



MINUTES

Wednesday, 19 April 2023

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 19 APRIL 2023 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

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

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

3 BEREAVEMENTS/CONDOLENCES

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

4 DECLARATION OF CONFLICTS OF INTEREST

Cr Toppin informed the meeting that she has a Prescribed conflict of interest in relation to *ITEM 8.13 Cairns Italian Festival* as she is on the Cairns Italian Festival Advisory Committee. Cr Toppin advised that she would leave the room while the matter is discussed and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2023/55

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 15 March 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 G & G CORDENOS AND S CORDENOS - MATERIAL CHANGE OF USE - CHILD CARE CENTRE - LOT 53 ON SP204554 - 47 ANZAC AVENUE, MAREEBA - MCU/22/0017

RESOLUTION 2023/56

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G & G Cordenos and S Cordenos	ADDRESS	47 Anzac Avenue, Mareeba
DATE LODGED	24 June 2022	RPD	Lot 53 on SP204554
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Child Care Centre		

and in accordance with section 53 of Planning Act 2016, Council considers that the minor noncompliance with the public notification stage has not-

- (a) adversely affected the public's awareness of the existence and nature of the application; or
- (b) restricted the public's opportunity to make properly made submissions about the application;

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 - Child Care Centre

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1675-SK01	Cover Sheet	Humac Design	-
1675-SK02	Site Plan	Humac Design	-
1675-SK03	Site Imagery	Humac Design	-
1675-SK04	Area Plan	Humac Design	-

(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 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.
 - 3.5 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.
 - 3.6 Air Conditioner & Building Plant Screening

The applicant/developer is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening

structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.7 Building Amenity

The development must complement and integrate with the established built character of the Low Density Residential zone, having regard to:

- (a) roof form and pitch;
- (b) eaves and awnings;
- (c) building materials, colours and textures; and
- (d) window and door size and location.

3.8 Safety fencing

A child proof fence or physical barrier is provided to prevent unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children:

- (a) Vehicle manoeuvring and parking areas;
- (b) Refuse storage and servicing areas; and
- (c) Air conditioning, refrigeration plant and mechanical plant.

3.9 Hours of Operation

The operating hours shall be between 6.30am and 6pm Monday to Saturday. No operations are permitted on Sunday or Public Holidays.

4. Infrastructure Services and Standards

4.1 Access

A **commercial** access crossover must be constructed (from the edge of Anzac Avenue to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Where applicable, the applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to building works commencing, the applicant/developer 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.

- 4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.
- 4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.
- 4.3 Car Parking/Internal Driveways
 - 4.3.1 The applicant/developer must ensure the development is provided with on-site car parking spaces generally in accordance with Site Plan 1675-SK02 which are available solely for the parking of vehicles associated with the use of the premises.
 - 4.3.2 All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.
 - 4.3.3 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.
- 4.4 Landscaping and Fencing
 - 4.4.1 The development must be landscaped in accordance with an approved landscape plan.
 - 4.4.2 Prior to the issue of the development permit for operational works, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
 - 4.4.3 The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
 - 4.4.4 The landscaping plan must incorporate the following:
 - (i) A 1.8 metre high colorbond (neutral colour) solid screen fence must be established along the full length of the common boundary between Lot 53 on SP204554 and Lot 197 on NR3143.

- (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.4.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.

4.4.6 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

4.5 Lighting

Where installed, external lighting must be designed and installed in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

4.6 Water Supply

The applicant/developer must connect the proposed development to Council's reticulated water supply in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.7 Sewerage Connection

The applicant/developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.8 Anzac Avenue widening

4.8.1 The applicant/developer must widen the Anzac Avenue sealed pavement by 4.5 metres on the development side, commencing at the eastern end of the existing kerb and channel and extending for a distance of 50 metres to the east, in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.8.2 Kerb and channel is to be provided on the development side, for the entire length of the widening required under 4.8.1.

(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.

(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.

(E) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency response dated 24 March 2023.

