Mareeba
SHIRE COUNCIL

# MINUTES

## Wednesday, 16 October 2024

## Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL**
**ORDINARY COUNCIL MEETING**
**HELD AT THE COUNCIL CHAMBERS**
**ON WEDNESDAY, 16 OCTOBER 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 declarable conflict of interest in relation to *ITEM 8.1 Kanjini Co-Op Limited - Material Change of Use* as her relative is a submitter. As a result of this declarable conflict of Interest, Cr Wyatt informed the meeting that she will leave the room whilst the matter is discussed and voted on.

Cr Davies informed the meeting that he has a prescribed conflict of interest in relation to *ITEM 8.11 Mareeba Rotary Club Carols by Candlelight* as he is on the executive of Rotary. The Mayor advised that as the item had been withdrawn Cr Davies would not need to leave the room.

## 5 CONFIRMATION OF MINUTES

**RESOLUTION 2024/167**

Moved: Cr Mary Graham
Seconded: Cr Amy Braes

That the minutes of Ordinary Council Meeting held on 18 September 2024 be confirmed.

**CARRIED**

## 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

## 7 DEPUTATIONS AND DELEGATIONS

Nil

At 9:02 am, Cr Lenore Wyatt left the meeting.

## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 KANJINI CO-OP LIMITED - MATERIAL CHANGE OF USE - OUTDOOR SPORT AND RECREATION, FUNCTION FACILITY AND TOURIST PARK - LOT 66 ON RP896904, LOT 67 ON SP328197 AND LOT 68 ON SP282408 - 545 KAY ROAD AND 483 EMERALD FALLS ROAD, MAREEBA - MCU/22/0002

**RESOLUTION 2024/168**

Moved: Cr Kevin Davies
Seconded: Cr Amy Braes

1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|---|---|---|---|
| **APPLICANT** | Kanjini Co-Op Limited | **ADDRESS** | 545 Kay Road & 483 Emerald Falls Road, Mareeba |
| **DATE LODGED** | 1 September 2022 | **RPD** | Lot 66 on RP896904, Lot 67 on SP328197 & Lot 68 on SP282408 |
| **TYPE OF APPROVAL** | Development Permit | | |
| **PROPOSED DEVELOPMENT** | Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park | | |

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 – Outdoor Sport and Recreation, Function Facility and Tourist Park

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|---|---|---|---|
| - | Site Plan and Proposal Details | - | - |

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. This Development Permit authorises the following development:

   - Six (6) additional camp sites;
   - Ten (10) RV/caravan sites;
   - Eight (8) tourist cabins;
   - Two (2) event sites; and
   - Function facility (300 person capacity).

2. 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.

3. Timing of Effect

   3.1 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.

   3.2 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.

4. General

   4.1 The applicant 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.

4.2 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.

4.3 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.

4.4 Waste Management

4.4.1 On site refuge 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.

4.4.2 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.

4.5 Event Sites/Function Facility Capacity

4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed 3,500 persons per annum.

4.5.2 No single event at Event Site 1 is to host more than 2,000 persons.

4.5.3 The cumulative maximum capacity of Event Site 2 must not exceed 500 persons per annum.

4.5.4 No single event at Event Site 2 is to host more than 300 persons.

4.6 Emissions

Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

4.7 Noise Management

4.7.1 Event Site 2 and Function Facility

No amplified music or use of loudspeakers is to occur at Event Site 2 or the Function Facility between the hours of 12 midnight and 7:00am the following day.

4.7.2 No single event is to exceed three (3) days in length.

4.7.3 Noise Management Plan

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic

engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

(i) A site plan including the location of the events, neighbouring land-use details;

(ii) For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:

- a small version of the site plan
- a description of the planned event
- the time the event starts and finishes
- the times for any sound testing to take place
- a description of the proposed measures that will be implemented to minimise noise from the event
- any changes that have been made to further minimise noise following previous events
- the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.
- This letter/email must be distributed to all potentially affected parties at least one (1) month prior to the event. Please be aware that letter-box drops have the potential to not reach all intended recipients, partly due to delivery staff being unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred method for delivery is in an addressed envelope marked ‘to the resident’ or ‘to the occupier’.
- A copy of the letter/email must be sent to Council.

(iii) For all events/functions (including those under 500 attendees), an events calendar is to be maintained on the applicant’s website.

(iv) Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.

(v) Maintain a complaints register which must include:

- contact details of all complainants;
- the time and date the complaint is received;
- a description of the complaint;
- a description of the activities occurring which gave rise to the complaint;
- any action taken as a result of the complaint.

