



MINUTES

Wednesday, 17 May 2023

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 17 MAY 2023 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 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 Bird declared a Prescribed Conflict of Interest in relation to *ITEM 8.1 J & R Grego - Material Change of Use - High Impact Industry (Mobile Concrete Batching Plant) - Lot 2 on RP892259 - 47 Myola Road, Kuranda - MCU/22/0005* as he has recently undertaken contract work with the applicant. As a result, Cr Bird advised that he would leave the room whilst the matter is discussed and voted on.

Cr Bensted declared a Prescribed Conflict of Interest in relation to *ITEM 8.3 Endorsement of Temporary Entertainment Approval - 2023 Kuranda Roots Festival*. The nature of the conflict is that his mother owns an adjacent property to the location of the proposed festival. As a result, Cr Bensted advised that he would leave the room whilst the matter is discussed and voted on.

Cr Bensted and Cr Davies advised that the conflict in relation to the Operation and Management of Aquatic Facilities and Dimbulah Caravan Park no longer exists. As such they will not be required to leave the room when *ITEM 9.4 T-MS2023-14 Operation & Management of Aquatic Facilities and Dimbulah Caravan Park* is discussed and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2023/82

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 19 April 2023 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

8 CORPORATE AND COMMUNITY SERVICES

At 9:03 am, Cr Daniel (Danny) Bird left the meeting.

8.1 J & R GREGO - MATERIAL CHANGE OF USE - HIGH IMPACT INDUSTRY (MOBILE CONCRETE BATCHING PLANT) - LOT 2 ON RP892259 - 47 MYOLA ROAD, KURANDA - MCU/22/0005

RESOLUTION 2023/83

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	J & R Grego	ADDRESS	47 Myola Road, Kuranda
DATE LODGED	12 April 2022	RPD	Lot 2 on RP892259
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - High Impact Industry (Mobile Concrete Batching Plant)		

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 - High Impact Industry (Mobile Concrete Batching Plant)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposal Plan - Kuranda Raw Materials	-	-

(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 have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All 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 Emissions
 - 3.4.1 Emissions associated with operational activities must not cause an 'environmental nuisance' within the meaning of the Environmental Protection Act (1994) to any sensitive receptor and comply with the Air Quality Objectives as stated within Schedule 1 of the Environmental Protection (Air) Policy 2019.
 - 3.4.2 Where fitted, all vehicles used in the concrete batching operations must ensure that reversing alarms are of the squawker type rather than beepers.
 - 3.4.3 Should concrete be allowed to set within a concrete truck mixing drum, the concrete truck mixing drum must be taken off site if the concrete is to be removed from the mixing drum. Removal of set concrete using noisy equipment such as jackhammers is not permitted to occur onsite.

3.5 Waste Management

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

3.6 Hours of operation

The authorised operating hours for the concrete batching plant are limited to between 6:00am and 4.00pm, Monday to Saturday. No concrete batching operations are permitted on Sunday or on public holidays.

3.7 Maximum permitted weekly/daily concrete batching production volume

The maximum permitted weekly/daily concrete batching production volume is 120m³ per 6-day week with a maximum of 60m³, on any one day.

Any unused concrete batching production volume is not accumulated.

4. Infrastructure Services and Standards

4.1 Access

An industrial access crossover must be upgraded/constructed (from the edge of Myola Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The access must include widened tapers onto Myola Road in both directions.

4.2 Stormwater/Wastewater Management

4.2.1 Prior to the use commencing, a stormwater/wastewater management plan must be prepared for the concrete batching plant use and submitted to Council's delegated officer for consideration and approval.

4.2.2 The stormwater/wastewater management plan must include:

- (a) Bunding of the concrete batching plant operational area;
- (b) Storage of all fuels, oils, cement and chemicals related to the concrete batching plant operation within the bunded area capable of holding at least 110% of the volume of the largest tank and/or 25% of total maximum drum inventory, whichever is the larger;
- (c) A roof structure over the concrete batching plant operational area, with walls on the southern and eastern side. The roof structure and walls are to be painted a neutral dark green colour;
- (d) Contaminated water from areas such as cement and secondary cementitious material storage, concrete loading, agitator bowl washing and slumping, concrete wash out storage and truck washing areas is collected in in-ground pits or tanks; and
- (e) In-ground pits or tanks maintain sufficient freeboard for rain events to ensure that contaminated water is not permitted to leave the site.

