



MINUTES

Wednesday, 16 November 2022

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 16 NOVEMBER 2022 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Cr Kevin Davies, Cr Mary Graham, Cr Lenore Wyatt, Cr Lachlan (Locky) Bensted, Cr Mario Mlikota

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr Daniel (Danny) Bird was granted a leave of absence.

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 2022/223

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 26 October 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 LJ & SC SPEIGHT- MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODTION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 512 ON NR8022 - KENNEDY HIGHWAY, MAREEBA - MCU/22/0016

RESOLUTION 2022/224

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	LJ & SC Speight	ADDRESS	Kennedy Highway, Mareeba
DATE LODGED	22 August 2022	RPD	Lot 512 on NR8022
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017)		

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 - Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
ARCH-01 000	Floor Plan / Site Plan / Site Area	-	1 July 2022
ARCH-01 01/01 Rev 3	Floor Plan	-	1 May 2022
ARCH-03 03/05	Elevations	-	1 May 2022
ARCH-04 04/05 Rev 3	Floor Plan / Elevations / Perspectives	-	1 May 2022
ARCH-05 05/05	Floor Plan / Elevations / Perspectives	-	1 May 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 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
 - 3.4.1 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.

- 3.4.2 The applicant/developer must ensure the approved accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

No amplified music is permitted on-site at any time.

3.5 Waste Management

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

- 3.5.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

3.6 Length of Stay

The maximum length of stay for guests must not typically exceed nine (9) consecutive months, unless otherwise approved by Council's delegated officer.

3.7 Accommodation Capacity

No more than 64 individual workers shall be accommodated on-site at any given time.

Occupancy records must be kept and presented to Council upon request should any complaint of overcrowding be received.

3.8 Signage

Any advertising devices relating to the development must be wholly sited on the subject site and be limited to a cumulative sign face area of 6m² and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

3.9 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, and on each accommodation building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

"Guests should take note:

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

3.10 The workforce accommodation shall not be used for any other purpose than that included in the Planning Regulation definition for 'Workforce Accommodation'.

Upon request by Council, the applicant/owner/operator shall be responsible for providing records to Council, which demonstrates that the occupants of the workforce accommodation are employed in the locality at a place of employment consistent with the Planning Regulation definition.

3.11 A site manager must be present on-site at all times to ensure compliance with these conditions of approval.

3.12 Bushfire Management

3.12.1 A Bushfire Management Plan for the site, incorporating evacuation procedures for guests, 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.

3.12.2 An on-site water supply for firefighting purposes must be provided with a minimum capacity of 5,000 litres that must comprise either:

- (a) a stand-alone tank; or
- (b) a reserve section in the bottom part of the main water supply tank;
or
- (c) a dam; or
- (d) a swimming pool.

Where tank water supply is provided, the outlet must be fitted with a 50mm ball valve with a camlock fitting for connection to firefighting appliances.

4. Infrastructure Services and Standards

4.1 Stormwater Drainage

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 concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.2 Car Parking/Internal Driveways

4.2.1 The applicant/developer must ensure that the development is provided with 17 vehicle parking spaces, and four (4) bus parking spaces as shown on the approved plans. No parking of vehicles or buses is permitted to occur off-site.

4.2.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.2.3 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.

4.2.4 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.

A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.

4.3 Landscaping & Fencing

Prior to building works commencing, the applicant/developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

- (i) A minimum three (3) metre wide landscape buffer along the entire Kennedy Highway frontage of the site;
- (ii) A minimum two (2) metre wide landscape buffer along the entire length of the northern boundary (excluding access ways);
- (iii) a minimum two (2) metre wide landscape buffer along the entire length of the eastern boundary;
- (iv) a minimum two (2) metre wide landscape buffer along the entire length of the southern boundary of the site.
- (v) a 1.8m high colorbond fence (of neutral colour) or timber paling fence (with no gaps) along the entire length of the southern boundary sited on the inside of the 2m landscape buffer required under (iv).
- (vi) any landscaping proposed throughout the facility (not compulsory)

Landscaping associated with points (i), (ii), (iii) and (iv) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than 4 metres in height.

All perimeter landscaping must be undertaken when the building works commence so as to ensure reasonable establishment before the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer. The fencing required under (v) must be installed prior to the commencement of the use.

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.

Note: Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

4.6 Lighting

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.

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.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(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) REFFERAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 4 October 2022.