(vi) Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.

(vii) The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.

(viii) The approved use must comply with the approved noise management plan at all times.

4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated (in the opinion of Council's delegated officer) noise nuisance complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant to do so.

4.8 Camp Site Capacity

The capacity of each camp site must not exceed 30 persons.

4.9 Maintain Records of Attendee Numbers

The applicant must maintain an up-to-date record of the number of attendees for all on site events and functions.

This record must be provided to Council's delegated officer upon request.

4.10 Bushfire Management

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

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

5. Infrastructure Services and Standards

5.1 Access Crossover

All access crossovers used for this development must be upgraded/constructed/maintained (from the edge of the relevant Council road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- Kay Road (between the Kennedy Highway and the subject site); and
- Cobra Road and Emerald Falls Road to the subject site.

The road safety assessment/s must be consider (but not be limited to) the following:

(i) Road geometry (horizontal & vertical).

(ii) Carriageway width (pavement, seal and shoulders) – ability for opposing traffic to safely pass each other.

(iii) Vehicle sightlines.

(iv) Intersection treatments.

(v) Causeway crossing including the sharp bends/approaches either side.

(vi) Other roadside hazards.

The road safety assessment/s must provide recommendations on practical treatments to reduce the risk of any hazards to acceptable levels (e.g. localised pavement widening, signage, linemarking, road edge delineation etc.). The road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

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

5.3 Road Pavement Condition Assessment (for all events with over 500 attendees)

A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than 500 attendees. The pre-event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The pre-event assessment should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event assessment must be submitted to Council within a month following the event.

In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.

5.4 Event Traffic Management Plan (for all events with over 100 attendees)

An Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.

The agreed measures must be implemented for each event with greater than 100 attendees, at no cost to Council.

5.5 Stormwater Drainage/Water Quality

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

5.5.2 All stormwater drainage must be discharged to an approved legal point of discharge.

5.6 Car Parking/Internal Driveways

5.6.1 The applicant/developer must ensure that the development is provided with sufficient on-site car parking. No parking of vehicles associated with the development is permitted to occur outside the property boundary or within road reserve.

5.6.2 All car parking spaces, and trafficable areas must be surface treated with gravel or maintained with an intact grass cover so as to minimise erosion and must be appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

5.6.3 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.

5.7 Non-Reticulated Water Supply

The development must be provided with a potable water supply at each function location 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.

5.8 On-Site Wastewater Management

Should permanent ablutions facilities be constructed onsite, all on site wastewater disposal associated with these facilities 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.

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:** Portable toilets are authorised for use on-site for all functions, however no black or grey water is to be disposed of on-site, unless through an approved on-site wastewater disposal system.

5.9 Lighting

Lighting associated with evening and nighttime functions must be set up to minimise light spillage and not cause nuisance to any neighbouring property. Where permanent outdoor lighting is proposed, the developer shall locate, design and install lighting in order to prevent 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.

(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) 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.

(d) Compliance with applicable codes/policies

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

(e) Compliance with Acts and Regulations

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

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(h) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2018* is required prior to the commencement of the motor home park/caravan park/camping ground.

(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.

(g) Powerlink Advice – 24 November 2023

1. *The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.*

2. *The statutory clearances set out in the Electrical Safety Regulation 2013 must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.*

3. *Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.*

4. *Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".*

(h) Queensland Parks and Wildlife Service & Partnerships Advice

*The proposed development includes a new Camp Site (No.17) to be located close to the boundary of Dinden West Forest Reserve (Emerald Creek) Lot 1 on AP19244. QPWS&P are the owners of this parcel. The proposed camp site will be on the eastern side of the only firebreak between Emerald Creek and Davies Creek road.*

*Given the fire history and potential for wildfire in this locale, consideration should be given to fire management of all Kanjini Co-op Ltd assets; whereby Kanjini Co-op Ltd*

*should include QPWS&P (as the adjacent landowner) in those considerations for fire management proposals on their estate.*

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 16 September 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

- Development Permit for Building Work
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1

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

| **Development Type** | **Rate** | **Measure** | **Charge** | **Credit Detail** | **Balance** |
|---|---|---|---|---|---|
| | **per 10 vpd** | **vpd** | | | |
| **Stage 1** | **$5,452.00** | **8.58** | $4,677.80 | | **$4,677.80** |
| **Stage 2** | **$5,452.00** | **8.71** | $4,748.70 | **Nil** | **$4,748.70** |
| **Stage 3** | **$5,452.00** | **3.5** | $1,908.20 | | **$1,908.20** |
| **TOTAL CURRENT AMOUNT OF CHARGE** | | | | | **$11,334.70** |

**CARRIED**

At 9:05 am, Cr Lenore Wyatt returned to the meeting.