(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
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per m2 GFA	GFA (m2)			
Child Care Centre	\$101.00	604.8	\$61,084.80	\$20,260.00 (1 lot)	\$40,824.80
TOTAL CURRENT AMOUNT OF CHARGE					\$40,824.80

CARRIED

8.2 RETURNED & SERVICES LEAGUE OF AUSTRALIA (QUEENSLAND BRANCH) - MATERIAL CHANGE OF USE - MULTIPLE DWELLING EXTENSION - LOT 3 ON CP M35643 - 37 WALSH STREET, MAREEBA - MCU/23/0003

RESOLUTION 2023/57

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Returned & Services League of Australia (Queensland Branch)	ADDRESS	37 Walsh Street, Mareeba
DATE LODGED	8 February 2023	RPD	Lot 3 on CP M35643
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Multiple Dwelling extension		

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 – Multiple Dwelling extension

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
21-058 Sheet 0	Cover Sheet	C & B Designs	30/07/2021
21-058 Sheet 1 P1	Existing Site Plan	C & B Designs	30/07/2021
21-058 Sheet 2 P1	Proposed Site Plan	C & B Designs	30/07/2021
21-058 Sheet 3 P1	Existing Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 4 P1	Existing Elevations	C & B Designs	30/07/2021
21-058 Sheet 5 P1	Demolition Plan	C & B Designs	30/07/2021
21-058 Sheet 6 P1	Proposed Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 7 P1	Proposed Elevations	C & B Designs	30/07/2021
21-058 Sheet 8 P1	Living & Kitchen Elevations	C & B Designs	30/07/2021
21-058 Sheet 9 P1	Bed & Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 10 P1	Ambulant Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 11 P1	Electrical Plan	C & B Designs	30/07/2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

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

3.4 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.

3.5 Letterbox

Each unit is to be provided with an individual letter box.

3.6 Clothes Drying area

A clothesline for units 9-12 is to be provided in accordance with the Drawing No. 21-058 Sheet No. 2 – Proposed Site Plan.

4. Infrastructure Services and Standards

4.1 Stormwater Drainage/Water Quality

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

(b) All stormwater drainage must be discharged to an approved legal point of discharge.

4.2 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with an additional four (4) on-site car parking spaces, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

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.

4.3 Lighting

Where outdoor lighting is required the applicant/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.

4.4 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.5 Sewerage Connection

The applicant/developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

(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) 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

8.3 CHANGE OF DEVELOPMENT APPROVAL - COMARAY PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 61 LOTS IN 5 STAGES) - LOT 100 ON SP320506 & LOT 200 ON SP323217 - EMERALD END ROAD & COUNTRY ROAD, MAREEBA - REC/08/0096

RESOLUTION 2023/58

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

It is recommended that:

1. “In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	Comaray Pty Ltd	ADDRESS	Emerald End Road, Country Road and Annie Court, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	10 February 2023	RPD	Lot 100 on SP320506 & Lot 200 on SP323217
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 61 Lots in 5 Stages)		

and in accordance with the Planning Act 2016, the following

- (a) Condition 3.5 of Council's Negotiated Decision Notice dated 28 March 2012 remain unchanged.
- (b) Condition 3.8 of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

3.8 Bushfire Management

Firebreaks

Where new roads are not involved or it is impractical to use new roads as firebreaks, firebreaks are established that:-

- *have a minimum cleared width of 6m;*
- *have a maximum gradient of 12.5%;*
- *are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles;*
- *have vehicular access at each end or have suitable clear manoeuvring areas for the turning of emergency fire fighting vehicles;*
- *all internal roads are to include fire hydrants;*
- ~~*are within an easement in favour of Council and the Queensland Fire and Rescue Service or road reserve; and*~~
- *Are provided in at least the following situations:*

The required firebreaks will be established:

- *Along the eastern boundary of proposed Lots 38 ~~and 41~~ **to 42 as well as the southern boundary of Lot 42;***
- *Within the unnamed road reserve, for the entire northern road frontage of Lots 32 and 37, immediately adjacent to the agricultural buffer required under Condition 4.11.*
- ~~*Along the southern boundary of proposed Lots 62 and 65.*~~
- ~~*Long the entire eastern and western boundaries of the Vegetation Corridor identified on Drawing No. 11/4743 Stages 3-6 (2B)*~~

Building and Structures (Lots greater than 2,500m²)

