



# **MINUTES**

**Wednesday, 20 December 2023**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 20 DECEMBER 2023 AT 9:00AM**

**1 MEMBERS IN ATTENDANCE**

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

**2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**

Cr Lenore Wyatt was granted a leave of absence.

**3 BEREAVEMENTS/CONDOLENCES**

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

**4 DECLARATION OF CONFLICTS OF INTEREST**

Nil

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/228**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That the minutes of Ordinary Council Meeting held on 15 November 2023 be confirmed.

**CARRIED**

**6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**

Nil

**7 DEPUTATIONS AND DELEGATIONS**

Nil

## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 CONMAT NO 2 PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 LOT INTO 41 LOTS IN 4 STAGES) - LOT 1 ON RP747077 - RAY ROAD, MAREEBA - RAL/23/0009

#### RESOLUTION 2023/229

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Conmat No 2 Pty Ltd	<b>ADDRESS</b>	Ray Road, Mareeba
<b>DATE LODGED</b>	21 August 2023	<b>RPD</b>	Lot 1 on RP747077
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 lot into 41 lots in 4 stages)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (1 lot into 41 lots in 4 stages) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9348-ROL1 Rev B	Sheet 1 of 3	Twine Surveys Pty Ltd	25.07.2023
9348-ROL1 Rev B	Sheet 2 of 3	Twine Surveys Pty Ltd	25.07.2023
9348-ROL1 Rev B	Sheet 3 of 3	Twine Surveys Pty Ltd	25.07.2023

- (B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

- Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
  - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

- to ensure compliance with the following conditions of approval.
- 2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each stage of the development, or alternative documentation as approved by the Land Title Act, 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 or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act 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 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.
  - 3.6 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.
  - 3.7 Local Heritage Place – Heavy Anti Aircraft Gun Station 448

No aspect of this development shall interfere with or damage the heritage significance of Heavy Anti Aircraft Gun Station 448.
- 4. Infrastructure Services and Standards
  - 4.1 Stormwater Drainage
    - (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

The Stormwater Management Plan and Report must also consider the existing condition of the downstream Easement A on RP733064 and make all necessary recommendations to ensure the long term stability and functioning of this drainage easement.

- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.
- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

#### 4.2 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

#### 4.3 Roadworks/footpaths - Internal

- (a) The subdivision internal roads must be designed and constructed to Access Street standard in accordance with Council's FNQROC Development Manual, as detailed in Table D.1.1
- (b) Individual property access must be designed in accordance with the requirements of FNQROC Development Manual. Appropriate distances are required from intersections and tangent points in accordance with AS2890.1.

The provision of layback/roll-over kerbing along the frontage of each allotment will satisfy this condition.

- (d) The diameter of the cul-de-sacs must be suitable for the largest refuse collection vehicle used throughout the shire to be able to turn around in a forward direction. Swept path diagrams must be submitted as part of the development application for Operational Works to demonstrate this requirement.
- (e) A temporary gravel vehicle turnaround at the end of all partially constructed roads must be provided of a sufficient size to turnaround a refuse collection vehicle, either in a continuous forward movement or by a three-point turn.
- (f) A second 4 metre wide road reserve connection must be provided along the common boundary of proposed Lots 11 & 12 (and ultimately proposed Lots 22 & 23) to allow for future pedestrian only connectivity between Ray Road and the proposed internal road.
- (g) Two (2) metre wide concrete pedestrian footpaths must be installed in the locations marked on the approved Footpath Plan, applicable to the relevant stage. The horizontal alignment of all footpaths must comply with the FNQROC development Manual (specifically Standard Drawing S1004A).

#### 4.4 Roadworks - External (Ray Road and Cater Road)

- (a) Prepare a design for Ray Road (between McIver Road and Cater Road) to a Major Collector Road standard as defined in Council's FNQROC Development Manual. The design must detail the alignment of all associated infrastructure including:
  - pavement
  - kerb and channel
  - footpath (western side)
  - street lighting
  - underground stormwater infrastructure

The design should also identify the extent of any land requirements on the subject lots to facilitate the road network, giving consideration to any localised widenings necessary to facilitate the construction/upgrade of the intersections.