## 8.2 DUSTY NUTS PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODATION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 1 ON RP741791 - 8 VICARY ROAD, MAREEBA - MCU/24/0013

**RESOLUTION 2024/169**

Moved: Cr Lenore Wyatt
Seconded: Cr Mary Graham

1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|---|---|---|---|
| **APPLICANT** | Dusty Nuts Pty Ltd | **ADDRESS** | 8 Vicary Road, Mareeba |
| **DATE LODGED** | 17 June 2024 | **RPD** | Lot 1 on RP741791 |
| **TYPE OF APPROVAL** | Development Permit | | |
| **PROPOSED DEVELOPMENT** | Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by Planning Regulation 2017) - extension to existing workforce accommodation | | |

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

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

And

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

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

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|---|---|---|---|
| Sheet 02 DUS458 23032401 A | Site Plan | Superior Steel Homes | 18/04/23 |
| Sheet 03 DUS458 23032401 A | Floor Plan – Stage 2 | Superior Steel Homes | 18/04/23 |
| Sheet 04 DUS458 23032401 A | Elevations – Stage 2 | Superior Steel Homes | 18/04/23 |
| Sheet 05 DUS458 23032401 A | 3D Views – Stage 2 | Superior Steel Homes | 18/04/23 |
| Sheet 03 DUS458 23032401 A | Floor Plan – Stage 3 | Superior Steel Homes | 18/04/23 |
| Sheet 04 DUS458 23032401 A | Elevations – Stage 3 | Superior Steel Homes | 18/04/23 |
| Sheet 05 DUS458 23032401 A | 3D Views – Stage 3 | Superior Steel Homes | 18/04/23 |

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. The 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 Noise Nuisance

3.4.1 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 of 8dB(A) above background levels as measured from commercial locations.

3.4.2 The applicant/developer must ensure the approved accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

No amplified music is permitted on-site at any time.

3.5 Waste Management

3.5.1 On site refuge 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.

3.5.3 All waste storage areas must remain covered and no food scraps disposed of on-site so as to not encourage scavenging from wildlife and birdlife.

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 72 individual workers (cumulative total of development approvals MCU/23/0002 and MCU/24/0013) 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 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 $6m^2$ 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.

3.9 Notification of Potential Rural Zone Impacts

The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, 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 impacts from rural activities, including noise, ground and aerial crop spraying, 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."*

3.10 The workforce accommodation must not be used for any other purpose than that included in the Planning Regulation definition for 'Workforce Accommodation'.

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 are employed in the locality at a place of employment consistent with the Planning Regulation definition.

3.11 A site manager must be present on-site at all times to ensure compliance with these conditions of approval. The managers residence must not be used to accommodate anyone other than the site manager and their immediate family.

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

3.12 Bushfire Management

3.12.1 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.

3.12.2 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.

4. Infrastructure Services and Standards

4.1 Access

The access driveway/s servicing the development (from the crossover required by condition 4.1.1 of Development Permit MCU/23/0002 and the property boundary including both the northern and southern access points) must be upgraded/constructed to at least a three (3) metre wide x 150mm thick compacted gravel standard, to the satisfaction of Council's delegated officer. The driveway must be appropriately drained and maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

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

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

4.3 Footbath (Panama Disease Tropical Race 4)

In order to reduce the risk of contamination of the site with Panama Disease Tropical Race 4, a footpath is to be installed between the car parking area and site entrance for daily use by workers residing on-site. The on-site manager must ensure that all work shoes worn by farm workers during the course of their workdays are processed through the footbath before entering the property. Recreational footwear not worn on farms is not required to be washed.

4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure that the development is provided with a total of seven (7) formal vehicle parking spaces and a total of seven (7) bus parking spaces. No parking of vehicles or buses is permitted to occur off-site in any road reserve or within the adjoining rail trail at any time.

4.4.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal 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/s 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 buffer and fencing plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The extent of landscaping and fencing included in the plan should be consistent with that included on the submitted Site Plan dated 18/04/23 and include the following at a minimum:

(i) A minimum two (2) metre wide landscape buffer along the eastern boundary of the site to the extent shown on the submitted Site Plan (the landscape buffer may include existing landscaping);

(ii) a minimum five (5) metre wide landscape buffer along the western boundary of the site to the extent shown on the submitted Site Plan.

