



# **MINUTES**

**Wednesday, 15 November 2023**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 15 NOVEMBER 2023 AT 9:00AM**

**1 MEMBERS IN ATTENDANCE**

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

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

Nil

**3 BEREAVEMENTS/CONDOLENCES**

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

**4 DECLARATION OF CONFLICTS OF INTEREST**

Cr Bensted declared a declarable conflict of interest in relation to *ITEM 8.1 MLK Springs Pty Ltd - Material Change of Use - Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017) - Lot 414 on RP835556 - 429 Fichera Road, Mareeba - MCU/23/0001*. The nature of the conflict is due to a previous business relationship. Cr Bensted advised that he would leave the room whilst the matter is discussed and voted on.

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/214**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 18 October 2023 be confirmed.

**CARRIED**

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

Nil

**7 DEPUTATIONS AND DELEGATIONS**

Nil

**8 CORPORATE AND COMMUNITY SERVICES**

At 9:02 am, Cr Lachlan (Locky) Bensted left the meeting.

**8.1 MLK SPRINGS PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODATION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 414 ON RP835556 - 429 FICHERA ROAD, MAREEBA - MCU/23/0001**

**RESOLUTION 2023/215**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	MLK Springs Pty Ltd	<b>ADDRESS</b>	429 Fichera Road, Mareeba
<b>DATE LODGED</b>	10 January 2023	<b>RPD</b>	Lot 414 on RP835556
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
033-2201-00-SK-0002	Overall Site Plan	5KF & Base Plans	26/09/2022
033-2201-00-SK-0003	Accommodation Area Site Plan	5KF & Base Plans	26/09/2022
22071101 Sheet No. 03	Floor Plan	Superior Steel Homes	11/07/2022
22071101 Sheet No. 04	Elevations	Superior Steel Homes	11/07/2022
22071101 Sheet No. 05	3D Views	Superior Steel Homes	11/07/2022
21080401 Sheet No. 03	Floor Plan	Superior Steel Homes	11/07/2022
21080401 Sheet No. 04	Elevations	Superior Steel Homes	11/07/2022
21080401 Sheet No. 05	3D Views	Superior Steel Homes	11/07/2022
21040101 Sheet No. 03	Floor Plan	Superior Steel Homes	11/07/2022
21040101 Sheet No. 04	Elevations	Superior Steel Homes	11/07/2022
21040101 Sheet No. 05	3D Views	Superior Steel Homes	11/07/2023

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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 Emissions

Emissions associated with operational activities must not cause an 'environmental nuisance' within the meaning of the Environmental Protection Act (1994) to any sensitive receptor and must comply with the Air Quality Objectives as stated within Schedule 1 of the Environmental Protection (Air) Policy 2019.

**Amplified music at a volume which causes nuisance to any adjacent or nearby sensitive land use is not permitted on-site at any time.**

3.5 Waste Management

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

3.5.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.

3.6 Length of Stay

The maximum length of stay for guests must not typically exceed nine (9) consecutive months, unless otherwise approved by Council's delegated officer.

3.7 Accommodation Capacity

No more than 144 individual workers shall be accommodated on-site at any given time.

Occupancy records must be kept and presented to Council upon request should any complaint of overcrowding be received.

3.8 Recreational Activities Plan

Prior to the issue of a development permit for building works, a Recreational Activities Plan must be prepared by a suitably qualified professional and submitted to Council for approval.

The Recreational Activities Plan must demonstrate that there is adequate indoor and outdoor recreational infrastructure, sports infrastructure and activities/space provide within the curtilage of the workforce accommodation facility suitable for 144 workers.

All infrastructure, activities and spaces included in the Recreational Activities Plan must be implemented prior to the commencement of the use and maintained in good working order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

3.9 Signage

Any advertising devices relating to the development must be wholly sited on the subject site and be limited to a cumulative sign face area of 6m<sup>2</sup> and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations, and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

### 3.10 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining areas, recreational areas, and on each accommodation building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

*"Guests should take note:*

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

### 3.11 The workforce accommodation facility must be used to accommodate farm workers only. Guests must not be employed in any other industry.

Upon request by Council, the applicant/owner/operator shall be responsible for providing records to Council, which demonstrates that the occupants of the workforce accommodation facility are engaged in farm work only.

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

### 3.13 Bushfire Management

3.13.1 A Bushfire Management Plan for the site, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.13.2 An on-site water supply for firefighting purposes must be provided with a minimum capacity of 5,000 litres that must comprise either:

- (a) a stand-alone tank; or
- (b) a reserve section in the bottom part of the main water supply tank;  
or
- (c) a dam; or
- (d) a swimming pool.

Where tank water supply is provided, the outlet must be fitted with a 50mm ball valve with a camlock fitting for connection to firefighting appliances.

- 3.14 An adequate number of 12 seater minibuses must be provided to lawfully accommodate the number of workers residing on site at any given time. Workers must be primarily delivered to and from the site via the 12 seater mini buses on work days. Private vehicle ownership and use is permitted however reasonable effort should be made to ensure private vehicle ownership and use is kept to a minimum in accordance with the facts and circumstances of the use outlined in the application.