- *Are sited in location of lowest hazard within the lot;*
 - *Achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;*
 - *Are 10 metres from any retained vegetation strips or small areas of vegetation;*
 - *Are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.*
- (c) The portion of condition 3.9 pertaining to a covenant, of Council's Negotiated Decision Notice dated 28 March 2012 be deleted.
- (d) Condition 4.11 of Council's Negotiated Decision Notice dated 28 March 2012 remain unchanged.
- (e) Condition 4.14 of Council's Negotiated Decision Notice dated 28 March 2012 be amended as follows:

4.14 External Works - Emerald End Road

*Prior to Council endorsing a plan of survey creating **any Lot of Stage 4 or any Lot in Stage 8b or 8c, whichever occurs first** ~~any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3 and Lots 101 and 102 of Stage 8a)~~, the following works must be completed to the satisfaction of Council's delegated officer:*

- (i) (a) *The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) *The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (ii) *Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:*
- (a) *The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) *The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*

The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.

- (iii) *The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.*

The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.

(iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and the Department of State Development, Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dsdilgp.gov.au (reference: 2008/007471) advising of Council's decision.

CARRIED

8.4 A & C MAXFIELD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 6 ON RP736385 - 497 KOAH ROAD, KOAH - RAL/23/0002

RESOLUTION 2023/59

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	A & C Maxfield	ADDRESS	497 Koah Road, Koah
DATE LODGED	22 February 2023	RPD	Lot 6 on RP736385
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), 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 Reconfiguring a Lot – Subdivision (1 into 2 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
23001	Site Plan	Scope Town Planning	January 2023

(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 for the development, 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 within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to 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.
 - 3.7 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.
 - 3.8 Charges

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

3.9 Bushfire Management

Any new dwelling erected on proposed Lot 2 must:

- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
- (ii) Include on-site water storage of not less than 5,000 litres, fitted with standard rural fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

4. Infrastructure Services and Standards

4.1 Access

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

4.1.2 A bitumen sealed driveway shall be provided within the access handle of proposed Lot 2. The driveway must:

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

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 collected from the site must be discharged to an approved legal point of discharge.

4.3 Water Supply

At the time of construction of a dwelling on proposed Lot 2, a water supply must be provided via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L; and

(ii) which are installed and connected prior to the occupation of the dwelling; or

(c) rights to take water from the Clohesy River.

4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on proposed Lot 2, 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.

4.5 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.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

(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
- A registered easement over the subject site

(g) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au

(h) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- 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
	\$ per Lot (40% reduction of standard charge for no town water/sewer)	Lots		Lots	
Residential	\$12,156.00	2 Lots	\$24,312.00	1 lot	\$12,156.00
TOTAL CURRENT AMOUNT OF CHARGE					\$12,156.00

CARRIED

8.5 DUSTY NUTS PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODATION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 1 ON RP741791 - 8 VICARY ROAD, MAREEBA - MCU/23/0002

The Mayor advised that this item has been held over to a future meeting.

8.6 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JANUARY TO MARCH 2023

RESOLUTION 2023/60

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council That Council receives the quarterly report of the Development and Governance Group for the January to March 2023 quarter.

CARRIED

8.7 OPERATIONAL PLAN 2022/23 PROGRESS REPORT JANUARY TO MARCH 2023

RESOLUTION 2023/61

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council receives and notes the progress report on implementation of the 2022/23 Operational Plan for the period January to March 2023.

CARRIED

8.8 ACQUISITION OF LOT 13 CP861033 - DOYLE STREET MAREEBA**RESOLUTION 2023/62**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council:

1. endorse the acceptance of the offer from the State Department of Resources to purchase in full with a subsequent Deed of Grant issuing, of Lot 13 on Crown Plan 861033; and
2. authorise the Chief Executive Officer to execute all documents necessary to give effect to the acquisition of Lot 13 on Crown Plan 861033.

CARRIED

8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 MARCH 2023**RESOLUTION 2023/63**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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

CARRIED

8.10 CEMETERIES FEES AND CHARGES 2023/2024**RESOLUTION 2023/64**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council adopts the Cemeteries Fees and Charges 2023/2024.

CARRIED

8.11 HALL HIRE FEES AND CHARGES 2023/2024**RESOLUTION 2023/65**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council adopts the Hall Hire Fees and Charges for 2023/2024.