(iii) a minimum four (4) metre wide landscaping buffer to the south of the development linking the landscape buffers required under (i) and (ii) above, to the extent shown on the submitted Site Plan;

(iv) a two (2) metre high colorbond fence (of neutral colour) or overlapping timber paling fence (with no gaps) along the western boundary of the site and wrapping around the northern side of the development footprint extending to the eastern boundary of the site, to the extent shown on the submitted Site Plan located on the outside of the vegetation buffering required by (ii) above;

(v) a 1.8 metre high chain mesh fence along the entire length of the southern boundary and part of the western boundary to a the point where the solid screen fencing required by (iv) begins.

(vi) any landscaping proposed throughout the facility (not compulsory)

Landscaping associated with points (i) 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.

Landscaping associated with point (ii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height.

All landscaping 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 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".

4.7 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.

Note: 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.

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 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) 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.

(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.

(g) Access Driveway Standard & Maintenance

The compacted gravel access driveway used to access the development from Vicary Road is considered a private driveway only. The maintenance and upkeep of this private driveway is the sole responsibility of the applicant/developer/landowner and should you wish to upgrade this driveway in future to include a bitumen/asphalt or concrete seal, Council is not liable or responsible for contributing in any way to the cost of these works.

(h) Electric Ants

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

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

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

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

(E) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

**CARRIED**

## 8.3 LAND TENURE USER AGREEMENT - LOT 213 CPHG550 - PARK AVENUE DIMBULAH

**RESOLUTION 2024/170**

Moved: Cr Nipper Brown
Seconded: Cr Mary Graham

That Council:

1. Determine that exemption provisions under s 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) apply to the proposed land tenure arrangement outlined in this report; and
2. Consent to the issuing of new User Agreement instruments to the entities TRACQS Pty Ltd and Dimbulah Community Centre Inc. for shared tenure of the shed facility located upon Lot 213 CPHG550, 5 Park Avenue Dimbulah until terminated by either party; and
3. Authorise Council's Chief Executive Officer to finalise and execute the necessary land tenure instruments to give effect the land tenure arrangements at point 2 above in accordance with Council's Community Group Exclusive Use of Council Land and Facilities Policy and Council's Community Tenure Guidelines.

**CARRIED**

## 8.4 COUNCIL POLICY REVIEW

**RESOLUTION 2024/171**

Moved: Cr Kevin Davies
Seconded: Cr Ross Cardillo

That Council:

1. Repeals the:
   (a) Non-Current Asset Policy – adopted 16 September 2016
   (b) Community Housing for Seniors Policy – adopted 16 September 2020

(c) Standing Orders (Meeting Procedures) for Council Meetings – adopted 24 January 2024

(d) The Great Wheelbarrow Race Advisory Committee Charter – adopted 14 October 2020

2. Adopts the:

(a) Non-Current Asset Policy

(b) Community Housing for Seniors Policy

(c) Standing Orders (Meeting Procedures) for Council Meetings

(d) The Great Wheelbarrow Race Advisory Committee Charter

**CARRIED**

## 8.5 EXTENSION OF CONTRACT TERM - COMMERCIAL REAL ESTATE SERVICES FOR SALE OF MAREEBA INDUSTRIAL PARK

**RESOLUTION 2024/172**

Moved: Cr Lenore Wyatt
Seconded: Cr Amy Braes

That Council approve an extension commencing on 1 November 2024 to the current contract for commercial real estate services for sale of Mareeba Industrial Park held by Mareeba Property Office ABN 36 989 911 069 as appointed property agent, with all other existing contract terms to remain unchanged and in effect, until Council resolves to call a tender for the awarding of real estate services for the marketing and sale of the future developed lots.

**CARRIED**

## 8.6 CASSOWARY ART TRAIL

**RESOLUTION 2024/173**

Moved: Cr Amy Braes
Seconded: Cr Lenore Wyatt

That Council

1. approve the installation and ongoing maintenance of the four (4) to six (6) metre Giant Cassowary statue in Centenary Park adjacent to Therwine Street in Kuranda, facing along the footpath or in to the Park; and

2. support Kuranda Conservation Community Nursery Inc. in seeking funding to purchase and install the Giant Cassowary statue in Kuranda.