- (b) Undertake road widening along the full Ray Road frontage of the site equivalent to half of a Major Collector Road, inclusive of pavement, kerb and channel, drainage infrastructure, footpath, landscaping, and street lighting. The arrangement must be compatible with the eventual full upgrade of Ray Road to Major Collector Road standard. Services are required to be installed in the location suitable for the future road upgrade of the eastern half of Ray Road.
- (c) Design Cater Road to a 10 metre wide bus route Access Street standard as defined in Council's FNQROC Development Manual, for the full frontage of proposed Lots 17 and 18.
- (d) Undertake road widening along Cater Road for the full frontage of proposed Lots 17 and 18 equivalent to half of a 10 metre wide bus route Access Street standard, inclusive of pavement, kerb and channel, drainage infrastructure, footpath, landscaping, and street lighting. Services are required to be installed in the location suitable for the future road upgrade of the western half of Cater Road.
- (e) Design and construct the new internal road intersection with Ray Road and upgrade of Ray Road/Cater Road intersection in accordance with Council's FNQROC Development Manual.
- (f) The design and construction of the interim arrangements must allow for all necessary work and adjustments to smoothly join the new works to the existing formation. Minor adjustment to levels may be necessary to achieve this.
- (g) Individual property access must be designed in accordance with the requirements of FNQROC Development Manual. Appropriate distances are required from intersections and tangent points in accordance with AS2890.1.

The access to all properties with two (2) road frontages (Lot 17 & Lot 18) must be from the lower order road being Cater Road.

The provision of layback/roll-over kerbing along the frontage of each allotment will satisfy this condition.

#### 4.5 Water Supply

- (a) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer
- (b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

#### 4.6 Sewerage Connection

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

#### 4.7 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.

#### 4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

#### 4.9 Lighting

- (a) The new intersection formed on Ray Road for the purpose of accessing the development and the intersection of Ray Road/ Cater Road must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.
- (b) Prior to the issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to Council for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1.

#### 4.10 Street Trees

One (1) street tree must be planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage.



All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

**Plans for the development works required under Conditions 4.1 - 4.10 must be submitted to Council for approval as part of a subsequent application for operational works.**

(C) ASSESSMENT MANAGER'S ADVICE

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

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

- (c) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

- (d) Endorsement Fees

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

- (e) Compliance with applicable codes/policies

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

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

- (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](http://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.

(D) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(F) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Residential	\$ per Lot	Lots		Lots	
Stage 1	\$20,768.00	10 Lots plus balance area	\$207,680.00	No charge applied to balance area	\$207,680.00
Stage 2	\$20,768.00	10 Lots plus balance area	\$207,680.00		\$207,680.00
Stage 3	\$20,768.00	10 Lots plus balance area	\$207,680.00		\$207,680.00
Stage 4	\$20,768.00	10 Lots plus balance area	\$207,680.00		\$207,680.00
TOTAL CURRENT AMOUNT OF CHARGE					\$830,720.00

**CARRIED**

**8.2 J & C ELDRED - RECONFIGURING A LOT - BOUNDARY REALIGNMENT (OPENING OF ROAD RESERVE) - LOT 2 ON RP718600 - 397 SPEEWAH ROAD, SPEEWAH - RAL/23/0013**

**RESOLUTION 2023/230**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Kevin Davies

- (A) That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Jan & Claire Eldred	<b>ADDRESS</b>	397 Speewah Road, Speewah
<b>DATE LODGED</b>	19 October 2023	<b>RPD</b>	Lot 2 on RP718600
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Boundary Realignment (Opening Road Reserve)		

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.

(B) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot – Boundary Realignment (Opening of Road Reserve)

(C) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed portion of land for Road Reserve dedication	Scope Town Planning	-

(D) **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 Charges

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

(E) ASSESSMENT MANAGER'S ADVICE

(a) Endorsement Fees

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

(b) Compliance with applicable codes/policies

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

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

(e) 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](http://ElectricantsinQueensland.com.au) or contact Biosecurity Queensland 13 25 23.

(F) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

**CARRIED**

**8.3 APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD - LOT 470 ON HG650, LOCALITY OF DIMBULAH**

**RESOLUTION 2023/231**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council advise the Department of Resources that Council has no objection to the conversion to freehold of Term Lease 241567 described as Lot 470 on Crown Plan HG650, situated at Boonmoo Road, Dimbulah.

