Mareeba
SHIRE COUNCIL

MINUTES

Wednesday, 20 September 2023

Ordinary Council Meeting

MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 20 SEPTEMBER 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

5 CONFIRMATION OF MINUTES

RESOLUTION 2023/173

Moved: Cr Mario Mlikota
Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 16 August 2023 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

7 DEPUTATIONS AND DELEGATIONS

8 CORPORATE AND COMMUNITY SERVICES

8.1 B CAMPBELL - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - LOT 1 ON RP719746 - 49 WALSH STREET, MAREEBA - MCU/23/0011

RESOLUTION 2023/174

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	B Campbell	**ADDRESS**	49 Walsh Street, Mareeba
DATE LODGED	16 June 2023	**RPD**	Lot 1 on RP719746
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Short-term Accommodation		

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 – Short-term Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0730 DA01 A	Proposed Site Plan & Property Boundaries Plan	Gregory G Terzi	Jan 2023
0730 DA02 A	Ground Level – Proposed Floor and part Site Plan	Gregory G Terzi	Jan 2023
0730 DA03 A	Upper Level – Proposed Floor Plan	Gregory G Terzi	Jan 2023

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.

3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

3.4 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.

3.5 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.

3.6 Waste Management

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

3.7 Clothes Drying Facilities

Sufficient area for clothes drying is to be provided at the rear of the short-term accommodation and is to be appropriately screened from view of adjoining properties and the street.

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

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

4. Infrastructure Services and Standards

4.1 Access

Both access crossovers must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, 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 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of three (3) on-site car parking spaces in accordance with Drawing No. 0730 Sheet DA 02 A, 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.

4.4 Landscaping & Fencing

4.4.1 Prior to the commencement of the use, a minimum one (1) metre wide landscaping strip must be established along the entire Walsh Street frontage (excluding pedestrian and vehicle access points) of Lot 1 on RP719746.

4.4.2 Where new plants are to be planted, these plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

4.4.3 The landscaping strip must be irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.4.4 Prior to the commencement of the use, the applicant/developer must erect a 1.8 metre high solid screen fence constructed of Colourbond (of neutral colour) or other suitable material approved by Council, along the entire length of the side and rear boundaries of Lot 1 on RP719746.

4.4.5 All fencing must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Privacy Screening

Prior to the commencement of the use, the applicant/developer must ensure directional privacy screening is installed external to all upper floor windows to effectively screen from view the adjoining allotments.

4.6 Lighting

Where outdoor lighting is required, the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected, or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

(D) ASSESSMENT MANAGER'S ADVICE

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a ***general biosecurity obligation***) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at Electric ants in Queensland | Business Queensland or contact Biosecurity Queensland 13 25 23.

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

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 bedroom with 1 or 2 beds	**Bedrooms**		**1 Dwelling**	
Accommodation (short term)	**$7,415.00**	**7**	**$51,905.00**	**$20,768.00**	**$31,137.00**
TOTAL CURRENT AMOUNT OF CHARGE					**$31,137.00**

CARRIED

8.2 A & S GRIST - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOT 672 ON SP295201 - 1 COPLAND ROAD, KOAH - RAL/23/0004

RESOLUTION 2023/175

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

APPLICATION		**PREMISES**	
APPLICANT	A & S Grist	**ADDRESS**	1 Copland Road, Koah
DATE LODGED	16 May 2023	**RPD**	Lot 672 on SP295201
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 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), referral agency conditions in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (1 into 3 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA-001	Plan of Development – 1 Copland Road, Koah	Innovate Urban	28/07/2023

(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, 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

   The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

   3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.

   3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

   3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.

   3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that

are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.

3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.6 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

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

3.8 Lot Size

Lots 1 and 2 must achieve sizes of at least 1.5 hectares and 1.25 hectares respectively.

3.9 Slope Stability

For any new building work proposed on a slope of 15% or greater, the applicant/developer must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- the long-term stability of the development site; and
- that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site.

3.10 Flood Immunity

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

3.11 Bushfire Hazard Management

3.11.1 Any new dwelling erected on the proposed allotments 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, with a 50mm male camlock fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

3.11.2 A Bushfire Hazard Management Plan must be prepared for each lot to the satisfaction of Council's delegated officer. The future use of each lot must comply with the requirements of the Management Plan at all times.

3.12 Charges

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

4. Infrastructure Services and Standards

4.1 Access

4.1.1 New or existing access crossovers must be upgraded/constructed (from the edge of Koah Road to the property boundaries of Lots 1 and 2) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Given the location of the access handle for Lot 3 adjacent the Koah/Copland Road intersection and given the construction standard and geometry of the intersection, access crossover works are not required for Lot 3.