4.2.3 The stormwater/wastewater management plan must be implemented and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.3 Landscape strip - Myola Road

- 4.3.1 Prior to the use commencing, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
- 4.3.2 The landscape plan must include a minimum one (1) metre wide landscape strip along the Myola Road frontage, planted on the existing mound immediately adjacent to the chain wire security fence.
- 4.3.3 The landscape strip must include shrubs and plants that will grow to form an effective visual buffer of no less than two (2) metres in height at maturity and should include at least 25% larger more advanced plant stock.
- 4.3.4 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).
- 4.3.5 The landscaping of the site must be carried out prior to the commencement of the use and in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Compliance with applicable codes/policies

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

- (c) Compliance with Acts and Regulations

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

- (d) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

CARRIED

At 9:09 am, Cr Daniel (Danny) Bird returned to the meeting.

8.2 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

Resolution 2023/84

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

	APPLICATION		PREMISES
APPLICANT	Dusty Nuts Pty Ltd	ADDRESS	8 Vicary Road, Mareeba
DATE LODGED	12 January 2023	RPD	Lot 1 on RP741791
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), 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 – Undefined Use (‘Workforce Accommodation’ as defined by the Planning Regulation 2017)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0715 Sheet No. DA 01-A Issue E	Site Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 02 Issue B	Detail Site Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 03 Issue C	Stage 1 – Floor Plan	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 05 Issue A	Stage 1 – Elevations	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 07 Issue B	Stages 1, 2 & 3 – Elevations Combined	Gregory G Terzi Building Design & Drafting	August 2022
0715 Sheet No. DA 08 Issue B	Vehicle Turning Simulation	Gregory G Terzi Building Design & Drafting	August 2022
-	Landscaping & Fencing Plan	Applicant	02/05/2023

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. This Development Permit authorises Stage 1 only as depicted on the approved plans. The 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

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.

3.5.3 All waste storage areas must remain covered and no food scraps disposed of on-site so as to not encourage scavenging from wildlife and birdlife.

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 24 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 impacts from rural activities, including noise, ground and aerial crop spraying, 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 must 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. The managers residence must not be used to accommodate anyone other than the site manager and their immediate family.

The site manager's contact details must be made available to adjoining landowners.

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 Access

4.1.1 The existing access crossover must be constructed/upgraded to a commercial standard (from the edge of Vicary Road for a length of at least 10 metres) in accordance with FNQROC Development standards. The crossover must be at least six (6) metres wide and be constructed of either asphalt or reinforced concrete (no bitumen).

4.1.2 The access driveway/s servicing the development (from the crossover required by condition 4.1.1 and the property boundary including both the northern and southern access points) must be upgraded/constructed to at least a three (3) metre wide x 150mm thick compacted gravel standard, to the satisfaction of Council's delegated officer. The driveway must be appropriately drained and maintained in good order and safe repair for the life of the development, to the satisfaction of 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 Footbath (Panama Disease Tropical Race 4)

In order to reduce the risk of contamination of the site with Panama Disease Tropical Race 4, a footpath is to be installed between the car parking area and site entrance for daily use by workers residing on-site. The on-site manager must ensure that all work shoes worn by farm workers during the course of their workdays are processed through the footbath before entering the property. Recreational footwear not worn on farms is not required to be washed.

4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure that the development is provided with a total of five (5) formal vehicle parking spaces and a total of two (2) bus parking spaces. No parking of vehicles or buses is permitted to occur off-site in any road reserve or within the adjoining rail trail at any time.

4.4.2 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.

4.4.3 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.

4.4.4 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/s indicating the availability of on-site parking.