**CARRIED**

## 8.7 DEVELOPMENT & GOVERNANCE QUARTERLY REPORT - JULY TO SEPTEMBER 2024

**RESOLUTION 2024/174**

Moved: Cr Mary Graham
Seconded: Cr Kevin Davies

That Council receives the quarterly report of the Development and Governance Group for the July to September 2024 quarter.

**CARRIED**

## 8.8 OPERATIONAL PLAN 2024/25 PROGRESS REPORT

**RESOLUTION 2024/175**

Moved: Cr Amy Braes
Seconded: Cr Lenore Wyatt

That Council receives and notes the progress report on the implementation of the 2024/25 Operational Plan for the period July to September 2024.

**CARRIED**

## 8.9 PROPOSED ADOPTION OF AMENDING LOCAL LAWS

**RESOLUTION 2024/176**

Moved: Cr Lenore Wyatt
Seconded: Cr Nipper Brown

That Council:

1. Resolves to propose to adopt the amendments to each of the following local laws and subordinate local laws as shown in **Attachments 1 to 7** to this Report ("**Proposed Local Law Amendments**"):
   (a) *Local Law No. 1 (Administration) 2018*;
   (b) *Local Law No. 3 (Community and Environmental Management) 2018;*
   (c) *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018;*
   (d) *Subordinate Local Law No. 1 (Administration) 2018;*
   (e) *Subordinate Local Law No. 2 (Animal Management) 2018;*
   (f) *Subordinate Local Law No. 3 (Community and Environmental Management) 2018; and*
   (g) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.
2. Resolves to propose to adopt the Proposed Local Law Amendments as shown in Attachments 8 and 9 to this Report, being *Amending Local Law No. 1 (Miscellaneous Local*

*Laws) 2024* and *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024* ("**the Proposed Amending Local Laws**"); and

3. Pursuant to section 257 of the *Local Government Act 2009* ("**the Act**"), to delegate to the Chief Executive Officer the power to take the required steps in respect of the amendments recorded in the Proposed Amending Local Laws.

**CARRIED**

## 8.10 IRVINEBANK SCHOOL OF ARTS & PROGRESS ASSOCIATION - COMMUNITY LOAN APPLICATION

**RESOLUTION 2024/177**

Moved: Cr Amy Braes
Seconded: Cr Lenore Wyatt

That Council approves the request from Irvinebank School of the Arts & Progress Association for an interest-free loan.

**CARRIED**

## 8.11 MAREEBA ROTARY CLUB CAROLS BY CANDLELIGHT

**RECOMMENDATION**

The Mayor advised that this item has been withdrawn.

## 8.12 KURANDA FUND ONE-OFF PAYMENT

**RESOLUTION 2024/178**

Moved: Cr Mary Graham
Seconded: Cr Nipper Brown

That Council accepts the one-off payment as a contribution to the Kuranda Fund to be used, managed and reported upon as per the requirements of the current KIA.

**CARRIED**

### 8.13 ANNUAL REPORT 2023/24

**RESOLUTION 2024/179**

Moved: Cr Ross Cardillo
Seconded: Cr Nipper Brown

That Council adopts the Annual Report for the 2023/24 Financial Year.

**CARRIED**

### 8.14 FINANCIAL STATEMENTS PERIOD ENDING 30 SEPTEMBER 2024

**RESOLUTION 2024/180**

Moved: Cr Nipper Brown
Seconded: Cr Ross Cardillo

That Council;

1. receives the Financial Report for the period ending 30 September 2024; and
2. empanels one (1) supplier to be added to the Sole Supplier Register

**CARRIED**

## 9 INFRASTRUCTURE SERVICES

### 9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - SEPTEMBER 2024

**RESOLUTION 2024/181**

Moved: Cr Kevin Davies
Seconded: Cr Lenore Wyatt

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

**CARRIED**

### 9.2 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 17 SEPTEMBER 2024

**RESOLUTION 2024/182**

Moved: Cr Kevin Davies
Seconded: Cr Lenore Wyatt

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 17 September 2024.

**CARRIED**

## 9.3 APPLICATION TO PURCHASE A PORTION OF RESERVE LAND - BEING LOT 3 ON SP331730 - ABUTTING LOT 41 ON NR7561 - 1 ABBOTT STREET MAREEBA

**RESOLUTION 2024/183**

Moved: Cr Mary Graham
Seconded: Cr Amy Braes

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

1. Council offers no objection to the acquisition of the portion of Reserve Land, subject to the following conditions:
    a. Matters relevant to Native Title and Third-party Utility Providers must be suitably addressed prior to finalisation.
    b. The subject parcel must be amalgamated into freehold Lot 41 and new boundaries are to be generally aligned with drawing: 'Proposed Acquisition Area'.
    c. The proposed new northern boundary of the subject parcel must not extend more than two (2) metres beyond the existing buildings envelope.
    d. The existing fence and gardens bed/s encroachments can remain: however, Council reserves the right to request removal by the landowner at their cost at any time in the future.
    e. The proponent is wholly responsible for all costs associated with finalising the process.