Buses larger than 12 seater mini buses are not permitted to transport workers to and from the site for standard work days.

- 3.15 Communal recreational and dining areas are not to be used past 9pm each day for cooking, food preparation or large gatherings unless prior approval is sought from Council's delegated officer. Additionally, any outdoor sporting fields/courts are not to be used past 7pm each day.

#### 4. Infrastructure Services and Standards

##### 4.1 Access Crossover

A commercial access crossover must be upgraded/constructed (from the edge of Fichera Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer. The access must be at least 6.5 metres wide to accommodate two directional traffic.

##### 4.2 External Works – Fichera Road Upgrade

Prior to the commencement of the use, Fichera Road, between Chainage 2667 and Chainage 4008 (1,341 metres) must be upgraded to comply with Table D1.4 (Road Class 100 – 999), specifically, the road must be upgraded to include a 6.5m bitumen seal and an 8m formation (0.75m gravel shoulders).

A second bitumen coat must be applied to the entire pavement width for the full length of the abovementioned road works in order to bind the widening works with the existing bitumen.

The abovementioned works must be approved by Council as part of a subsequent application for operational works.

##### 4.3 Stormwater Management/Water Quality

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

- 4.3.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, particularly northern adjoining Lot 415 on NR6054 and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.3.3 Prior to building 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.
- 4.3.4 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.
- 4.3.5 The applicant/developer must construct the stormwater drainage and water quality infrastructure for the development in accordance with both approved Plans.
- 4.3.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.
- 4.4 Car Parking/Internal Driveways
- 4.4.1 The applicant/developer must ensure that the development is provided with at least 8 standard vehicle parking spaces, and 12 mini-bus parking spaces. No parking of vehicles or buses is permitted to occur outside the facility compound or on road reserve.
- 4.4.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal (bitumen, asphalt or concrete may also be used to seal these areas) and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- 4.4.3 All car parking spaces, and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:
- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
  - Australian Standard AS1428:2001 – Design for Access and Mobility.
- 4.4.4 All parking spaces and trafficable areas must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.
- A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.
- 4.5 Landscaping & Fencing



Prior to building works commencing, the applicant/developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

- (i) A minimum three (3) metre wide landscape buffer planted atop a one (1) metre high (minimum) earthen mound extending along the Fichera Road frontage of the development footprint to the extent shown on the submitted "Accommodation Area Site Plan";
- (ii) A minimum three (3) metre wide landscape buffer planted atop a one (1) metre high (minimum) earthen mound extending along the northern boundary of the site from the north-west corner for a length of 240 metres;
- (iii) A minimum two (2) metre wide landscape buffer along the southern side of the facility extending from the front boundary for a length of 100 metres (earthen mound not required);
- (iv) A 1.8m high chain mesh security fence surrounding the entire perimeter of the proposed facility as shown on the submitted "Accommodation Area Site Plan";
- (v) Any landscaping proposed throughout the facility (not compulsory).

Landscaping associated with points (i), (ii), and (iii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than four (4) metres in height. A minimum of 25% of plantings are provided as larger, advanced stock with a minimum plant height of 0.7 metres.

**Landscaping works must be undertaken when the building works commence** so as to ensure reasonable establishment before the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer. The fencing and landscaping required under (iv) and (v) must be installed prior to the commencement of the use.

#### 4.6 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

#### 4.7 On-Site Wastewater Management

All on site wastewater disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS 1547) to the satisfaction of the Council's delegated officer.

Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

**Note:** Council is aware of overland flow paths within the site that flow into adjoining allotments as well as the presence of natural springs on the property. Any on-site wastewater treatment system, including associated irrigation area/s should avoid any overland flow paths and springs so as to ensure the treatment system/process does not impact on surrounding lots and nearby watercourses.

#### 4.8 Lighting

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

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (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.

#### 5. Additional Payment Condition (section 130 of the Planning Act 2016)

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$22,325.60 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
  - The trunk transport network servicing the land (\$22,325.60)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
  - Discuss with Council's delegated officer the part of the works to be undertaken;
  - Obtain the necessary approvals for the part of the works;
  - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
  - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
  - Comply with the reasonable direction of Council officers in relation to the completion of the works;
  - Complete the works to the standards required by the Council; and

- Complete the works prior to the commencement of the use.

(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) Food Premises (restaurants/bed & breakfasts etc.)

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

- (c) Compliance with applicable codes/policies

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

- (d) Compliance with Acts and Regulations

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

- (e) Environmental Protection and Biodiversity Conservation Act 1999

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

- (f) Cultural Heritage

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

- (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.

(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
- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

**CARRIED**

**CR MLIKOTA VOTED AGAINST THE MOTION**

At 9:08 am, Cr Lachlan (Locky) Bensted returned to the meeting.