4.5 Landscaping & Fencing

Prior to building works commencing, the applicant/developer must prepare and submit a landscape buffer and fencing plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The extent of landscaping and fencing included in the plan should be consistent with that included on the submitted "Landscaping & Fencing Plan" dated 02/05/2023 and include the following at a minimum:

(i) A minimum two (2) metre wide landscape buffer along the eastern boundary of the site to the extent shown on the submitted Landscaping & Fencing Plan (the landscape buffer may include existing landscaping);

(ii) a minimum five (5) metre wide landscape buffer along the western boundary of the site to the extent shown on the submitted Landscaping & Fencing Plan.

(iii) a minimum four (4) metre wide landscaping buffer to the south of the development linking the landscape buffers required under (i) and (ii) above, to the extent shown on the submitted Landscaping & Fencing Plan;

(iv) a two (2) metre high colorbond fence (of neutral colour) or overlapping timber paling fence (with no gaps) along the western boundary of the site and wrapping around the northern side of the development footprint extending to the eastern boundary of the site, to the extent shown on the submitted Landscaping & Fencing Plan (located on the outside of the vegetation buffering required by (ii) above);

(v) a 1.8 metre high chain mesh fence along the entire length of the southern boundary and part of the eastern boundary to the point where the solid screen fencing required by (iv) begins.

(vi) any landscaping proposed throughout the facility (not compulsory)

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

Landscaping associated with point (ii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height.

All 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 (iv) and (v) must be installed prior to the commencement of the use.

4.6 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".

4.7 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.

4.8 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 (restaurants/bed & breakfasts etc.)

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.dccew.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.

(f) Access Driveway Standard & Maintenance

The compacted gravel access driveway used to access the development from Vicary Road is considered a private driveway only. The maintenance and upkeep of this private driveway is the sole responsibility of the applicant/developer/landowner and should you wish to upgrade this driveway in future to include a bitumen/asphalt or concrete seal, Council is not liable or responsible for contributing in any way to the cost of these works.

(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 4.1.1 and 4.1.2 (Please contact Planning Section to obtain application form and applicable fee)

CARRIED

At 9:13 am, Cr Lachlan (Locky) Bensted left the meeting.

8.3 ENDORSEMENT OF TEMPORARY ENTERTAINMENT APPROVAL - 2023 KURANDA ROOTS FESTIVAL

RESOLUTION 2023/85

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

Due to the delays in the current planning development application assessment process, Council endorses the Temporary Entertainment Event Application for Rudekat Records for the Kuranda Roots Festival on 545 Kay Road Mareeba, from 14 to 16 July 2023, which are subject to the following conditions:

1. the permissible noise level measured at the nearest occupied building must not exceed the following limits—
 - (i) before 7 am, if the use causes audible noise; or
 - (ii) from 7 am to 10 pm, if the use causes noise of more than 70dB(A); or
 - (iii) from 10 pm to midnight, if the use causes noise of more than the lesser of the following
 - i. 50dB(A);
 - ii. 10dB(A) above the background level;
2. if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;
3. amplification equipment used for the prescribed activity shall be set up so as to minimise the noise impact on residential premises;
4. a letter drop must be conducted to residents within 200 metres of the boundaries of the site where the prescribed activity is being held. The letter must detail the dates and operating times of the prescribed activity;
5. during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by mobile phone. The approval holder, or any person acting on behalf of the approval holder, must be able to exercise control over the volume of the sound at the mixing console;
6. the approval holder must maintain a defined access point for emergency vehicles at all times;
7. the approval holder must provide a first aid station and qualified first aid officer/s;
8. food shall be sold only from the temporary food stalls or mobile food vans approved by the local government. All food must be processed, prepared, and packed in accordance with the provisions of the Food Act 2006;
9. an adequate number of toilets are to be provided to meet the needs of all attendants. All toilets are to be kept in a sanitary state at all times during the prescribed activity;
10. for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy -

- (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
11. prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
 12. the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
 13. if the activity involves playing live or taped performances—the approval holder must obtain a casual licence from the Australasian Performing Rights Association;
 14. the approval holder must comply with relevant workplace health and safety requirements.