(F) RELEVANT PERIOD

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

- Material Change of Use aspect – 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

8.2 SIMMS VENEER & SAWMILLS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 265 ON NR6775 - 31 TRIMBLE ROAD, MAREEBA - RAL/22/0013

RESOLUTION 2022/225

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Simms Veneer & Sawmills Pty Ltd	ADDRESS	31 Trimble Road, Mareeba
DATE LODGED	27 July 2022	RPD	Lot 265 on NR6775
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), 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 consider that the assessment manager’s decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
The application conflicts with 3.3.1 Strategic outcomes (5) and (6) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2021) - proposed Lots 1 and 2 will have an area less than 60 ha.	<p>The proposed subdivision will create two allotments, these being proposed Lots 1 and 2 with areas of 17.5 hectares and 15.6 hectares respectively.</p> <p>The proposed development seeks to separate the existing lawful sawmill use from the balance of the underutilised rural agricultural land.</p> <p>The applicant purchased the subject land around 2006 with the primary intent of building and operating a new sawmill to cater for the plantation timber being logged primarily from the State forestry plantations throughout the region.</p> <p>The applicant advises that the sawmill development represents a significant investment of approximately \$11,500,000.00 and their focus continues to be on operating this sawmill. The sawmill does not have a fixed lifespan and is expected to continue to operate whilst plantation timber is replanted and harvested throughout the region.</p> <p>Due to the applicant's focus on their primary business of sawmilling, the agricultural land resource (proposed Lot 1) has remained underutilised since 2006. This agricultural land is likely to continue to remain underutilised unless it can be separated from the sawmill use and sold to an entity focused on farming.</p> <p>Of particular relevance is Strategic outcome 3.3.1(5), as amended by the TLPI, which stipulates that subdivision of rural land does not result in a <i>'detrimental impact on rural productivity or fragments large land holdings'</i>. The subject site is already half the size sought for the rural zone and the proposed subdivision occurs along a site already fragmented by the existing Gilmore Road and will not result in any further fragmentation of the site, in its current</p>

	<p>physical form and operation. There will be no loss of agricultural activities resulting from this proposal, instead, the creation of proposed Lot 1 is very likely to increase agricultural activity.</p> <p>Strategic outcome 3.3.1(6), as amended by the TLPI, also states that <i>'new subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural Zone'</i>. The site is already less than 60ha and is bisected by Gilmore Road, which physically fragments the site into two portions of approximately 15ha each.</p> <p>The proposed subdivision seeks to formalise these two fragmented portions of the site into two individual lots, as determined by the existing site constraints so that the existing sawmill can operate entirely independently from the remainder of the site (proposed Lot 1 - the agricultural land resource).</p> <p>Accordingly, the proposed development will not compromise or further fragment the site beyond its current physical characteristics, nor result in any incompatible land use (proposed Lot 1 already contains a dwelling house), nor compromise the existing rural character or quality of the site.</p> <p>The proposed development does not conflict with the overall settlement pattern or built environment intended for the zone.</p>
<p>The application conflicts with 3.3.11.1 Specific Outcomes (2) & (3) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2021) - proposed Lots 1 and 2 will have an area less than 60 ha.</p> <p>The application conflicts with 6.2.9.2 Purpose (3)(a) of the Rural zone code - proposed Lots 1 and 2 will have an area less than 60 ha.</p> <p>The application conflicts with Performance outcome PO1.1 of the Reconfiguring a lot code - proposed Lots 1 and 2 will have an area less than 60 ha.</p>	<p>The proposed development seeks to separate the existing lawful sawmill use from the balance of the underutilised rural agricultural land.</p> <p>The applicant purchased the subject land around 2006 with the primary intent of building and operating a new sawmill to cater for the plantation timber being logged primarily from the State forestry plantations throughout the region.</p> <p>The applicant advises that the sawmill development represents a significant investment of approximately \$11,500,000.00 and their focus continues to be on operating this sawmill. The sawmill does not have a fixed lifespan and is expected to continue to operate whilst plantation timber is replanted and harvested throughout the region.</p> <p>Due to the applicant's focus on their primary business of sawmilling, the agricultural land resource (proposed Lot 1) has remained underutilised since 2006. This agricultural land is likely to continue to remain underutilised unless it can be separated from the sawmill use and sold to an entity focused on farming.</p> <p>The subject site is already half the size sought for the rural zone and the proposed subdivision occurs along a site already fragmented by the existing Gilmore Road and will not result in any further fragmentation of the site, in its current physical form and operation. There will be no loss of agricultural activities resulting from this proposal, instead, the creation of proposed Lot 1 is very likely to increase agricultural activity.</p> <p>The overarching purpose of the TLPI as reflected in the Ministers Statement of Reasons (for imposing the TLPI) is to disallow subdivision in the Rural zone where creating lots less than 60 ha in order to:</p> <ul style="list-style-type: none"> - Minimise further fragmentation of agricultural land and maintain larger lot sizes to ensure the economic viability of rural land holdings; and

