - Mareeba Heritage Centre - 100 Park Markets Proposal*. The nature of the conflict is that he is on the Mareeba Heritage Centre Market Committee and as a result a reasonable person may think they would be biased in the decision making. As a result Cr Mlikota informed the meeting that he would leave the room whilst the matter is considered and voted on.

Cr Graham informed the meeting that she has a declarable conflict of interest in relation to *ITEM 8.7 - Mareeba Heritage Centre - 100 Park Markets Proposal*. The nature of the conflict is that she sits on the board of the Mareeba Heritage Centre and as a result a reasonable person may think they would be biased in the decision making. As a result Cr Graham informed the meeting that she would leave the room whilst the matter is considered and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2022/182

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 17 August 2022 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

At 9:03 am, Cr Mario Mlikota left the meeting.

8 CORPORATE AND COMMUNITY SERVICES

8.1 ADERMINA PTY LTD - MATERIAL CHANGE OF USE - RESIDENTIAL CARE FACILITY AND RETIREMENT FACILITY (EXPANSION OF MOUNT KOOYONG NURSERY HOME) - LOTS 1 & 2 ON RP748307 - 62 MOUNT KOOYONG ROAD, JULATTEN - MCU/22/0014

RESOLUTION 2022/183

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Adermina Pty Ltd	ADDRESS	62 Mount Kooyong Road, Julatten
DATE LODGED	16 June 2022	RPD	Lots 1 & 2 on RP748307
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home)		

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 - Residential Care Facility and Retirement Facility (Expansion of Mount Kooyong Nursing Home)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1575-PD-A-00 P1	Cover Sheet	Clarke and Prince Architects	19/05/22
1575-PD-A-01 P2	Locality Plan	Clarke and Prince Architects	19/05/22
1575-PD-A-02 P3	Site Plan - Existing/Demo	Clarke and Prince Architects	19/05/22
1575-PD-A-03 P4	Site Plan - Proposed	Clarke and Prince Architects	19/05/22
1575-PD-A-04 P3	Proposed Floor Plans	Clarke and Prince Architects	19/05/22
1575-PD-A-05 P2	Proposed Elevations - Building 1	Clarke and Prince Architects	19/05/22
1575-PD-A-06 P2	Proposed Elevations - Building 2	Clarke and Prince Architects	19/05/22

(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 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 locations.

3.5 Waste Management

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

3.6 Amalgamation

Prior to the issuance of the Final Certification and Commencement of Use, the lots must be amalgamated.

4. Infrastructure Services and Standards

4.1 Access

The access crossover servicing the development must be maintained (from the edge of Mount Kooyong Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer, for the life of the development.

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

- (a) The applicant/developer must ensure that all car parking for the approved use occurs on site and not on adjoining road reserves.
- (b) All car parking spaces and trafficable areas must be at minimum gravel surfaced and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- (c) All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:
 - Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
 - Australian Standard AS1428:2001 – Design for Access and Mobility.
- (d) All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.5 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 (ASNZ1547) to the satisfaction of the Council's delegated officer.

(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) 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.

(d) 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.

(e) 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)

- 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

- Compliance Permit for Plumbing and Drainage Work

CARRIED

At 9:05 am, Cr Mario Mlikota returned to the meeting.

8.2 EMERALD CREEK HEIGHTS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 49 LOTS) - LOT 219 ON NR378 - 85 GODFREY ROAD, MAREEBA - RAL/21/0016

RESOLUTION 2022/184

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Emerald Creek Heights Pty Ltd	ADDRESS	85 Godfrey Road, Mareeba
DATE LODGED	16 September 2021	RPD	Lot 219 on NR378
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 49 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), referral agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 49 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
401302 ST-01 Issue E	Staging Plan - Lot 219 on NR378	Veris	14/06/2022

(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 this development permit relevant to each Stage of the development must be complied with, to the satisfaction of Council’s delegated officer prior to the endorsement of the plan of survey for that Stage, 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 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with

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

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

3.8 Flood Immunity

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.

- 3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.10 Open Space/Parkland (Stage 3)

At the time of endorsement of the survey plan for Stage 3 or any survey plan creating Lot 904, Lot 904 is to be created as a Reserve (not freehold) for the purposes of parks/open space/public use land. The applicant/developer shall be solely responsible for all costs involved.