4.1.2 The access handle driveway for Lot 3 is to be constructed to a two (2) coat bitumen, asphalt or concrete sealed standard for the full length of the access handle, to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum sealed width of 3 metres; and
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle.

4.2 Frontage Works - Koah Road

4.2.1 Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of two (2) metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The road must be widened for a length of <u>140 metres only</u> starting from the western corner of the site (adjacent the access crossover of Lot 671 on SP295201 and extending south-east).

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for Operational Works.

4.2.2 In lieu of undertaking the abovementioned operational works, the applicant/developer may elect to provide a monetary contribution to Council equal to the cost of undertaking the works required by condition

4.2.1. A written itemised quote from a civil contractor to determine the cost of the works must first be provided to Council and accepted by Council's delegated officer. The monetary contribution must be paid prior to the endorsement of the plan of survey.

4.3 Stormwater Drainage

4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land, as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.3.2 All stormwater drainage must be discharged at a lawful point of discharge.

4.4 Water Supply

At the time of construction of a new dwelling on any lot, 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.

(c) Water access rights to a perennial watercourse.

4.5 On-Site Wastewater Management

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

4.6 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.

4.7 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) 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.

(d) 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.

(e) 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 on-site water supply applicable at time of new dwelling construction of each lot.
- Conditions regarding on-site effluent disposal applicable at time of new dwelling construction on each lot.
- Conditions relevant to any future building works on sloping land
- Conditions regarding bushfire management/bushfire management plan
- A registered easement over the subject site (Lot 2 Only)
- Conditions regarding flood immunity

(f) 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

(g) 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

(h) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a ***general biosecurity obligation***) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at Electric ants in Queensland | Business Queensland or contact Biosecurity Queensland 13 25 23.

(E) REFFERAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 17 August 2023.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	$ per Lot (40% reduction of standard charge for no town water/sewer)	**Lots**		**Lots**	
Residential	**$12,460.80**	**3 Lots**	$37,382.40	1 lot ($12,460.80)	**$24,921.60**
TOTAL CURRENT AMOUNT OF CHARGE					**$24,921.60**

CARRIED

8.3 J VAN NIEKERK - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 1 & 3 ON RP723067 - 110 HORSE CREEK ROAD, MUTCHILBA - RAL/23/0006

RESOLUTION 2023/176

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

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	J Van Niekerk	**ADDRESS**	110 Horse Creek Road, Mutchilba
DATE LODGED	26 June 2023	**RPD**	Lots 1 & 3 on RP723067
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Lot 1 & 3 RP723067 Boundary Realignment	-	5 June 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, except where specified otherwise in these conditions of approval.
3. General
   3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
   3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
   3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where

required by the relevant authority, unless approved by Council's delegated officer.

3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where a structure is located in close proximity to a new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

3.6 Charges

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

3.7 A minimum 8 metre wide access easement must be established over Lot 1 to service Lot 3 generally in accordance with the position and orientation shown on the approved plan. The access easement documents must be submitted to Council for review prior to endorsement of a plan of survey.

(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) 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.

(c) 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.

(d) 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.

(e) Notation on Rates Record

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

- a registered easement over the subject site

(f) 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.

(g) 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.

(h) Sunwater Advice

It is recommended that the applicant/developer negotiate with Sunwater and the State Government to open appropriate access easements over both Lot 354 on HG260 and Lot 2 on RP723067 (Unallocated State Land) to provide proposed Lots 1 and 3 and Lot 2 on RP723067 with legal access to Horse Creek Road.

(i) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a ***general biosecurity obligation***) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at Electric ants in Queensland | Business Queensland or contact Biosecurity Queensland 13 25 23.

(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

- Nil

CARRIED

8.4 A LEIGHTON - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 77 ON HG470 & LOT 148 ON HG569 - 229 RANDAZZO ROAD, MAREEBA - RAL/23/0005

RESOLUTION 2023/177

Moved: Cr Mary Graham
Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	A Leighton	**ADDRESS**	229 Randazzo Road, Mareeba
DATE LODGED	19 June 2023	**RPD**	Lot 77 on HG470 & Lot 148 on HG569
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AU009937-1	Proposed Boundary Realignment Lot 148 on HG569 & Lot 77 on HG470, Randazzo Road, Paddys Green	RPS	5-6-2023

(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, except where specified otherwise in these conditions of approval.

3. General

   3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

   3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.

   3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

   3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

   3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.

