



MINUTES

Wednesday, 18 December 2024

Ordinary Council Meeting

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

Cr Davies was granted a leave of absence.

3 BEREAVEMENTS/CONDOLENCES

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

4 DECLARATION OF CONFLICTS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

RESOLUTION 2024/220

Moved: Cr Amy Braes

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 20 November 2024 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

8 CORPORATE AND COMMUNITY SERVICES

8.1 ADOPTION OF AMENDING LOCAL LAWS

RESOLUTION 2024/221

Moved: Cr Ross Cardillo

Seconded: Cr Amy Braes

That Council:

1. Pursuant to section 29(2) of the *Local Government Act 2009* (“**the Act**”), resolves to make *Amending Local Law No. 1 (Miscellaneous Local Laws) 2024* and *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024* (“**the Amending Local Laws**”); and
2. Notes that the Amending Local Laws contain an anti-competitive provision; and
3. Pursuant to section 32 of the Act, resolves to adopt a consolidated version of each of the following Local Laws and Subordinate Local Laws that incorporate the amendments contained in the Amending Local Laws:
 - (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*, and
4. Pursuant to section 257(1)(b) of the Act, resolves to delegate to the Chief Executive Officer the power to take all steps necessary to publish the Amending Local Laws, and consolidated versions of the Local Laws and Subordinate Local Law that incorporate the amendments contained in the Amending Local Laws, in accordance with sections 29B and 32 of the Act; and
5. Receive the four (4) petitions but take no further action in regard to them.

CARRIED

8.2 BTM & S HOLDINGS PTY LTD - MATERIAL CHANGE OF USE - BUSINESS (HEALTH CARE SERVICES) & INDOOR RECREATION FACILITY (INDOOR SPORT AND RECREATION) - LOT 2 ON SP298298 - 2-8 KAROBEAN DRIVE, MAREEBA - MCU/24/0019

RESOLUTION 2024/222

Moved: Cr Lenore Wyatt

Seconded: Cr Ross Cardillo

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	BTM & S Holdings Pty Ltd	ADDRESS	2-8 Karobean Drive, Mareeba
DATE LODGED	22 October 2024	RPD	Lot 2 on SP298298
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)		

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 – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1659-PD-A00 B	Cover Sheet	Clarke and Prince Architects	03/12/24
1659-PD-A01 B	Site Plan	Clarke and Prince Architects	03/12/24
1659-PD-A02 B	Floor Plan	Clarke and Prince Architects	03/12/24
1659-PD-A03 A	Elevations	Clarke and Prince Architects	03/12/24

(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 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 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 or the Adopted Infrastructure Charges Notice.
 - 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 commencement of the use and at the rate applicable at the time of payment.
 - 3.4 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.
 - 3.5 Emissions
 - 3.5.1 Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.
 - 3.5.2 Where operations occur prior to 7:00am or after 6:00pm, no doors or windows are to be open and noise generation meets the noise limitations of the *Environmental Protection Policy (Noise)*.
 - 3.5.3 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 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.

3.7 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.8 Signage

Signage is to be generally in accordance with:

- (1) The approved plans.
- (2) The signage must be kept clean, in good order and safe repair for the life of the approval.
- (3) The signage must be removed when no longer required.
- (4) The erection and use of the signage must comply with the Building Act and all other relevant Acts and Regulations, and these approval conditions.
- (5) The lighting in all illuminated signage must be turned off each evening within 30 minutes of the last business closing.

3.9 Rubbish Bins

Waste bins must be provided at each pedestrian entrance to the proposed development.

3.10 Specific Building Design Requirements

All southern wall windows less than 2 metre above finished ground are to use frosted glass or other opaque material to prevent overlooking of the neighbouring playground.

4. Infrastructure Services and Standards

4.1 Access

All vehicle access shall be via the existing Amaroo Village access crossover onto Karobean Drive.

4.2 Stormwater Drainage/Water Quality

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

4.3 Car Parking/Internal Driveways

The developer must ensure that the development is provided with 39 additional on-site car parking spaces.

All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Compliance with Australian Standard AS2890:1 Off-Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

4.4 Landscaping

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.

The landscape plan must generally include the gardens/turf areas shown on the approved Masterplan and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

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

4.5 Lighting

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

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (8) lux when measured at any point 1.5 metre 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.

All lighting except for security lighting, internal lighting and street lighting must be turned off no later than an hour after the close of trading.