3.11 Bushfire Management

- (a) The applicant/developer must ensure all works are carried out so that the development complies with *Part 4. Bushfire Management Plan* of the *Bushfire Hazard Assessment and Management Plan* prepared by *Firecraft Environmental* dated 13 June 2022, to the satisfaction of Council's delegated officer.

Given the high risk of future bushfire incursion on the development site, a statement of Compliance must be provided demonstrating compliance with the entirety of *Part 4. Bushfire Management Plan* (including all relevant subsections) prior to Council endorsing a Survey Plan or Form 18B creating any proposed Lot.

- (b) Future landowners must ensure ongoing compliance with section 4.2 *Responsibilities of the owner/occupier of Lots* contained within the *Bushfire Hazard Assessment and Management Plan* prepared by *Firecraft Environmental* dated 13 June 2022. Future landowners are encouraged to prepare a bushfire survival plan as recommended by the Queensland Fire and Rescue Service.
- (c) At time of dwelling construction, all rear access lots, and for any lot where the dwelling is sited more than 30 metres away from any fire hydrant on the internal access roads, must be provided with 10,000 litres of on-site water supply via:
- A separate tank; or
 - A reserve section in the bottom part of the main water supply tank; or
 - A dam; or
 - A swimming pool.

Where a tank water supply is provided for fire-fighting purposes it must be fitted with standard rural fire brigade fittings and provided with a hardstand area for heavy vehicles.

3.12 Charges

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

3.13 Access and Services Easement/s

Reciprocal access easements must be established over adjoining access handles where a shared driveway arrangement is proposed. If the co-location of underground services is also proposed, the easement/s must be for the purposes of access and services. Easement documents must be submitted to Council for review prior to the endorsement of a plan of survey.

3.14 All rear access allotment must be serviced by an access handle with a minimum width of 6 metres, maintained for the entire length of the access handle.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of the road pavement of the proposed new internal roads, to the property boundary of each allotment) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

A bitumen sealed driveway shall be provided within each battle-axe lot access handle. The driveways must:

- have a minimum formation width of 3 metres.
- be constructed for the full length of the access handle and include an access crossover.
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip.
- include service and utility conduits provided for the full length of the access handle.

Shared access driveways are permitted in instances where 2 rear access handles sit adjacent each other. Reciprocal access easements are required in these instances (refer to condition 3.13).

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 Stormwater Management Plan and Stormwater Quality Management Plan must take into account the staging of the development.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) All stormwater drainage must be discharged at a lawful point of discharge.

4.3 Pedestrian Access - Lot 904

Pedestrian access must be provided along the access handle of Lot 904 to the main body of the allotment. This pedestrian pathway must be constructed, at minimum, to a compact gravel standard and any watercourse crossings must be concrete sealed including culverts to provide all weather pedestrian access.

4.3 Roadworks – Internal

- (a) The main internal access road servicing the entire development (from its intersection with Godfrey Road to the point in which it terminates at the western boundary of the site (labelled "Future Proposed Road Connection") must be constructed the 100-999 VPD road standard outlined in Table D1.4 Rural Road Elements of the FNQROC Development Manual (as amended).

A compacted gravel temporary turn-around area must be constructed at the end of the "Future Proposed Road Connection" and must be appropriately drained.

- (b) The internal access road servicing Stage 1 must be constructed the 100-999 VPD road standard outlined in Table D1.4 Rural Road Elements of the FNQROC Development Manual (as amended).
- (c) The internal access roads servicing Lots 24-28, 38-43 and 904, and 34-37 must be constructed to <100 VPD road standard outlined in Table D1.4

Rural Road Elements of the FNQROC Development Manual (as amended).
A 4.5m wide seal must be maintained in all instances (at minimum).

The aforementioned works are required to be approved as part of a subsequent application to Council for Operational Works.

