



# **MINUTES**

**Wednesday, 19 June 2024**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 19 JUNE 2024 AT 9:00AM**

**1 MEMBERS IN ATTENDANCE**

Cr Angela Toppin (Mayor), Cr Amy Braes, Cr Nipper Brown, Cr Ross Cardillo, Cr Kevin Davies, Cr Mary Graham, Cr Lenore Wyatt

**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 Wyatt informed the meeting that she has a prescribed conflict of interest in relation to *ITEM 9.4 T-MS2024-05 Register of Prequalified Suppliers - Occasional Plant Hire 2024/25* as her relative is one of the proposed suppliers. As a result of this prescribed conflict of Interest, Cr Wyatt informed the meeting that she will leave the room whilst the matter is discussed and voted on.

Cr Brown informed the meeting that he has a prescribed conflict of interest in relation to *ITEM 9.9 Water Wastewater & Waste Fees and Charges 2024/25* as he the current contractor of the waste transfer stations. As a result of this prescribed conflict of Interest, Cr Brown informed the meeting that he will leave the room whilst the matter is discussed and voted on.

Cr Davies informed the meeting that he has a declarable conflict of interest in relation to *ITEM 9.9 Water Wastewater & Waste Fees and Charges 2024/25* as he manages the Springmount Waste Facility. As a result of this declarable conflict of Interest, Cr Davies informed the meeting that he will leave the room whilst the matter is discussed and voted on.

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2024/76**

Moved: Cr Amy Braes

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 15 May 2024 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 D, D, M, B, P & P LAVERS - RECONFIGURING A LOT - SUBDIVISION (1 LOT INTO 2 LOTS) - LOT 2 ON SP261006 - 104 HENRY HANNAM DRIVE, MAREEBA - RAL/24/0001**

**RESOLUTION 2024/77**

Moved: Cr Ross Cardillo

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	D, D, M, B, P & P Lavers	<b>ADDRESS</b>	104 Henry Hannam Drive, Mareeba
<b>DATE LODGED</b>	16 February 2024	<b>RPD</b>	Lot 2 on SP261006
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 lot into 2 lots)		

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

Refused by Council for reasons set out in (B).

(A) REFUSED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (1 lot into 2 lots)

(B) ASSESSMENT MANAGER’S REASONS FOR REFUSAL:

1. The proposed development is in conflict with the following aspects of the Strategic Framework:

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

(5) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments rural land. The valued, relaxed rural lifestyle, character and scenic qualities of the *rural area* are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating

development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.

- (9) New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone, except for where:
  - (a) The subdivision results in no additional lots (boundary realignment) and does not create an additional *rural lifestyle* lot or *rural residential purposes* lot; or
  - (b) The subdivision is limited to one additional lot created to accommodate a *public reconfiguration purpose*.

### 3.3.11 Element – Rural areas

#### 3.3.11.1 Specific outcomes

- (2) Land in *rural areas* is maintained in large lot sizes, to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone except for where:
  - (a) The subdivision results in no additional lots (boundary realignment) and does not create an additional *rural lifestyle* lot or *rural residential purposes* lot; or
  - (b) The subdivision is limited to one additional lot created to accommodate a *public reconfiguration purpose*.
- (6) *Agricultural areas* will be retained in large holdings (60ha or greater) and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.
- (7) *Rural areas* preserve lands for future uses beyond the life of the planning scheme.

## 3.6 Transport and infrastructure

### 3.6.1 Strategic outcomes

- (12) Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development, except for where:

- (a) The subdivision results in no additional lots (boundary realignment) and does not create an additional *rural lifestyle* lot or *rural residential purposes* lot; or
- (b) The subdivision is limited to one (1) additional lot created to accommodate a *public reconfiguration purpose*.

### 3.7 Economic development

#### 3.7.2 Element – Rural and Agricultural land

##### 3.7.2.1 Specific outcomes

- (1) *Agricultural areas* are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.
  - (2) *Other rural areas* are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.
  - (5) Development ensures rural activities in all *rural areas* are not compromised by incompatible development and fragmentation.
2. The proposed development conflicts with Overall outcome (3)(a) and Performance outcome PO9 of the Rural zone code:
- (a) Areas for primary production and other rural activities are conserved and not fragmented below 60ha unless for a public reconfiguration purpose;

#### **PO9** - Rural uses

Areas for use for primary production and rural activities are conserved and protected from fragmentation, alienation and degradation.