**CARRIED**

## 9.4 TENDER AWARD T-MSC2024-18 SEWER MANHOLE REFURBISHMENT

**RESOLUTION 2024/184**

Moved: Cr Kevin Davies
Seconded: Cr Ross Cardillo

That the Council awards Tender T-MSC2024-18 Sewer Manhole Refurbishment Project to NQ Wastetrans Pty Ltd for the amount of $591,576 (excl GST).

**CARRIED**

## 9.5 TENDER AWARD T-MSC2024-23 KURANDA COONDOO STREET FOOTPATHS PAVEMENT UPGRADES

**RESOLUTION 2024/185**

Moved: Cr Mary Graham
Seconded: Cr Amy Braes

That the Council awards Tender T-MSC2024-23 to Perosa Landscaping Pty Ltd for the amount of $510,915.11 (excl GST).

**CARRIED**

## 9.6 TENDER AWARD T-MSC2024-22 KURANDA UPPER COONDOO STREET LIGHTING

**RESOLUTION 2024/186**

Moved: Cr Lenore Wyatt
Seconded: Cr Ross Cardillo

That the Council awards Tender T-MSC2024-22 Kuranda Upper Coondoo Street Lighting to i-LEC Solutions Pty Ltd for the amount of $368,980.68 (excl GST).

**CARRIED**

## 9.7 T-MSC2024-26 MAREEBA BYRNES STREET SAFETY UPGRADES

**RESOLUTION 2024/187**

Moved: Cr Amy Braes
Seconded: Cr Kevin Davies

That the Council awards Tender T-MSC2024-26 Byrnes St Medians Safety Upgrades to Gregg Construction Pty Ltd for the amount of $562,822.40 (excl GST).

**CARRIED**

## 9.8 PARKS AND OPEN SPACES QUARTERLY REPORT JULY 2024 - SEPTEMBER 2024

**RESOLUTION 2024/188**

Moved: Cr Ross Cardillo
Seconded: Cr Nipper Brown

That Council receives the Parks and Open Spaces Action Plan Progress Report for the months of April 2024 – June 2024.

**CARRIED**

## 9.9 INFRASTUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - SEPTEMBER 2024

**RESOLUTION 2024/189**

Moved: Cr Kevin Davies
Seconded: Cr Amy Braes

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

**CARRIED**

## 9.10 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - SEPTEMBER 2024

**RESOLUTION 2024/190**

Moved: Cr Nipper Brown
Seconded: Cr Mary Graham

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

**CARRIED**

## 9.11 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - SEPTEMBER 2024

**RESOLUTION 2024/191**

Moved: Cr Ross Cardillo
Seconded: Cr Amy Braes

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

**CARRIED**

## 10 OFFICE OF THE CEO

### 10.1 TOURISM & ECONOMIC DEVELOPMENT QUARTERLY REPORT

**RESOLUTION 2024/192**

Moved: Cr Nipper Brown
Seconded: Cr Mary Graham

That Council receives the Tourism and Economic Development report for the July to September 2024 quarter.

**CARRIED**

### 10.2 THE 2024 NATIONAL LOCAL ROADS, TRANSPORT AND INFRASTRUCTURE CONGRESS

**RESOLUTION 2024/193**

Moved: Cr Ross Cardillo
Seconded: Cr Amy Braes

That Council approves the attendance of Cr Davies at the 2024 National Local Roads, Transport and Infrastructure Congress to be held in Margaret River 3-4 December 2024.

**CARRIED**

## 11 CONFIDENTIAL REPORTS

Nil

## 12 BUSINESS WITHOUT NOTICE

### 12.1 REGIONAL WASTE ADVISORY COMMITTEE

**RESOLUTION 2024/194**

Moved: Cr Kevin Davies
Seconded: Cr Nipper Brown

That Council appoints Cr Braes as Council's representative on the Regional Waste Advisory Committee and Cr Cardillo be appointed proxy.

**CARRIED**

## 13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 20 November 2024.

There being no further business, the meeting closed at 10:05am.

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Cr Angela Toppin

Chairperson