4.4 Roadworks – External

- (a) Godfrey Road, from its intersection with Emerald End Road, to a point 10 metres past the intersection of the internal access road servicing the development must be constructed to a 6.5m wide bitumen sealed standard with kerb and channel on the northern side of the road only. The road alignment must be offset to the northern side of the road reserve to allow the future widening (to 10 metres) and installation of kerb and channel on the southern side of the road when development demands.
- (b) The intersection of Emerald End Road and the new section of Godfrey Road must be upgraded/constructed to comply with the FNQROC Development Manual (as amended), to the satisfaction of Council's delegated officer.
- (c) Bollards/barrier must be installed at the eastern end of the road required under a to prevent vehicles turning eastwards along the gravel section of Godfrey Road.

The aforementioned works are required to be approved as part of a subsequent application to Council for Operational Works.

4.5 Water Supply

- (a) Where the existing reticulated water supply network 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 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.7 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 power reticulation.

4.8 Telecommunications

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

4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development 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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) Endorsement Fees

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

(e) Compliance with applicable codes/policies

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

(f) Notation on Rates Record

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

- conditions regarding bushfire management including compulsory water storage for firefighting purposes
- a registered easement over the subject site (for any rear access lots with shared driveways)
- conditions regarding on-site effluent disposal (at time of dwelling construction)

- vegetation clearing restrictions imposed by the Department of State Development, Infrastructure, Local Government and Planning (Lots 900 - 904 only)

(g) 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.

(h) 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.dcceew.gov.au

(i) 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.dsdsatsip.qld.gov.au

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency response notice with conditions dated 22 July 2022.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 1 - 18 Lots					
Residential Lots	\$16,208.00	18 Lots	\$291,774.00	1 lot (\$10,130.00)	\$281,614.00
Stage 2 - 14 Lots					
Residential Lots	\$16,208.00	14 Lots	\$226,912.00	Nil	\$226,912.00
Stage 3 - 17 Lots (Excluding Open Space Allotment)					
Residential Lots	\$16,208.00	16 Lots	\$259,328.00	Nil	\$259,328.00
TOTAL CURRENT AMOUNT OF CHARGE					\$767,854.00

CARRIED

8.3 MERAKI EC PTY LTD - MATERIAL CHANGE OF USE - ANIMAL KEEPING (HORSE AGISTMENT SERVICES) & EDUCATIONAL ESTABLISHMENT (HORSE RIDING/EQUESTRIAN SCHOOL) - LOT 142 ON SP200237 & LOT 221 ON SP129907 - 5707 KENNEDY HIGHWAY, MAREEBA - MCU/22/0011

RESOLUTION 2022/185

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Meraki EC Pty Ltd	ADDRESS	5707 Kennedy Highway, Mareeba
DATE LODGED	19 May 2022	RPD	Lot 142 on SP200237 and part of Lot 221 on SP129907
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Keeping (Horse Agistment Services) and Educational Establishment (Horse Riding/Equestrian School)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), concurrence agency

conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Animal Keeping (Horse Agistment Services) and Educational Establishment (Horse Riding/Equestrian School)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
22038 SK01 Rev C	Cover Sheet	Dimarco Designs	20/07/2022
22038 SK02 Rev C	Site Plan	Dimarco Designs	20/07/2022
22038 SK03 Rev C	Plan and Elevations	Dimarco Designs	20/07/2022

(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
 - 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 for the educational establishment (horse riding/equestrian school) aspect shall be between 9:30am and 5:00pm Tuesday 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 locations.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

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

4.2 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).

4.3 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/NZS1547) to the satisfaction of the Council's delegated officer.

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure that the development is provided with a minimum of 12 on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways including within the subject site 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.

4.5 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.

4.6 Vegetation Buffering

4.6.1 A 2 metre wide vegetation buffer is to be planted within Lot 142 on SP200237, between the western side of the proposed covered arena and the common boundary with adjoining Lot 141 on SP200237. The vegetation buffer must extend for the full length of the western side of the proposed covered arena. The vegetation must have a minimum height at maturity of 4 metres. The plan depicting species and area to be planted must be submitted to Council's delegated officer for approval prior to the commencement of the use of the proposed covered arena.

4.6.2 The vegetation buffer must be maintained by the applicant and any subsequent owner of any part of the land affected by this condition.

(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) 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.

(d) 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.dcceew.gov.au.

(e) 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.dsdsatsip.qld.gov.au.