**CARRIED**

**8.4 EXTENSION TO RELEVANT PERIOD - H TURNER & P CHELLIS - MATERIAL CHANGE OF USE - ANIMAL HUSBANDRY-INTENSIVE (DEVELOPMENT OF A 50 CAT CATTERY) - LOT 4 ON RP749637 - 131 BOYLES ROAD, KURANDA - MCU/07/0027**

**RESOLUTION 2023/232**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

1. "That in relation to the application to extend the relevant period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	H Turner & P Chellis	ADDRESS	131 Boyles Road, Kuranda
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	16 November 2023	RPD	Lot 4 on RP749637
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Husbandry-Intensive (expansion of dog kennel from 40 to 80 dogs and development of a 50 cat cattery)		

and in accordance with the Planning Act 2016,

- (a) The relevant period be extended for two (2) years from 10 June 2024 to 10 June 2026.
2. A Notice of Council's decision be issued to the applicant advising of Council's decision".

**CARRIED**

**8.5 A JOUSIFFE - MATERIAL CHANGE OF USE - SHOP, SHOWROOM, LOW IMPACT INDUSTRY AND ANCILLARY OFFICE - LOTS 12, 14 & 16 ON NR7652 - 58 CHEWKO ROAD, MAREEBA - MCU/23/0022**

**RESOLUTION 2023/233**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	A Jousiffe	<b>ADDRESS</b>	58 Chewko Road, Mareeba
<b>DATE LODGED</b>	5 October 2023	<b>RPD</b>	Lots 12, 14 and 16 on NR7652
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Shop, Showroom, Low Impact Industry and ancillary Office		

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.

**APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Shop, Showroom, Low Impact Industry and ancillary Office

(A) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2634 Sheet C1 of 3	Site Plan	PD Designs	September 2023
2634 Sheet C2 of 3	Floor Plan	PD Deigns	September 2023
2634 Sheet C3 of 3	Elevations	PD Designs	September 2023



(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

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

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

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

- 3.4 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates 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.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

All access crossovers must be upgraded/constructed to an industrial access crossover standard (from the edge of Chewko Road/Slade Street pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage 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 27 on-site car parking spaces, not including any car parking within the buildings, which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces, internal driveways and trafficable areas (including the access handle driveway to Slade Street must be bitumen, concrete or asphalt sealed, line-marked and appropriately drained prior to the commencement of the use, 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.

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

##### 4.4 Landscaping

- (a) Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the approved site plan.
- (b) All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

- (c) The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained to the satisfaction of Council's delegated officer.

#### 4.5 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) A water service connection must be provided to the subject land in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.6 Sewerage Connection

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

### (C) 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) A Trade Waste Permit will be required prior to the commencement of use. Please contact Council's Building and Plumbing Department for further information prior to the lodgement of any application for compliance permit for plumbing and drainage works.

- (d) 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.

- (e) Compliance with applicable codes/policies

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

- (f) 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.

- (g) Environmental Protection and Biodiversity Conservation Act 1999

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

- (h) Cultural Heritage

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

- (g) 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

(D) 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)

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

- Development Permit for Building Work

(F) 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
		m2			
Showroom (retail)	\$104.00/m2	689	\$71,656.00	\$94,261.00	\$3,887.00
Warehouse/Low Impact Industry (bulk store & steel fabrication)	\$37.00/m2	716	\$26,492.00		
TOTAL CURRENT AMOUNT OF CHARGE					\$3,887.00

**CARRIED**

## 8.6 MAJOR AMENDMENT NO.1 OF 2023 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016

### RESOLUTION 2023/234

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council receive and note this report.

**CARRIED**

## **8.7 DELEGATIONS UPDATE NOVEMBER 2023**

### **RESOLUTION 2023/235**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That:

1. Council delegates to the Chief Executive Officer, the exercise of the powers contained in the attached Instruments of Delegation, with such powers to be exercised subject to any limitations and conditions; and
2. Any prior delegations of power relating to the same matters are revoked; and
3. Council delegates to the Chief Executive Officer the authority to commence preliminary negotiations with relevant interested parties conditional upon such negotiations being explicitly declared to be preliminary and not binding on Council.