Non Standard Conditions:

1. the approval is valid from 14 July 2023 to 16 July 2023;
2. any documentation provided to the emergency services departments, assessed and approved by those departments, must be adhered to at all times;
3. No further Temporary Entertainment Approvals will be issued under the *Mareeba Shire Council Local Law No. 1 (Administration) 2018* for the event known as the Kuranda Roots Festivals, held on the property at 545 Kay Road Mareeba. All necessary and approved development approvals must be obtained by the applicant prior to any future events or festivals held on the property.
4. queuing of vehicles along Emerald Creek Falls is not permitted, all vehicles must drive into the property for processing;
5. the applicant is responsible to ensure that Traffic Management Services are adequate for the duration of the event;
6. Ensure that adequate numbers of fully qualified First Aid Personnel are attending and working at the event, as per requirements of the Officer in Charge, Queensland Ambulance Service Mareeba.
7. contact must be made with the Mareeba Fire and Rescue duty officer prior to the event to coordinate a pre event inspection for fire safety and access and any concerns addressed in the interest of safety;
8. hazard mitigation plans in regard to the fire risk must be supplied prior to the event for consultation, and to assist with a request for a Permit to Light a Fire if burning of excess fuel is required. These plans should include resources on scene to combat fire and fire breaks around camp areas. Hazard mitigation plans to be supplied to QPWS also for consultation and approval as adjoining landholder and key stakeholder in the area;
9. helicopter landing area to be inspected by Queensland Fire and Rescue Services and any concerns addressed prior to the event;
10. ensure the area is cleaned at the end of the event and all waste is disposed of by licence contractor.

11. The event to cater for a maximum of 700 attendees.

CARRIED

At 9:14 am, Cr Lachlan (Locky) Bensted returned to the meeting.

8.4 COUNCIL POLICY REVIEW

RESOLUTION 2023/86

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council:

1. Repeals the:
 - (a) Community Management of Halls & Associated Facilities Policy – adopted 15 February 2017
 - (b) Community Leasing Policy – adopted 15 February 2017
2. Adopts the:
 - (a) Community Management of Halls and Associated Facilities Policy
 - (b) Community Leasing Policy

CARRIED

8.5 DISPOSAL OF LOTS 401 AND 402 K2351 KINGSBOROUGH

RESOLUTION 2023/87

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council:

1. Determines that that the exception provision under section 236(1)(c)(iv) of the *Local Government Regulation 2012* (Qld) (LGR) from the requirement under section 227 of the LGR to dispose of a non-current asset by tender or auction, applies to the disposal of Lots 402 and 401 K2351;
2. Approves the disposal of Lots 402 and 401 K2351 to the owners of adjoining Lot 403 K2351 conditional upon:
 - (a) The buyer meeting the required unimproved land value of \$8,800.00 for Lot 402 and \$4,827.00 for Lot 401 exclusive of GST; and
 - (b) The amalgamation of Lots 402 and 401 into the land holdings of Lot 403; and
 - (c) all administrative costs associated with preparation of instruments including but not limited to, Contract of Sale, surveying of the land, transfer of title, and Titles Registry fees being borne by the buyer.

3. Delegates authority to Chief Executive Officer to execute all necessary instruments to give effect to the disposal of Lots 402 and 401 K2351.

CARRIED

8.6 MAREEBA COMMUNITY TASKFORCE 3 YEAR ACTION PLAN AND PROGRESS REPORT 2022

RESOLUTION 2023/88

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council adopts the Mareeba Community Taskforce 3 Year Action Plan and Progress Report 2022.

CARRIED

8.7 FINANCIAL STATEMENTS PERIOD ENDING 30 APRIL 2023

RESOLUTION 2023/89

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council receives the Financial Report for the period ending 30 April 2023.

CARRIED

8.8 GENERAL AND FINANCE FEES AND CHARGES 2023/24

RESOLUTION 2023/90

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council adopts the General and Finance Fees and Charges for 2023/24.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - APRIL 2023****RESOLUTION 2023/91**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

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

CARRIED

9.2 T-MSC2023-06 REGISTER OF PRE-QUALIFIED SUPPLIERS LIST - INFRASTRUCTURE MAINTENANCE SERVICES - 1 JULY 2023 TO 30 JUNE 2025**RESOLUTION 2023/92**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council empanels the contractors listed in the documentation attached to this report for the purpose of providing a Register of Pre-qualified Suppliers for the period from 1 July 2023 to 30 June 2025.

