Mareeba
SHIRE COUNCIL

MINUTES

Wednesday, 18 September 2024

Ordinary Council Meeting

MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 18 SEPTEMBER 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

Nil

5 CONFIRMATION OF MINUTES

RESOLUTION 2024/151

Moved: Cr Amy Braes
Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 21 August 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 C & C PRATT - MATERIAL CHANGE OF USE - CLUB - LOT 2 ON SP310235 - 3946 KENNEDY HIGHWAY, MAREEBA - MCU/24/0010

RESOLUTION 2024/152

Moved: Cr Kevin Davies
Seconded: Cr Ross Cardillo

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	C & C Pratt	**ADDRESS**	3946 Kennedy Highway, Mareeba
DATE LODGED	21 May 2024	**RPD**	Lot 2 on SP310235
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Club		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Club

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	MCU/09/0005 Change Application and MCU/24/0010 Club Application Site Plan	Scope Town Planning	-
ARK-001	Layout Plan	Applicant	September 2007

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

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

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

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

2. Timing of Effect

2.1 All conditions of this 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 Hours of Operation

The authorised operating hours for the club use is from 5:00pm to 11:00pm on **Friday** and **Saturday only**. No operations are permitted on Public Holidays. "Closed" signage must be placed at the premises gates by no later than 10:00pm each night to discourage the late arrival of club patrons. All club patrons must have vacated the property by no later than 11:00pm.

3.5 The club use must utilise the internal confines of the existing ice creamery building only. No club related activity is permitted on the patio/verandah at any time other than for dining or for smokers using/accessing any designated outdoor smoking area/s. No dining is permitted on the patio/verandah past 10:00pm.

To minimise noise impacts, all facility doors must be closed for the duration of club events and must be made from solid materials such as glass and/or timber.

3.6 Regardless of what is permitted under any issued or subsequent liquor license, liquor is only to be sold to patrons on-site attending club events and is not to be sold to passing trade other than ice creamery patrons.

Liquor sales must cease no later than 10:00pm.

3.7 No amplified music or loudspeakers/microphones are permitted on-site at any time. Low level music/sound from televisions is permitted provided it is not audible at any property boundary.

3.8 Signage

1 free standing sign is permitted at the site access to advertise either the club use, ice creamery use or both, and must comply with the following:

- The sign must not exceed 2.4m x 1.2m or a maximum sign face area of 2.9m^2.
- The sign must only advertise the ice creamery or club use.
- The sign must not be illuminated, revolve, strobe or flash.
- Lighting can be installed to shine onto the site access sign face only (light spillage must be avoided) and must be on a timer so as to run only on Friday and Saturday nights between 5pm and 11pm. No other signage within the property bounds or on the building is permitted to be illuminated in any way.
- The sign must be maintained in good order and safe repair for the life of the development.

3.9 No loitering is permitted in the car parking area. Signage must be erected to state as much and staff/management must ensure that loitering does not occur and that patrons leave in a timely manner.

3.10 Waste Management

On site refuse storage areas 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.

3.11 Noise Nuisance

3.11.1 Refrigeration equipment, pumps/ compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of8dB(A) above background levels as measured from commercial location.

3.11.2 A solid two (2) metre high, neutral colour, sound reflective acoustic fence must be installed along the western boundary of the site extending from a point parallel to the south-west corner of the car park and spanning a length no less than 60 metres.

The design of the acoustic fencing must be endorsed by a suitably qualified acoustic engineer with design plans and a site plan submitted to Council for review prior to any building works commencing.

The fencing required under 3.11.2 must be maintained in accordance with the approved design and in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

3.12 Emissions

Emissions associated with the development (e.g. light, noise, dust, odour) must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

4. Infrastructure Services and Standards

4.1 Access

The existing concrete sealed section of the access driveway must be maintained to its current standard for the life of the development, to the satisfaction of Council's delegated officer.

The fencepost on the eastern side of the site access must be moved to the east to a point in line with the western side of the ice creamery welcome signage.

4.2 Stormwater Management

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

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

4.3 Landscaping

4.3.1 A landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The landscape plan must include the following:

- a 3-metre-wide vegetated buffer between the access driveway and car parking area and the western boundary. The buffer is not permitted to be planted on any part of Emt A on SP160169. The buffer must span the entire length of the access driveway and car park area and must include shrubs, plants and trees that will grow to form an effective buffer of no less than 3 metres in height at maturity and should include at least 25% larger more advanced plant stock.
- a 3-metre-wide x 10-metre-long vegetated buffer extending from the south-east corner wall the ice creamery building towards the south-east truncated corner of the site. The buffer must include shrubs, plants and trees that will grow to form an effective privacy buffer for the dwelling on adjoining Lot 1 on SP310235.

4.3.2 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

4.3.3 The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.4 Fencing

4.4.1 The applicant/developer must, with the consent of the landowner/s of Lot 512 on SP145485, erect a solid 1.8 metre high, colorbond fence of neutral colour (colour to be agreed to by the landowners of Lot 512) along the front boundary of Lot 512 extending from the south-east corner of the Lot for a distance of 20 metres. The fencing must include a gate/s of the same width as that existing.