**CARRIED**

## **8.8 COUNCIL POLICY REVIEW**

### **RESOLUTION 2023/236**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. Repeals the:
  - (a) Councillors Acceptable Requests Policy (Guideline) – adopted 20 November 2019
  - (b) Internal Audit Policy – adopted 18 September 2019
  - (c) Native Title and Cultural Heritage Policy – adopted 18 December 2019
  - (d) Closed Circuit Television (CCTV) System Policy – adopted 17 November 2021
  - (e) Cemeteries Policy – adopted 15 May 2019
  - (f) Unreasonable Complainant Conduct Policy – adopted 20 November 2019
2. Adopts the:
  - (a) Councillors Acceptable Requests Policy (Guideline)
  - (b) Internal Audit Policy
  - (c) Native Title and Cultural Heritage Policy
  - (d) Closed Circuit Television (CCTV) System Policy
  - (e) Cemeteries Policy
  - (f) Unreasonable Complainant Conduct Policy

**CARRIED**

## **8.9 NEW EASEMENT PROPOSED BY ERGON ENGERY - PORTION OF 118 BYRNES STREET MAREEBA - LOT 1 RP746342**

### **RESOLUTION 2023/237**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. Approve the granting of an Easement, as described, to Ergon Energy in perpetuity, over part of Lot 1 RP746342, situated at 118 Byrnes Street, Mareeba conditional upon Ergon Energy meeting all costs related to the negotiation, preparation, and registration of the Easement and Survey Plan; and
2. Delegate the CEO with authority to negotiate and execute the Easement instrument on behalf of Council.

**CARRIED**

## **8.10 FINANCIAL STATEMENTS PERIOD ENDING 30 NOVEMBER 2023**

### **RESOLUTION 2023/238**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council;

1. receives the Financial Report for the period ending 30 November 2023;
2. empanels the supplier listed, Civica Pty Ltd, to be added to the Sole Supplier Register.

**CARRIED**

## **8.11 AUDIT COMMITTEE CHAIR APPOINTMENT**

### **RESOLUTION 2023/239**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council confirm the appointment of John Andrejic as Audit Committee - Independent Chairperson (Q-MSC2023-08) for a period of two (2) years.

**CARRIED**

## **8.12 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2023/24 COMMUNITY GRANT ROUND**

### **RESOLUTION 2023/240**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council approves for funding four (4) community grant applications outlined in this report with a total value of \$12,000.

**CARRIED**

## **8.13 RADF ADVISORY COMMITTEE MEETING MINUTES 13 NOVEMBER 2023**

This report was noted.

## **9 INFRASTRUCTURE SERVICES**

### **9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - NOVEMBER 2023**

#### **RESOLUTION 2023/241**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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

**CARRIED**

### **9.2 Q-MSC2023-09 CONSTANCE AND HASTIE STREET INTERSECTION UPGRADE - TENDER AWARD**

#### **RESOLUTION 2023/242**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council awards Tender Q-MSC2023-09 Constance and Hastie Street Intersection Upgrade to 3D Civil Pty Ltd for \$243,995.54 (excl. GST).

**CARRIED**



### **9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - NOVEMBER 2023**

#### **RESOLUTION 2023/243**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**

### **9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - NOVEMBER 2023**

#### **RESOLUTION 2023/244**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council:

1. receives the Infrastructure Services, Water and Waste Operations Report for November 2023 and:
2. endorses the variation of \$269,978.78 (excl. GST) received from fgf Developments Pty Ltd on project T-MSC2023-04 Bicentennial Lakes Gravity Sewer Main to include the Robins Street Sewer Rising Main works.

**CARRIED**

### **9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - NOVEMBER 2023**

#### **RESOLUTION 2023/245**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

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

**CARRIED**

**9.6 T-MSC2023-24 MYOLA ROAD-MILL/FILL AND SEAL**

**RESOLUTION 2023/246**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That the Council delegates authority to the Chief Executive Officer to award Tender T-MSC2023 Myola Road-Mill/Fill and Seal after consultation with Councillors.

**CARRIED**

**10 CONFIDENTIAL REPORTS**

Nil

**11 BUSINESS WITHOUT NOTICE**

Nil

**12 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 24 January 2024.

There being no further business, the meeting closed at 9:38am.

.....

Cr Angela Toppin

Chairperson