CARRIED

9.3 TECHNICAL SERVICES FEES AND CHARGES 2023/24**RESOLUTION 2023/93**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council adopts the Technical Services, 2023/24 Fees and Charges schedules for Rural Addressing and Aerodromes.

CARRIED

9.4 T-MSC2023-14 OPERATION & MANAGEMENT OF AQUATIC FACILITIES AND DIMBULAH CARAVAN PARK**RESOLUTION 2023/94**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That the Council:

1. awards Tender T-MSC2023-14 Operation & Management of Aquatic Facilities and Dimbulah Caravan Park to Bajada Pty Ltd trading as Marlin Coast Swimming & Fitness at an annual cost to Council of \$606,363.64 (excl GST), for a 10 year period; and
2. delegates authority to the Chief Executive Officer to negotiate and finalise all matters relevant to the lease in consultation with the Mayor and Councillors.

CARRIED

9.5 TENDER AWARD - T-MSC2023-10 DRFA WESTERN ROADS PACKAGE**RESOLUTION 2023/95**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That the Council awards Tender T-MSC2023-10 Western Roads Package to Gregg Construction Pty Ltd for the amount of \$548,170.63 (excl GST).

CARRIED

9.6 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - APRIL 2023**RESOLUTION 2023/96**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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

CARRIED

9.7 TENDER AWARD - T-MSC2023-09 DRFA DIMBULAH ROADS PACKAGE**RESOLUTION 2023/97**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That the Council awards Tender T-MSC2023-09 Dimbulah Roads Package to G&M Civil Contracting Pty Ltd for the amount of \$936,185.68 (excl GST).

CARRIED**9.8 TENDER AWARD - T-MSC2023-08 DRFA MID WESTERN ROADS PACKAGE****RESOLUTION 2023/98**

Moved: Cr Mario Mlikota

Seconded: Cr Daniel (Danny) Bird

That the Council awards Tender T-MSC2023-08 Mid-Western Roads Package to Errol Fitzgerald Pty Ltd for the amount of \$786,416.81 (excl GST).

CARRIED**9.9 TENDER AWARD - T-MSC2023-11 DRFA EASTERN ROADS PACKAGE****RESOLUTION 2023/99**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That the Council awards Tender T-MSC2023-11 Eastern Roads Package to Keltone Constructions Pty Ltd for the amount of \$836,726.27(excl GST).

CARRIED

Cr Bensted and Cr Davies recorded their vote against the motion.

9.10 WATER WASTEWATER & WASTE FEES AND CHARGES 2023/24**RESOLUTION 2023/100**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council adopts the Water Wastewater and Waste Fees and Charges for 2023/24.

CARRIED

9.11 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - APRIL 2023**RESOLUTION 2023/101**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

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

CARRIED**9.12 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - APRIL 2023****RESOLUTION 2023/102**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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

CARRIED**10 CONFIDENTIAL REPORTS**

Nil

11 BUSINESS WITHOUT NOTICE**11.1 CCTV****RESOLUTION 2023/103**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That a Report to Council be presented at the June Council Meeting detailing the potential capital and operating costs of installing a CCTV system in Byrnes Street and Railway Avenue.

CARRIED

11.2 GRAFFITI

RESOLUTION 2023/104

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That a Report to Council be prepared making recommendations regarding removal of graffiti on private buildings, potentially in line with Townsville City Council's policy.

CARRIED

11.3 OOTANN ROAD

RESOLUTION 2023/105

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That a Report to Council be prepared regarding the transfer of Ootann road to the Department of Transport and Main Roads and the acceptance of the Herberton-Petford Road in exchange.

CARRIED

11.4 CBD TOILET BLOCK

RESOLUTION 2023/106

Moved: Cr Angela Toppin

Seconded: Cr Mario Mlikota

That the construction of the new toilet block in the CBD be put on hold and Report be prepared for Council making recommendations for its exact placement given the safety concerns.

CARRIED

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 21 June 2023.

There being no further business, the meeting closed at 10:02am.

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Cr Angela Toppin

Chairperson