The applicant/development must give reasonable notice to the landowner/s of Lot 512 of their intention to begin construction.

If, in the opinion of Council's delegated officer, the landowners of Lot 512 on SP145485 are withholding consent, or not making a genuine effort to help progress the construction of the fence, the development may proceed without the fencing required under this condition.

4.4.2 1.8-metre-high non-acoustic solid screen, neutral colour fencing must be installed along the western boundary of the site extending from the northern end of the acoustic fencing required under Condition 3.11.2 to a point in line with the south-east corner of the existing shed on adjoining Lot 512 on SP145485.

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

4.4.3 2-metre-high non-acoustic solid screen, neutral colour fencing must be installed along the western boundary of the site extending from the southern end of the acoustic fencing required under Condition 3.11.2 to the south-west corner of the site and connecting to the fencing required under Condition 4.4.1.

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

4.5 Water Supply

The quality of water provided on site for human consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.6 On-site Wastewater Management

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

4.7 Car Parking/Internal Driveways

The existing 60 metre x 20 metre car parking area is to be maintained at its current size and dimensions for the life of the development. **All vehicles associated with the approved use must park on-site, and "No Parking" signage must be erected at the site entrance to discourage patrons from parking within the Kennedy Highway road reserve.**

Should the existing car parking area prove inadequate due to ongoing instances of vehicles parking within the Kennedy Highway road reserve, the existing car parking area must be extended to the north to accommodate the increased demand generated by all approved uses on-site.

The car parking area and all other trafficable areas must be surface treated with dust free all weather compacted gravel or pebble/stone treatment and must be appropriately drained, to the satisfaction of Council's delegated officer. The dust

free surface treatment must be maintained in good order and safe repair for the life of the development.

Should Council receive a substantiated dust complaint as a result of traffic on any unsealed surface, all trafficable areas must be surface treated with either asphalt or 2 coat bitumen seal and be appropriately drained and maintained with an intact surface treatment for the life of the development, to the satisfaction of Council's delegated officer.

4.8 Lighting

Where outdoor lighting is installed, 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.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises

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

(b) 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.

(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.

(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

(f) Electric Ants

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

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

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

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

(E) REFFERAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 2 July 2024

(F) 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).

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.2 PROPOSED SUBDIVISION OF JUNEVALE STATION - LOT 3708 ON PH164, LOCALITY OF CRYSTALBROOK

RESOLUTION 2024/153

Moved: Cr Lenore Wyatt
Seconded: Cr Amy Braes

That Council offer no objection to the proposed subdivision of Lot 3708 on PH164 into three (3) rolling term leases, subject to legal and practical access being provided to each lease area.

CARRIED

8.3 NEGOTIATED DECISION NOTICE - TWO RIVERS COMMUNITY SCHOOL - MATERIAL CHANGE OF USE - EDUCATIONAL ESTABLISHMENT - LOT 71 ON SP292140 - CHEWKO ROAD & 267 MCIVER ROAD, MAREEBA - MCU/23/0012

RESOLUTION 2024/154

Moved: Cr Nipper Brown
Seconded: Cr Amy Braes

It is recommended that:

1. "In relation to the written representations made by Freshwater Planning Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Two Rivers Community School	**ADDRESS**	Chewko Road & 267 McIver Road, Mareeba
DATE REQUEST FOR NDN LODGED	28 August 2024	**RPD**	Lot 71 on SP292140
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Educational Establishment		

and in accordance with the Planning Act 2016, the following

(a) Condition 4.6.2(iii) of Council's Decision Notice issued on 18 July 2024 be amended as follows:

4.6 Landscaping and Fencing

4.6.1 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.

4.6.2 The landscaping plan must incorporate the following:

(i) A minimum 10 metre wide vegetated landscape buffer for the full length of the buffer zone shown on the approved plans.

(ii) A minimum 10 metre wide vegetated landscape buffer for 115 metres along the common boundary with Lot 1 on RP708284, directly to the south of the sports field/running track.

(iii) The existing rural fence must be maintained along the site's common boundary with Lot 1 on RP708284 for the full length of the vegetated landscape buffers required under (i) and (ii).

(iv) The planting of one (1) shade tree for every six (6) parking spaces.

2. A Negotiated Decision Notice be issued to the applicant, referral agencies and submitters advising of Council's decision".