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

3.6 Charges

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

4. Infrastructure Services and Standards

4.1 An access crossover must be constructed (from the edge of the road pavement of Randazzo Road to the property boundary of proposed Lot 2) in accordance with the FNQROC Development Manual, 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) Endorsement Fees

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

(c) Compliance with applicable codes/policies

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.

(f) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a ***general biosecurity obligation***) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at Electric ants in Queensland | Business Queensland or contact Biosecurity Queensland 13 25 23.

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 5 July 2023.

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

CARRIED

8.5 CHANGE OF DEVELOPMENT APPROVAL - GLEN & ALLYSON SHEPPARD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOTS 1, 2 & 3 ON SP333837 - 7, 9 & 29 BOYLES ROAD, KURANDA - RAL/20/0003

RESOLUTION 2023/178

Moved: Cr Mary Graham
Seconded: Cr Daniel (Danny) Bird

It is recommended that:

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

APPLICATION		PREMISES	
APPLICANT	Glen & Allyson Sheppard	**ADDRESS**	7, 9 & 29 Boyles Road, Kuranda
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	7 July 2023	**RPD**	Lots 1, 2 & 3 on SP333837 (formerly Lot 2 on RP726691)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 Lots)		

and in accordance with the Planning Act 2016, the following

(a) Condition 3.11 of Council's Decision Notice dated 20 January 2021 be amended as follows:

3.11 Building Envelopes

(a) The approved building envelopes for proposed lots 1 and 2 are the building envelopes shown on ~~plan No. R4 20 (2) dated 12/11/2020~~ ***Drawing No. 8842-BE Rev B - Building Envelope RAL/20/0003 Prepared by Twine Surveys and dated 13/07/2023****. The building envelopes must not exceed ~~2,500m²~~* ***4000m²*** *each (excluding access driveways).*

Note: Implementing the revised building envelope plan will trigger the requirement for both lots 1 and 2 to be resurveyed and may require a new Covenant Form 31 and Form 20 to be submitted for each lot. The standard fees will apply for Council to endorse the new plan of survey and covenant forms (if necessary).

(b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.

(c) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.

(d) No vegetation shall be cleared outside the approved building envelopes.

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision".

CARRIED

8.6 CHANGE OF DEVELOPMENT APPROVAL - REEVER AND OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM (NATURAL ENVIRONMENT, CULTURE & HERITAGE APPRECIATION) - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/20/0003

RESOLUTION 2023/179

Moved: Cr Lenore Wyatt
Seconded: Cr Lachlan (Locky) Bensted

It is recommended that:

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

APPLICATION		**PREMISES**	
APPLICANT	Reever and Ocean Pty Ltd	**ADDRESS**	112 Barwell Road, Kuranda
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	28 July 2023	**RPD**	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Nature-based Tourism (Natural Environmental, Culture & Heritage Appreciation)		

and in accordance with the Planning Act 2016, the following

(a) That Condition 2.3 of Councils Amended Decision Notice dated 3 December 2021 should **remain**, and be amended as follows:

2.3 Approval Lapse Date

In accordance with section 65 (2) of the Act, this development permit will cease to have effect on ***31 December ~~2022~~ 2025****. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December ~~2022~~ 2025.*

(b) The 'Currency Period of Approval' section of the Amended Decision Notice dated 3 December 2021 be amended as follows:

The relevant period for this development approval will now end on 31 December ~~2022~~ ***2025****.*

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision."

CARRIED

8.7 LICENCE AGREEMENT - PART OF LOT 214 SP297028 - REQUEST FOR APPROVAL FOR FURTHER TERM

RESOLUTION 2023/180

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Kevin Davies

That Council

1. Decide that section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) applies to the disposal of a valuable non-current asset – that being part of Lot 214 SP297028 (Previously 214 DA461) Wetherby Road Mount Molloy– other than by tender or auction.
2. Approve a renewal term of five years for the Licence Agreement over part of Lot 214 SP297028 (Previously 214 DA461) Wetherby Road Mount Molloy as issued to the current Licensee, Wetherby Station (Colless Family Trust), in accordance with the terms set out in this report.