	<p>- to protect important agricultural and rural land from incompatible development and encroachment by urban and rural residential development.</p> <p>The subject site was effectively fragmented by the approval and subsequent development of the sawmill in 2006. The sawmill use and agricultural land resource of proposed Lot 1 are two distinct land uses with no reliance on each another.</p> <p>The proposed subdivision does not propose any further physical fragmentation and will only recognise the existing constraints created by the existence of the sawmill and Gilmore Road.</p> <p>The proposed development will not cause adverse impacts to the existing or future use of the land, as intended by the Settlement Pattern and Built Environment Theme of the Strategic Framework.</p> <p>Accordingly, the rural production values of the site and locality will not be compromised by further fragmentation, alienation or introduction of new incompatible land uses.</p>
<p>The application conflicts with 3.6.1 Strategic Outcome (6) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2021) - proposed Lots 1 and 2 will have an area less than 60 ha.</p>	<p>The proposed development seeks to separate the existing sawmill use from the balance of the agricultural land.</p> <p>Both proposed lots already contain all infrastructure necessary to facilitate their respective ongoing use.</p> <p>Notwithstanding the less than 60 hectares lot size, the proposed subdivision will not place any additional demand on infrastructure networks. This statement is reinforced by the no requirement responses from the referral agencies responsible for State transport infrastructure and the electricity network.</p> <p>Further, no infrastructure upgrade conditions have been proposed by Council officers.</p>

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
22-813 Issue A Sheet No. D01	Plan of Subdivision	Urban Sync Pty Ltd	08 June 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 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) 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 18 August 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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.3 ADOPTION OF NEW REGULATORY SERVICES FEE FOR RESTORATION OF LICENCE UNDER THE PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003

RESOLUTION 2022/226

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council adopts the proposed new restoration fee of \$103.00 for a restoration of licence under the *Public Health (Infection Control for Personal Appearance Services) Act 2003*

CARRIED

8.4 COUNCIL POLICY REVIEW

RESOLUTION 2022/227

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Kevin Davies

That Council:

1. Repeals the
 - (a) Community Partnerships Program Policy – adopted 15 February 2017; and
 - (b) Standpipe Management System Policy – adopted 25 October 2017
2. Adopts the
 - (a) Community Partnerships Program Policy and associated Procedure
 - (b) Metered Standpipe Water Access Policy and associated Procedure

CARRIED

8.5 MAREEBA SHIRE - LOCAL TOURISM ORGANISATION (LTO)

RESOLUTION 2022/228

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council:

1. Endorses *Mareeba Shire Tourism* as the official Local Tourism Organisation (LTO) for the Mareeba Shire
2. Appoints Cr Lenore Wyatt and Ms Jess Fealy as Council's representatives on the Local Tourism Organisation, noting that Cr Wyatt will Chair the Committee
3. Notes the Terms of Reference for the LTO.

CARRIED

8.6 FINANCIAL STATEMENTS PERIOD ENDING 31 OCTOBER 2022

RESOLUTION 2022/229

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. receives the Financial Report for the period ending 31 October 2022;
2. empanels the contractor listed below to add to the Sole Supplier Register.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 REEF GUARDIAN COUNCIL ACTION PLAN 2022-2023

RESOLUTION 2022/230

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council endorses the Mareeba Shire Council Reef Guardian Action Plan 2022 -2023.

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - OCTOBER 2022

RESOLUTION 2022/231

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

CARRIED

9.3 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - OCTOBER 2022**RESOLUTION 2022/232**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

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

CARRIED

9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - OCTOBER 2022**RESOLUTION 2022/233**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - OCTOBER 2022**RESOLUTION 2022/234**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

CARRIED

9.6 CAPITAL PROJECT PRIORITISATION 2023/24**RESOLUTION 2022/235**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council adopts the Project Prioritisation Tool Criteria to develop the 2023/24 Proposed Capital Works Program.

CARRIED

10 OFFICE OF THE CEO**10.1 PROPOSAL TO THE STATE GOVERNMENT AND THE ELECTORAL COMMISSION OF QUEENSLAND****RESOLUTION 2022/236**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council propose to eliminate Vote Canvassers and the handing out of individual 'how to vote' cards and other material at polling locations.

CARRIED**10.2 RE-NAMING GROVES CREEK BRIDGE AS THE BOB MADDEN BRIDGE****RESOLUTION 2022/237**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council rename the Groves Creek Bridge as the Bob Madden Bridge.

CARRIED**11 CONFIDENTIAL REPORTS**

Nil

12 BUSINESS WITHOUT NOTICE**12.1 LEAVE OF ABSENCE****RESOLUTION 2022/238**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Cr Wyatt be granted a leave of absence from the Council meeting scheduled 14 December 2022.

CARRIED**13 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 14 December 2022.

There being no further business, the meeting closed at 9:40am.

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Cr Angela Toppin

Chairperson