**8.2 L & J ABENTHUM - MATERIAL CHANGE OF USE - DWELLING HOUSE (AND ANCILLARY SECONDARY DWELLING & OUTBUILDING) - LOT 9 ON RP901433 - 2 DEBEL CLOSE, MAREEBA - MCU/23/0017**

**RESOLUTION 2023/216**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	L & J Abenthum	<b>ADDRESS</b>	2 Debel Close, Mareeba
<b>DATE LODGED</b>	5 September 2023	<b>RPD</b>	Lot 9 on RP901433
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Dwelling House (and Ancillary Secondary Dwelling and Outbuilding)		

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 – Dwelling House (and Ancillary Secondary Dwelling & Outbuilding)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Building Footprint Plan/Sketch	-	-

(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 commencement of the use 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 The setbacks the dwelling house and outbuildings any existing property boundary must comply with the requirements of the Queensland Development Code, specifically A1 and A2 of MP 1.2.

Any alternate siting must comply with the requirement of P1 and P2 of MP 1.2 and must be approved by Council's delegated officer prior to the issue of a development permit for building works.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

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

The access must be from the lower order road being Debel Close.

##### 4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening affect on surrounding land as a consequence of the development.
- (b) All stormwater drainage must be discharged to an approved legal point of discharge.

##### 4.3 Water Supply

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).

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

##### 4.4 On-Site Wastewater Management

All on site affluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### (D) ASSESSMENT MANAGER'S ADVICE

##### (a) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based

upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(b) Compliance with applicable codes/policies

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

(c) Compliance with Acts and Regulations

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

(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) 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)

**CARRIED**

### **8.3 COUNCIL POLICY REVIEW**

#### **RESOLUTION 2023/217**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council:

1. Repeals the:
  - (a) Audit Committee Policy – adopted 23 October 2019
  - (b) Audit Committee Charter – adopted 23 October 2019
  - (c) Internal Audit Charter – adopted 18 September 2019
  - (d) Standard Requirements for Public Liability Insurance for Approval Holders – adopted 15 March 2023
  - (e) Footpath Planting and Management Policy – adopted 23 October 2019
2. Adopts the:
  - (a) Audit Committee Policy
  - (b) Audit Committee Charter
  - (c) Internal Audit Charter
  - (d) Standard Requirements for Public Liability Insurance for Approval Holders
  - (e) Vegetation Planting Management Policy – Council Controlled Areas and Roads
  - (f) Confidentiality Policy

**CARRIED**



**8.4 FUTURE USE AND TENURE OF LOT 33 NR5055 - MONA MONA ROAD MONA MONA****RESOLUTION 2023/218**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council note and endorse the administrative response of 20 October 2023 to the State Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships advising that Council does not support the proposed transfer to freehold under the *Aboriginal Land Act 1991* (Qld) of Lot 33 NR5287, Mona Mona Road, Mona Mona.

**CARRIED**

**8.5 DELEGATIONS UPDATE JUNE 2023****RESOLUTION 2023/219**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

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 confirms the delegation to the Chief Executive Officer, under sec 240 of the Local Government Act 2009, includes the power to commence proceedings in instances where Councillors or staff are potentially being defamed by statements being made in public, in relation to the execution of their duties as a Councillor or Council employee.

**CARRIED**

**8.6 FINANCIAL STATEMENTS PERIOD ENDING 31 OCTOBER 2023****RESOLUTION 2023/220**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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

**CARRIED**

**8.7 COMMUNITY OUTCOMES REPORT 2019-2023****RESOLUTION 2023/221**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council receive and note the Community Outcomes Report 2019-2023.

**CARRIED**

## **9 INFRASTRUCTURE SERVICES**

### **9.1 AMAROO PARK MASTERPLAN**

#### **RESOLUTION 2023/222**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council adopts the Amaroo Park Masterplan.

**CARRIED**

### **9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - OCTOBER 2023**

#### **RESOLUTION 2023/223**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

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

**CARRIED**

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

#### **RESOLUTION 2023/224**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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

**CARRIED**

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

#### **RESOLUTION 2023/225**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council:

1. receives the Infrastructure Services, Water and Waste Operations Report for October 2023; and
2. amends the Mareeba Transfer Station Fees & Charges to rename "*Skip Bin Fee*" to "*Commercial Bay Processing Fee*" to apply a consistent fee structure for commercial operators to dispose of their waste at the commercial processing bay for \$26 (incl GST) in addition to commercial waste charges.

**CARRIED**

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

### **RESOLUTION 2023/226**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

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

**CARRIED**

## **10 CONFIDENTIAL REPORTS**

Nil

## **11 BUSINESS WITHOUT NOTICE**

### **11.1 CHANGE IN COUNCIL MEETING DATE - MARCH 2024**

#### **RESOLUTION 2023/227**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That due to the Local Government Election scheduled for 16 March 2024, the March Council Meeting will be held on Wednesday 6 March 2024, commencing at 9am.

**CARRIED**

## **12 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 20 December 2023.

There being no further business, the meeting closed at 9:49am.

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Cr Angela Toppin

Chairperson