



# **MINUTES**

**Wednesday, 15 February 2023**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 15 FEBRUARY 2023 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 2023/22**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That the minutes of Ordinary Council Meeting held on 25 January 2023 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 D, C & D MACKENZIE AND B RHODES - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM - LOT 622 ON SP176565 - 702 SPEEWAH ROAD, SPEEWAH - MCU/22/0023**

**RESOLUTION 2023/23**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	D, C & D Mackenzie and B Rhodes	<b>ADDRESS</b>	702 Speewah Road, Speewah
<b>DATE LODGED</b>	17 November 2023	<b>RPD</b>	Lot 622 on SP176565
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Nature-based Tourism		

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 – Nature-based Tourism

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
FP22/39 Rev A	Site Plan	Freshwater Planning	Nov 22
DAN.01	Plan and Elevations	-	Apr 22
DAN.02	Footing Plan, Roof Plan and Sections	-	Apr 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 location.
- 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 Bushfire Management
- 3.6.1 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.

3.6.2 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 Access

An access crossover must be constructed (from the edge of the Harper Road 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 Drainage

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

4.2.2 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

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.

##### 4.4 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.

#### 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) 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) 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) 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.

(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.dcceew.gov.au](http://www.dcceew.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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.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
- Access approval arising from condition number 4.1

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Nature-based tourism (transport network only)	per cabin				
Stage 1	\$1,013.00	1	\$1,013.00	Nil	\$1,013.00
Stage 2	\$1,013.00	1	\$1,013.00	Nil	\$1,013.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$2,026.00</b>

**CARRIED**

**8.2 APPLICATION FOR CONVERSION TO FREEHOLD OF PASTORAL HOLDING PH14/5422 BEING LOT 14 ON SP250040, PALMER ROAD, LOCALITY OF PALMER**

**RESOLUTION 2023/24**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council advise the Department of Resources that Council has no objection to the conversion to freehold of Pastoral Holding PH14/5422 described as Lot 14 on SP250040, situated at Palmer Road, Locality of Palmer.

**CARRIED**

**8.3 J PORTELLI, B PORTELLI & A STRONG - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 2 & 18 ON SP297295 AND LOT 15 ON SP180665 - 841, 963 & 965 BILWON ROAD, BIBOOhRA - RAL/22/0018**

**RESOLUTION 2023/25**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	James Portelli, Barry Portelli and Anni Strong	ADDRESS	841, 963 and 965 Bilwon Road, Biboohra
DATE LODGED	27 October 2022	RPD	Lots 2 and 18 on SP297295 and Lot 15 on SP180665
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
132_20 Sheet 1 of 2	Proposed Realignment	R. D. Trotter	12.10.2022
132_20 Sheet 2 of 2	Proposed Realignment	R. D. Trotter	12.10.2022

(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, and subject to any alterations:
  - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council’s delegated officer.
  - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council’s legal expenses) to prepare and register the easement documents.
  - 3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.

Where a structure is located in close proximity to a new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey

### 3.6 Charges

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

## (D) ASSESSMENT MANAGER'S ADVICE

### (a) Endorsement Fees

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

### (b) Compliance with applicable codes/policies

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

### (c) 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 (Emt A in Lot Proposed Lot 20 – Benefiting Lot Proposed Lot 21)

### (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](http://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](http://www.dsdsatsip.qld.gov.au).

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 5 December 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**

## **8.4 COUNCIL POLICY REVIEW**

### **RESOLUTION 2023/26**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council:

1. Repeals the
  - (a) Public Interest Disclosure Policy – adopted 29 January 2020;
  - (b) Delegations and Authorisations Policy – adopted 19 March 2019;
  - (c) Caretaker Period Policy – adopted 19 February 2019.
2. Adopts the
  - (a) Public Interest Disclosure Policy;
  - (b) Delegations and Authorisations Policy;
  - (c) Caretaker Period Policy.

**CARRIED**

**8.5 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2023****RESOLUTION 2023/27**

Moved: Cr Mario Mlikota  
Seconded: Cr Daniel (Danny) Bird

That Council receives the Financial Report for the period ending 31 January 2023.

**CARRIED**

**9 INFRASTRUCTURE SERVICES****9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JANUARY 2023****RESOLUTION 2023/28**

Moved: Cr Lenore Wyatt  
Seconded: Cr Daniel (Danny) Bird

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of January 2023.

**CARRIED**

**9.2 LOCAL AREA TRAFFIC MANAGEMENT (LATM) PLAN****RESOLUTION 2023/29**

Moved: Cr Daniel (Danny) Bird  
Seconded: Cr Lenore Wyatt

That Council adopts the draft Local Traffic Management (LATM) Plan for Precinct seven (7), Anzac Avenue.

**CARRIED**

**9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JANUARY 2023****RESOLUTION 2023/30**

Moved: Cr Mario Mlikota  
Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Technical Services Operations Report for January 2023.

**CARRIED**

**9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JANUARY 2023****RESOLUTION 2023/31**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Water and Waste Operations Report for January 2023.

**CARRIED**

**9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2023****RESOLUTION 2023/32**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2023.

**CARRIED**

**10 OFFICE OF THE CEO****10.1 PETITION REGARDING DIMBULAH POOL****RESOLUTION 2023/33**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council receives the petition and a report be tabled at a future Council meeting.

**CARRIED**

**11 CONFIDENTIAL REPORTS**

Council determined that it was not necessary to close the meeting to discuss this matter.

**11.1 HUMAN RESOURCES PROGRESS AND INFORMATION REPORT**

**RESOLUTION 2023/34**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council receives the Human Resources Progress and Information Report.

**CARRIED**

**12 BUSINESS WITHOUT NOTICE**

**12.1 CEO CONTRACT**

**RESOLUTION 2023/35**

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council renew the CEO’s contract for a further term of 5 years on the same terms and conditions as his current contract’ and;

Further authorise the Mayor to take the necessary steps to implement this resolution

**CARRIED**

**13 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 15 March 2023.

There being no further business, the meeting closed at 9.32am.

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Cr Angela Toppin

Chairperson