3. The proposed development conflicts with Overall outcome (2)(a) and Performance outcomes PO3 and PO6 of the Agricultural land overlay code:
- (a) The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' area or 'Class B' area is avoided, except where:
    - (i) an overriding need exists for the development in terms of public benefit,
    - (ii) no suitable alternative site exists; and
    - (iii) the fragmentation or reduced production potential of agricultural land is minimised;

#### **PO3**

Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):

- (a) ensures that agricultural land is not permanently alienated;
- (b) ensures that agricultural land is preserved for agricultural purposes; and

- (c) does not constrain the viability or use of agricultural land.

**PO6**

Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n), including boundary realignments, only occurs where it:

- (a) improves agricultural efficiency;
- (b) facilitates agricultural activity; or
- (c) facilitates conservation outcomes; or
- (d) resolves boundary issues where a structure is built over the boundary line of two (2) lots.

- 4. The proposed development conflicts with Overall outcome (2)(i) and Performance outcome PO1.1 of the Reconfiguring a lot code:
  - (i) Subdivision within the Rural zone maintains lots equal to or larger than 60ha, except for where:
    - (a) The subdivision results in no additional lots (boundary realignment) and does not create an additional *rural lifestyle* lot or *rural residential purposes* lot; or
    - (b) The subdivision is limited to the creation of one additional allotment to accommodate a *public reconfiguration purpose*;

**PO1.1 – Area and frontage of lots – Rural zone**

No lots are created with an area of less than 60ha, except for where:

- (a) The subdivision results in no additional lots (boundary realignment) and does not create an additional *rural lifestyle* lot or *rural residential purposes* lot; or
- (b) The subdivision is limited to the creation of one additional allotment to accommodate a *public reconfiguration purpose*.

Note: This also applies to applications for boundary realignment.

- 5. There are not sufficient town planning grounds to justify approval of the application despite these identified conflicts.

**CARRIED**

**8.2 R TOBIANO - RECONFIGURING A LOT - SUBDIVISION (1 LOT INTO 2 LOTS) - LOT 197 ON RP900991 - 26 HASTIE ROAD, MAREEBA - RAL/24/0003**

**RESOLUTION 2024/78**

Moved: Cr Lenore Wyatt

Seconded: Cr Ross Cardillo

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	R Tobiano	<b>ADDRESS</b>	26 Hastie Road, Mareeba
<b>DATE LODGED</b>	18 April 2024	<b>RPD</b>	Lot 197 on RP900991
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 lot into 2 lots)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (1 lot into 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24002	Proposed reconfiguration of Lot 197 on RP900991	Scope Town Planning	Apr.24

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the 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.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Any existing buildings or structures (pools/tennis courts or fences) 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 Charges

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



### 3.9 Bushfire Management Plan

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

## 4. Infrastructure Services and Standards

### 4.1 Access

The access crossover to proposed Lot 1, must be upgraded/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.

### 4.2 Stormwater Drainage

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

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

### 4.3 Water Supply

4.3.1 Lot 1 must be provided with a water supply via a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.

4.3.2 At the time of construction of a new dwelling on proposed Lot 2, a water service connection must be provided to proposed Lot 2 in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

### 4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 2, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

### 4.5 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

#### 4.6 Telecommunications

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

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

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

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

(c) 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:

- an approved bushfire management plan

(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.

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (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
	<i>\$ per Lot</i>	<i>Lots</i>		<i>1 Lot</i>	
Residential	\$16,614.40	2 Lots	\$33,228.80	\$16,614.40	\$16,614.40
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$16,614.40</b>

**CARRIED**

**8.3 MAREEBA TYREPOWER - MATERIAL CHANGE OF USE - WAREHOUSE (STORAGE SHED AUXILIARY TO ADJACENT TYRE SHOP) - LOTS 902 & 903 ON M3565 - 141-143 WALSH STREET, MAREEBA - MCU/24/0006**

**RESOLUTION 2024/79**

Moved: Cr Nipper Brown

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Tyrepower	<b>ADDRESS</b>	141-143 Walsh Street, Mareeba
<b>DATE LODGED</b>	8 April 2024	<b>RPD</b>	Lots 902 & 903 on M3565
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Warehouse (Storage Shed Auxiliary to Adjacent Tyre Shop)		