CARRIED

8.4 ASSIGNMENT OF LEASE INTEREST AND GRANT OF NEW LEASE - LEASE F ON SP155203 - VICARY ROAD, MAREEBA AERODROME

RESOLUTION 2024/155

Moved: Cr Mary Graham
Seconded: Cr Nipper Brown

That, subject to the completion of a Deed of Agreement in a form satisfactory to Council in its absolute discretion, Council:

1. Consents to the assignment of the current lessee's interests in Lease F in Lot 1 RP714240 on SP155203 ("Lease F"), located at Mareeba Aerodrome by Richard and Linda Rudd, as assignor, to Mars Aviation Pty Ltd, as assignee, subject to the following conditions:
   (a) Full payment of all amounts of lease rental and rates, fees and charges due as at the date of the assignment being effected, including any outstanding amounts;
   (b) All legal fees associated with lease interest assignment and lodgement of necessary legal instruments with Queensland Titles Registry to effect the assignment being borne by the assignor. This includes any legal fees, reasonably incurred by Council, to achieve this outcome; and
   (c) Confirmation of incorporation of Mars Aviation Pty Ltd, or Council being satisfied with the proposed assignee's legal entity.
2. Subject to the completion of the assignment of the lessee's interests in Lease F detailed in Item 1, and the subsequent surrender to Council of Lease F, consent to the grant of a new Lease interest for the Lease F site to Mars Aviation Pty Ltd, on the following terms:
   (a) Term of 20 years, with 2 x 10-year options;
   (b) Rental consideration for first year of $6,690.00 (plus GST);
   (c) Permitted Use: Storage and Maintenance of Aircraft and for no other purpose whatsoever;
   (d) Otherwise, in accordance with Council's standard Aerodrome Lease conditions; and

(e) All legal fees associated with the grant of new lease interest, including lodgement with Queensland Titles Registry, to be borne by the Lessee. This includes any legal fees, reasonably incurred by Council, to achieve this outcome.

3. That Council delegates the Chief Executive Officer to negotiate, execute, and do all things necessary to finalise the Deed of Agreement, Assignment and Surrender of the existing lease interest in Lease F, and grant of a new Lease to Mars Aviation Pty Ltd for Lease F on SP155203.

CARRIED

8.5 BUILDING CERTIFICATION FEES

RESOLUTION 2024/156

Moved: Cr Mary Graham
Seconded: Cr Lenore Wyatt

That Council:

1. Adopts a Building Certification Fee for lapsing applications that must be assessed by Council whereby the fee shall be that of engaging a suitable Private Building Certifier with an additional administrative charge of 20%; and
2. Conducts an expression of interest to call for applications from private building certifiers for the provision of building certification services, information and advice including inspections required to be conducted on behalf of Council.

CARRIED

8.6 COUNCIL POLICY REVIEW

RESOLUTION 2024/157

Moved: Cr Amy Braes
Seconded: Cr Nipper Brown

That Council:

1. Adopts the:
   (a) Library Conditions of Entry Policy;
   (b) Library Terms and Conditions of Entry.

CARRIED

8.7 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2024

RESOLUTION 2024/158

Moved: Cr Mary Graham
Seconded: Cr Amy Braes

That Council;

1. receives the Financial Report for the period ending 31 August 2024;
2. empanels three (3) suppliers to be added to the Sole Supplier Register;
3. approves the amended 2024/25 Capital Works program to include the carryovers from 2023/24.
4. Approves the allocation of funds from the Sustainability Reserve to support the Community Compositing Workshop.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - AUGUST 2024

RESOLUTION 2024/159

Moved: Cr Nipper Brown
Seconded: Cr Lenore Wyatt

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

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - AUGUST 2024

RESOLUTION 2024/160

Moved: Cr Lenore Wyatt
Seconded: Cr Ross Cardillo

That Council receives the Infrastructure Services, Technical Services Operations Report for August 2024.

CARRIED

9.3 TMSC2024-20 MAREEBA WTP CLARIFIER PROJECT

RESOLUTION 2024/161

Moved: Cr Nipper Brown
Seconded: Cr Kevin Davies

That the Council awards Tender T-MSC2024-20 Mareeba WTP Clarifier Upgrade Works to Water Treatment Australia Pty Ltd for the amount of $1,451,291.00 (excl. GST).

CARRIED

9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - AUGUST 2024

RESOLUTION 2024/162

Moved: Cr Lenore Wyatt
Seconded: Cr Kevin Davies

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2024

RESOLUTION 2024/163

Moved: Cr Kevin Davies
Seconded: Cr Lenore Wyatt

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

CARRIED

10 OFFICE OF THE CEO

10.1 ENDORSEMENT OF MAREEBA LOCAL DISASTER MANAGEMENT PLAN

RESOLUTION 2024/164

Moved: Cr Amy Braes
Seconded: Cr Mary Graham

That Council endorses the Mareeba Local Disaster Management Plan 2024/25.

CARRIED

11 CONFIDENTIAL REPORTS

Council determined that it was not necessary to close the meeting to discuss this matter.

11.1 HUMAN RESOURCES PROGRESS AND INFORMATION REPORT

RESOLUTION 2024/165

Moved: Cr Nipper Brown
Seconded: Cr Amy Braes

That Council receives the Human Resources Progress and Information Report.

CARRIED

12 BUSINESS WITHOUT NOTICE

12.1 ATTENDANCE AT LGAQ ANNUAL CONFERENCE

RESOLUTION 2024/166

Moved: Cr Lenore Wyatt
Seconded: Cr Mary Graham

That Council approves Cr Cardillo's attendance at the Annual LGAQ Conference to be held in Brisbane 21-23 October 2024.

CARRIED

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 16 October 2024.

There being no further business, the meeting closed at 9:52am.

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Cr Angela Toppin

Chairperson