CARRIED

8.8 COUNCIL POLICY REVIEW

RESOLUTION 2023/181

Moved: Cr Mario Mlikota
Seconded: Cr Mary Graham

That Council:

1. Repeals the:
   (a) Standing Orders (Meeting Procedures) for Council Meetings – adopted 18 November 2020
2. Adopts the:
   (a) Standing Orders (Meeting Procedures) for Council Meetings

CARRIED

8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2023

RESOLUTION 2023/182

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mary Graham

That Council:

1. receives the Financial Report for the period ending 31 August 2023;
2. empanels the contractor listed below to add to the sole supplier list.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - AUGUST 2023

RESOLUTION 2023/183

Moved: Cr Mario Mlikota
Seconded: Cr Kevin Davies

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

CARRIED

9.2 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - AUGUST 2023

RESOLUTION 2023/184

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

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

CARRIED

9.3 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2023

RESOLUTION 2023/185

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Mary Graham

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

CARRIED

9.4 T-MSC2023-17 MAREEBA MAUSOLEUM WALL

RESOLUTION 2023/186

Moved: Cr Lenore Wyatt
Seconded: Cr Kevin Davies

That Council awards Tender T-MSC2023-17 Mareeba Mausoleum Wall Tender to Mindil Pty Ltd for the amount of $241,509.09 (excl. GST).

CARRIED

9.5 T-MSC2023-20 CEDRIC DAVIES COMMUNITY HUB ROOF UPGRADE

RESOLUTION 2023/187

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

That the Council awards Tender T-MSC2023-20 Cedric Davies Community Hub Roof Upgrade to BSP Plumbing, Roofing, Excavation, for the amount of $316,379 (excl. GST).

CARRIED

9.6 T-MSC2023-21 BICENTENNIAL LAKES SOUTHERN - PLAYGROUND TENDER AWARD

RESOLUTION 2023/188

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Mario Mlikota

That the Council endorses the awarding of Tender T-MSC2023-21 Bicentennial Lakes Playground Design and Installation to Bigsplash Playgrounds Pty Ltd for the fixed price amount of $300,000 (excl. GST).

CARRIED

9.7 T-MSC2032-12 MSC DRFA 2022 - GULLY BETTERMENT PROGRAM

RESOLUTION 2023/189

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Kevin Davies

That Council:

1. awards Tender T-MSC2023-12 Gully Betterment Program to S&K Civil Pty Ltd, subject to Queensland Reconstruction Authority (QRA) approval; and
2. delegates authority to the Chief Executive Officer to negotiate and finalise all matters relevant to the contract, in consultation with the Mayor and Councillors; and
3. funds an additional trial project, on a crossing yet to be established, on Hodzic Road.

CARRIED

9.8 APPLICATION FOR PERMANENT ROAD CLOSURE - ABUTTING LOT 525 NR6956 - 13 BOWERS ST MAREEBA

RESOLUTION 2023/190

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

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

1. Council, noting that the subject land is not required for road purposes, offers no objection to the permanent closure of the subject road parcel as per Council Drawing: Lot 525 – Amended, subject to the following conditions:
    a. Council requires a minimum 25 metre wide 'road' parcel to remain available as it may be needed for its intended use.
    b. The proponent is wholly responsible for all costs associated with finalising the process.
    c. The subject parcel must be amalgamated into freehold Lot 525.
2. Council notes receipt of an objection to the proposal, however, the objector should lodge their objection directly with the Department of Resources.

CARRIED

9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - AUGUST 2023

RESOLUTION 2023/191

Moved: Cr Kevin Davies
Seconded: Cr Lenore Wyatt

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

CARRIED

9.10 T-MSC2023-19 MANHOLE REHABILITATION AND REPLACEMENT PROGRAM

RESOLUTION 2023/192

Moved: Cr Lenore Wyatt
Seconded: Cr Kevin Davies

That Council awards Tender T-MSC2023-19 Manhole Rehabilitation and Replacement Program to NQ Wastetrans Pty Ltd for the amount of $549,408.00 (excl. GST).

CARRIED

9.11 T-MSC2023-18 2023/24 AC PIPE REPLACEMENT PROGRAM - MASON STREET

RESOLUTION 2023/193

Moved: Cr Lenore Wyatt
Seconded: Cr Mary Graham

That Council:

1. awards Tender T-MSC2023-18 2023/24 AC Water Main Replacement – Mason Street to NQ Wastetrans Pty Ltd for the amount of $1,680,392.40 (excl. GST); and
2. approves additional funds from the water fund to allow the project to proceed.

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

Congratulations was given to Cr Mary Graham for chairing the Mareeba Multicultural Festival Committee. Cr Graham thanked Council officers, committee and stall holders for assisting with the Mareeba Multicultural Festival.

Cr Lenore Wyatt thanked Council officers for taking the Councillors on the western road trip to view infrastructure projects.

Mayor Angela Toppin congratulated and thanked Mr Giuliano Cordenos and his wife Gina for 25 years of service for the Mareeba Multicultural Festival.

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 18 October 2023.

There being no further business, the meeting closed at 9.45am.

.....

Cr Angela Toppin

Chairperson