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 – Warehouse (Storage Shed Auxiliary to Adjacent Tyre Shop)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24002 Sheet 02 A	Site Plan	-	20/02/24
24002 Sheet 03 A	Floor Plan	-	20/02/24
24002 Sheet 04 A	Elevations	-	20/02/24
24002 Sheet 05 A	Elevations	-	20/02/24
RSCL-977158 01 Rev 1	Contract Plans (Elevation)	Rapid Sheds & Construction	01-Mar-2024
RSCL-977158 02 Rev 1	Contract Plans (Floor)	Rapid Sheds & Construction	01-Mar-2024
RSCL-977158 03 Rev 1	Contract Plans (Roof)	Rapid Sheds & Construction	01-Mar-2024

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

### 3.4 Waste Management

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

### 3.5 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

### 3.6 Air Conditioner & Building Plant Screening

The applicant/developer is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

## 4. Infrastructure Services and Standards

### 4.1 Access

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

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

### 4.2 Frontage Works

The applicant/developer is required to construct the following works, designed in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- A two (2) metre wide concrete footpath along the full frontage of the site to Walsh Street.
- Adjustments and relocations necessary to public utility services resulting from these works.

### 4.3 Stormwater Management

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.

4.3.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure the development is provided with three (3) on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

4.4.2 All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

4.4.3 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.

4.5 Landscaping and Fencing

4.5.1 Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

4.5.2 The landscape plan must include landscaping and fencing generally in accordance with the approved Site Plan (24002 Sheet 02 Rev A) and in compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

4.5.3 The landscaping plan must incorporate the following:

- (i) A 1.8 metre high colorbond (neutral colour) solid screen fence must be established along the full length of the site's common boundary with Lot 0 on BUP70464 and Lot 915 on M3565.
- (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

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

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

#### 4.6 Lighting

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

#### 4.7 Water Supply

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

#### 4.8 Sewerage Connection

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

### (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) A Trade Waste Permit may be required prior to the commencement of use.
- (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

(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**

**8.4 ADOPTED INFRASTRUCTURE CHARGES RESOLUTION (NO.1) 2024****RESOLUTION 2024/80**

Moved: Cr Nipper Brown

Seconded: Cr Kevin Davies

That Council, under section 113 of the *Planning Act 2016*, adopts the *Adopted Infrastructure Charges Resolution (No.1) 2024* effective 1 July 2024.

**CARRIED**

**8.5 2024/2025 PLANNING FEES AND CHARGES****RESOLUTION 2024/81**

Moved: Cr Lenore Wyatt

Seconded: Cr Amy Braes

That Council adopts the 2024/2025 Planning Fees and Charges.

**CARRIED**

**8.6 RENEWAL OF TENURE INSTRUMENT - DEPARTMENT OF ENVIRONMENT AND SCIENCE (QPWS) - CHILLAGOE HUB - 20-22 QUEEN STREET CHILLAGOE****RESOLUTION 2024/82**

Moved: Cr Nipper Brown

Seconded: Cr Mary Graham

That Council:

1. Decide that section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) applies to the proposed Licence renewal – that being part of 20-22 Queen Street Chillagoe – other than by tender or auction.
2. Approve a renewal term of two (2) years, with two (2) x two (2) year options for the Licence Agreement over part of part of 20-22 Queen Street Chillagoe, known as the Chillagoe Hub, as issued to the current Licensee, The State of Queensland (represented by the Department of Housing, Local Government, Planning and Public Works).

**CARRIED**

**8.7 COUNCIL POLICY REVIEW****RESOLUTION 2024/83**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council:

1. Repeals the:
  - (a) Use of Council Land for Agistment Purposes Policy – adopted 18 March 2020
  - (b) Enterprise Risk Management Framework – adopted 18 May 2022
  - (c) Enterprise Risk Management Policy – adopted 18 May 2022
  - (d) Enterprise Risk Management Process – adopted 18 May 2022
2. Adopts the:
  - (a) Use of Council Land for Agistment Purposes Policy
  - (b) Enterprise Risk Management Framework
  - (c) Enterprise Risk Management Policy
  - (d) Enterprise Risk Management Process

**CARRIED**

**8.8 MAREEBA INDUSTRIAL PARK - LAND SALES - EXCLUSIVE REAL ESTATE AGENCY ARRANGEMENTS****RESOLUTION 2024/84**

Moved: Cr Mary Graham

Seconded: Cr Nipper Brown

That Council proceed with a call to market via tender submission from suitably qualified real estate agents for the provision of real estate services for the marketing and sale of land at the Mareeba Industrial Park for a two-year period with a further two-year option upon satisfactory review of land sales performance.