(E) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 24 August 2022

(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)

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

CARRIED

8.4 T-MSC2022-07 COMMERCIAL REAL ESTATE SERVICES FOR SALE OF MAREEBA INDUSTRIAL PARK

RESOLUTION 2022/186

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That the Council awards Tender T-MSC2022-07 Commercial Real Estate Services for the marketing and sale of Mareeba Industrial Park lots to Mareeba Property Office for two (2) years, for the amount of:

1. A once off payment of \$6,000.00 (excl GST) for marketing and advertising fees; and
2. 2.5% (excl GST) commission for each parcel of land sold.

CARRIED

8.5 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2022

RESOLUTION 2022/187

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED**8.6 KURANDA INFRASTRUCTURE AGREEMENT - ANNUAL REPORTING****RESOLUTION 2022/188**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council endorses the submission of the attached annual report on the operation of the Kuranda Fund for 2021/22 to the Department of State Development, Infrastructure, Local Government and Planning.

CARRIED

At 9:16 am, Cr Mario Mlikota left the meeting.

At 9:17 am, Cr Mary Graham left the meeting.

8.7 MAREEBA HERITAGE CENTRE - 100 PARK MARKETS PROPOSAL**RESOLUTION 2022/189**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council enter into an agreement with Mareeba Heritage Centre for the operations of markets at Centenary Park on the 3rd Saturday of the month, subject to these conditions being met:

- (a) A detailed site plan is provided
- (b) A Traffic Management Plan is provided
- (c) A copy of the approved Traffic Guidance Scheme and Department of Transport and Main Roads permit/s is provided
- (d) The funds being contributed by Mareeba Heritage Centre to promote the Markets and to meet initial operational costs is not funded from Council's contribution to the Centre's operational costs.

CARRIED

At 9:19 am, Cr Mario Mlikota returned to the meeting.

At 9:19 am, Cr Mary Graham returned to the meeting.

8.8 CEMETERY MANAGEMENT UPDATE**RESOLUTION 2022/190**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council receives the Cemetery Management Update report.

CARRIED

8.9 MAREEBA SHIRE TOURISM PROMOTION STRATEGY**RESOLUTION 2022/191**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council adopt the Mareeba Shire Tourism Promotion Strategy 2022-25.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 MAREEBA WALKING NETWORK PLAN (WNP)****RESOLUTION 2022/192**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. Adopt the Mareeba Walking Network Plan (WNP).
2. Use the Mareeba Walking Network Plan (WNP) to develop a Mareeba Priority Works Plan.

CARRIED

9.2 PARKS AND OPEN SPACES ACTION PLAN QUARTERLY PROGRESS REPORT - JUNE TO AUGUST 2022**RESOLUTION 2022/193**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council receives the Parks and Open Spaces Action Plan Quarterly Progress Report for the months of June to August 2022.

CARRIED

9.3 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - AUGUST 2022**RESOLUTION 2022/194**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

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

CARRIED

9.4 T-MSC2022-08 KURANDA VILLAGE CLEANING CONTRACT

RESOLUTION 2022/195

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That the Council awards Tender T-MSC2022-08 Kuranda Village Cleaning Contract to Biniris (Aust) Pty Ltd for the amount of \$308,976.96 excluding GST.

CARRIED

9.5 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - AUGUST 2022

RESOLUTION 2022/196

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

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

CARRIED

9.6 PEST MANAGEMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

RESOLUTION 2022/197

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

That Council adopt the attached Pest Management Advisory Committee Terms of Reference.

CARRIED

9.7 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - AUGUST 2022

RESOLUTION 2022/198

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

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

CARRIED

9.8 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2022

RESOLUTION 2022/199

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

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

CARRIED

10 OFFICE OF THE CEO

10.1 CHANGE IN COUNCIL MEETING DATES AND CHRISTMAS SHUTDOWN

RESOLUTION 2022/200

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council approves:

1. The change in date for the December Council Meeting to Wednesday 14 December 2022; and
2. The change in date for the January Council Meeting to Wednesday 25 January 2023; and
3. The 2022/23 Christmas/New Year closure from midday on Friday 23 December 2022 and reopen Tuesday 3 January 2023.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

Stuart Holley was thanked for his contribution to the organisation during his appointment as Acting Director of Infrastructure.

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 26 October 2022.

There being no further business, the meeting closed at 9.53am.

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Cr Angela Toppin

Chairperson