CARRIED

8.12 LIBRARY SERVICE FEES AND CHARGES 2023/2024**RESOLUTION 2023/66**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council adopts the Library Service Fees and Charges 2023/2024.

CARRIED

At 9:23 am, Cr Angela Toppin left the meeting.

8.13 CAIRNS ITALIAN FESTIVAL**RESOLUTION 2023/67**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council provides a one-off cash donation of \$2,500 to the Cairns Italian Festival towards the cost of delivering the Mareeba Salami and Sausage Competition.

CARRIED

At 9:26 am, Cr Angela Toppin returned to the meeting.

8.14 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2022/23 COMMUNITY GRANT ROUND**RESOLUTION 2023/68**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council approves for funding four (4) community grant applications outlined in this report with a total value of \$10,117.

CARRIED

8.15 COMMUNITY HOUSING ASSET MANAGEMENT PLAN**RESOLUTION 2023/69**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council endorses the *Community Housing Asset Management Plan 2023/24 – 2028/29*.

CARRIED

8.16 MAREEBA AIRPORT FUTURE OPTIONS UPDATE**RESOLUTION 2023/70**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council does not proceed any further with the Expressions of Interest (EOI) process for the Mareeba Airport.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 21 MARCH 2023****RESOLUTION 2023/71**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 21 March 2023.

CARRIED

9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MARCH 2023**RESOLUTION 2023/72**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

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

CARRIED

9.3 PARKS AND OPEN SPACES ACTION PLAN PROGRESS REPORT DECEMBER 2022 TO MARCH 2023.**RESOLUTION 2023/73**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Parks and Open Spaces Action Plan Progress Report for the months of December 2022 – March 2023.

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MARCH 2023

RESOLUTION 2023/74

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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

CARRIED

9.5 REEF GUARDIAN COUNCIL - 2022/23 ACTION PLAN

RESOLUTION 2023/75

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council endorse the amended Mareeba Shire Council Reef Action Plan 2022/23.

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MARCH 2023

RESOLUTION 2023/76

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

9.7 APPLICATION FOR SIMULTANEOUS ROAD CLOSURE AND OPENING - LOT 126 HG143 - RA 721 WOLFRAM ROAD DIMBULAH

RESOLUTION 2023/77

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

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

1. Council offers no objection to the proposed Simultaneous Road Closure and Opening as per the attached; Twine Surveyors Supplied Drawing - 9258-RC1-2022.12.24 RevA, subject to the following conditions:

- a) Council requires a minimum 20 metre wide 'road' parcel to remain available as it may be needed for its intended use. Specifically regarding; Point 'C' in Drawing – 9258 RC1 2022.12.24 RevA.
- b) The proponent is wholly responsible for all costs associated with finalising the process.
- c) The subject parcel must be amalgamated into freehold Lot 126 on HG143.

CARRIED

9.8 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MARCH 2023

RESOLUTION 2023/78

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

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

CARRIED

9.9 T-MSC2023-02 MAREEBA WTP FILTRATION SYSTEM UPGRADE

RESOLUTION 2023/79

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That the Council:

- a) awards Tender T-MSC2023-02 Mareeba Water Treatment Plant Filtration System Upgrade Tender to Strategic Builders Pty Ltd for the amount of \$7,875,844.24 (excluding GST).
- b) confirms Council has budgeted their financial contribution to this project, is committed to delivering this project and acknowledges responsibility for any funding shortfall if costs or other contributors change in accordance with the requirements of the Building Our Regions funding agreement.

CARRIED

10 OFFICE OF THE CEO

10.1 COUNCILLOR ATTENDANCE AT THE DEVELOPING NORTHERN AUSTRALIA CONFERENCE

RESOLUTION 2023/80

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council approves the attendance of Cr Mlikota at the Developing Northern Australia Conference in Darwin 24 - 27 July 2023.

CARRIED

10.2 OFFICE CLOSURE FOR STAFF FUNCTION

RESOLUTION 2023/81

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council approves the closure of all Council offices and libraries from 12:30pm - 5pm on Wednesday 19 July 2023.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

Nil

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 17 May 2023.

There being no further business, the meeting closed at 10.01am.

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Cr Angela Toppin

Chairperson