**CARRIED**

**8.9 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2024 - 2028 PROGRAM****RESOLUTION 2024/85**

Moved: Cr Lenore Wyatt

Seconded: Cr Amy Braes

That Council:

1. Adopts the 2024 - 2028 RADF Program; and
2. Endorses the annual submission of an application to Arts Queensland for a \$34,125 Regional Arts Development Fund grant for 2024 – 2028; and
3. Contributes \$14,500 annually to the 2024 – 2028 Regional Arts Development Fund Program as outlined in this report.

**CARRIED**

**8.10 2024/2025 CEMETERIES FEES AND CHARGES****RESOLUTION 2024/86**

Moved: Cr Nipper Brown

Seconded: Cr Lenore Wyatt

That Council adopts the Cemeteries Fees and Charges 2024/2025.

**CARRIED**

**8.11 2024/2025 FACILITY HIRE FEES AND CHARGES****RESOLUTION 2024/87**

Moved: Cr Ross Cardillo

Seconded: Cr Mary Graham

That Council adopts the Hall Hire Fees and Charges for 2024/2025.

**CARRIED**

**8.12 2024/2025 LIBRARIES FEES AND CHARGES****RESOLUTION 2024/88**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council adopts the Libraries Fees and Charges 2024/2025.

**CARRIED**

**8.13 AUDITOR-GENERAL'S 2024 INTERIM REPORT****RESOLUTION 2024/89**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council receives and notes the attached report.

**CARRIED**

**8.14 FINANCIAL STATEMENTS PERIOD ENDING 31 MAY 2024****RESOLUTION 2024/90**

Moved: Cr Amy Braes

Seconded: Cr Nipper Brown

That Council receives the Financial Report for the period ending 31 May 2024.

**CARRIED**

**8.15 2024/2025 GENERAL AND FINANCE FEES AND CHARGES****RESOLUTION 2024/91**

Moved: Cr Mary Graham

Seconded: Cr Ross Cardillo

That Council adopts the General and Finance Fees and Charges for 2024/25.

**CARRIED**

**9 INFRASTRUCTURE SERVICES****9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MAY 2024****RESOLUTION 2024/92**

Moved: Cr Lenore Wyatt

Seconded: Cr Ross Cardillo

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of May 2024.

**CARRIED**

**9.2 TENDER AWARD - T-MSC2021-19 CHILLAGOE MAINTENANCE CONTRACT****RESOLUTION 2024/93**

Moved: Cr Amy Braes

Seconded: Cr Nipper Brown

That Council awards Tender T-MSC2024-11 Chillagoe Maintenance to D & T Bird Contractors for the amount of \$157,335 (excl. GST) for a two (2) year contract, with option for one (1) year extension.

**CARRIED**

**9.3 TECHNICAL SERVICES FEES AND CHARGES 2024/25****RESOLUTION 2024/94**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council adopts the Technical Services, 2024/25 Fees and Charges schedules for Rural Addressing, Aerodromes and Gates and Grids.

**CARRIED**

At 9:23 am, Cr Lenore Wyatt left the meeting.

**9.4 T-MSC2024-05 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2024/25****RESOLUTION 2024/95**

Moved: Cr Ross Cardillo

Seconded: Cr Kevin Davies

That Council empanels the contractors listed in the documentation attached to this report for the purpose of providing a Register of Pre-qualified Suppliers for Occasional Plant Hire during the 2024/25 financial year.

**CARRIED**

At 9:24 am, Cr Lenore Wyatt returned to the meeting.

**9.5 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MAY 2024****RESOLUTION 2024/96**

Moved: Cr Ross Cardillo

Seconded: Cr Amy Braes

That Council;

1. receives the Infrastructure Services, Technical Services Operations Report for May 2024';  
and
2. removes Hillview Road North, Julatten from Council's Register of Maintained Roads.

**CARRIED**

**9.6 TENDER AWARD - T-MSC2024-10 DRFA JARAWEE ROAD REINSTATEMENT****RESOLUTION 2024/97**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council awards Tender T-MSC2024-10 Jarawee Road Stabilisation to King Concreting Pty Ltd (Alternative) for the amount of \$1,515,018.00 (excl. GST), for the single lane and pedestrian access bridge alternative, subject to Queensland Reconstruction Authority approval.

**CARRIED**

**9.7 TENDER AWARD - T-MSC2024-13 MSC DRFA - BUSHY CREEK BRIDGE CONSTRUCTION****RESOLUTION 2024/98**

Moved: Cr Nipper Brown

Seconded: Cr Kevin Davies

That Council awards Tender T-MSC2024-13 MSC DRFA 2024 – Bushy Creek Bridge Construction to Davbridge Constructions, for the value of \$3,700,129.98 (excl GST), subject to Queensland Reconstruction Authority approval.

**CARRIED**

**9.8 TENDER AWARD - T-MSC2024-01 GREEN WASTE SERVICES****RESOLUTION 2024/99**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That the Council awards Tender T-MSC2024-01 Green Waste Services to Shark Recyclers for the amount of \$7.20 per tonne (excl. GST).

**CARRIED**

At 9:29 am, Cr Kevin Davies and Cr Nipper Brown left the meeting.

**9.9 WATER WASTEWATER & WASTE FEES AND CHARGES 2024/25****RESOLUTION 2024/100**

Moved: Cr Ross Cardillo

Seconded: Cr Mary Graham

That Council adopts the Water Wastewater and Waste Fees and Charges for 2024/25.

**CARRIED**

At 9:30 am, Cr Kevin Davies and Cr Nipper Brown returned to the meeting.

**9.10 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MAY 2024****RESOLUTION 2024/101**

Moved: Cr Amy Braes

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Water and Waste Operations Report for May 2024.

**CARRIED****9.11 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MAY 2024****RESOLUTION 2024/102**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Works Progress Report for the month of May 2024.

**CARRIED**



**10 OFFICE OF THE CEO****10.1 OFFICE CLOSURE FOR STAFF FUNCTION****RESOLUTION 2024/103**

Moved: Cr Amy Braes

Seconded: Cr Mary Graham

That Council approves the closure of all Council offices and libraries from 12:30pm on Wednesday 17 July 2024.

**CARRIED**

**10.2 COUNCILLOR ATTENDANCE AT LGAQ ANNUAL CONFERENCE****RESOLUTION 2024/104**

Moved: Cr Lenore Wyatt

Seconded: Cr Ross Cardillo

That Council approves the attendance of Crs Wyatt, Braes, Brown and Davies to the 2024 Local Government Association Queensland (LGAQ) Annual Conference to be held in Brisbane 21 – 23 October 2024.

**CARRIED**

**10.3 MSC SHOW HOLIDAYS 2025****RESOLUTION 2024/105**

Moved: Cr Amy Braes

Seconded: Cr Mary Graham

That Council endorses the request to the Office of Industrial Relations to declare the show holidays within the Mareeba Shire for 2025:

1. 8 July 2025 for the parishes of Irvinebank, Myosotis and Western, which links to the Atherton Annual Show;
2. 18 July 2025 for the Mareeba Shire Council area excluding the parishes of Irvinebank, Myosotis, Western, Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Cairns Annual Show; and
3. 21 July 2025 for the parishes of Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Mossman Annual Show.

**CARRIED**

**10.4 MAREEBA MULTICULTURAL FESTIVAL COMMITTEE APPOINTMENT**

**RESOLUTION 2024/106**

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

That Council:

1. Appoints the following new members to the Mareeba Multicultural Festival Advisory Committee:
  - Andrew Singh
  - Ann-Marie Keating
  - Dan Bird
  - Deanna Maich
  - Kevin Davies
  - Merrilee Frankish
  - Wesley Stiffle
  
2. Notes the attached Minutes of the Mareeba Multicultural Festival Advisory Committee meetings held on Tuesday, 21 May 2024 and Tuesday, 11 June 2024.

**CARRIED**

**11 CONFIDENTIAL REPORTS**

Nil

**12 BUSINESS WITHOUT NOTICE**

Nil

**13 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 17 July 2024.

There being no further business, the meeting closed at 9:39am.

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Cr Angela Toppin

Chairperson