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

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

4.7 Sewerage Connection

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

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

(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) A Trade Waste Permit may be required prior to the commencement of use.
- (e) Compliance with applicable codes/policies

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

- (f) Compliance with Acts and Regulations

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

- (g) Environmental Protection and Biodiversity Conservation Act 1999

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

- (h) Cultural Heritage

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

- (i) 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

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

Development Type	Rate	Measure	Charge	Credit	Credit Detail	Balance
	<i>\$ per EDC/m2</i>	<i>EDC/m2</i>				
Stage MCU/24/0019						
Water	\$5,452.00	2.4 EDC	\$13,084.80	Nil	N/A	\$13,084.80
Sewerage	\$5,452.00	2.4 EDC	\$13,084.80	Nil	N/A	\$13,084.80
Roads	\$34.193	661m2	\$22,601.50	Nil	N/A	\$22,601.50
Total for Stage MCU/24/0019						\$48,771.10

CARRIED**8.3 COUNCIL POLICY REVIEW****RESOLUTION 2024/223**

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

That Council:

1. Repeals the: Community Engagement Policy – adopted 16 December 2020
2. Adopts the: Community Engagement Policy

CARRIED

8.4 LEASE RENEWAL - MT CARBINE RODEO ASSOCIATION INC. - LOTS 1-3 SP106047

RESOLUTION 2024/224

Moved: Cr Ross Cardillo

Seconded: Cr Lenore Wyatt

That Council:

1. Approve the issuing of a new lease over the whole of Lots 1-3 SP106047 to the Mt Carbine Rodeo Association Inc. for a term of ten (10) years, commencing 11 January 2025; and
2. Decide that section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld) applies to point one (1) above; and
3. Delegate authority to the Chief Executive Officer to negotiate, finalise and execute the necessary lease tenure instruments in accordance with requirements in Council's *Community Group Exclusive Use of Council Land and Facilities Policy* and *Community Tenure Guidelines*.

CARRIED

8.5 MAREEBA AIRPORT AVIATION INDUSTRIAL PARK - MARKET REVIEW OF LAND RENTAL RATES FOR VACANT LEASE SITES

RESOLUTION 2024/225

Moved: Cr Mary Graham

Seconded: Cr Nipper Brown

That Council:

1. Approve the per square metre land rental rates for Council held vacant lease sites at the Mareeba Airport Aviation Industrial Park as set out in this report; and
2. Approve subsequent annual increases to the per square metre land rental rates for Council held vacant lease sites equivalent to June quarter CPI commencing in the year 2025.

CARRIED

8.6 RENEWAL OF TENURE INSTRUMENTS - QUEENSLAND FIRE DEPARTMENT (QFD) - RURAL FIRE BRIGADE - SPEEWAH, JULATTEN AND KOAH

RESOLUTION 2024/226

Moved: Cr Ross Cardillo

Seconded: Cr Amy Braes

That Council:

1. Approve issuing of a three (3) new lease instruments each for a term of 10 years as follows:
 - (a) the Speewah Rural Fire Brigade (represented by the Queensland Fire Department) over part of Lot 106 RP734453 - Roscommon Park, Speewah

- (b) the Julatten Rural Fire Brigade (represented by the Queensland Fire Department) over Lot 53 SP105907 – Geraghty Park, Julatten
 - (c) the Koah Rural Fire Brigade (represented by the Queensland Fire Department) over Lot 292 NR7592 - Musumeci Park, Koah.
2. Determine that exemption provisions under s 236(1)(b)(i) of the *Local Government Regulation 2012* (Qld) applies to point one (1) above.

CARRIED

8.7 FINANCIAL STATEMENTS PERIOD ENDING 30 NOVEMBER 2024

RESOLUTION 2024/227

Moved: Cr Mary Graham

Seconded: Cr Nipper Brown

That Council;

1. Receives the Financial Report for the period ending 30 November 2024; and
2. Empanels three (3) suppliers to be added to the Sole Supplier Register.

CARRIED

7 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - NOVEMBER 2024

RESOLUTION 2024/228

Moved: Cr Mary Graham

Seconded: Cr Ross Cardillo

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

CARRIED

9.2 T-MSC2024-28 2024/25 WATER MAIN REPLACEMENT PROJECT - STAGE 2

RESOLUTION 2024/229

Moved: Cr Lenore Wyatt

Seconded: Cr Amy Braes

That the Council awards Tender T-MSC2024-28 Water Main Replacement Project – Stage 2 to A & B Civil Pty Ltd for the amount of \$1,386,174 (excl. GST).

CARRIED

9.3 T-MSC2024-29 CONSTANCE STREET CARPARK & FOOTPATH CONSTRUCTION

RESOLUTION 2024/230

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That the Council awards Tender T-MSC2024-29 to Ikin Civil for the amount of \$246,876.71 (excl. GST).

CARRIED

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

RESOLUTION 2024/231

Moved: Cr Mary Graham

Seconded: Cr Nipper Brown

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - NOVEMBER 2024

RESOLUTION 2024/232

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

CARRIED

9.6 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - NOVEMBER 2024

RESOLUTION 2024/233

Moved: Cr Lenore Wyatt

Seconded: Cr Amy Braes

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

CARRIED

9.7 FLEET REPLACEMENT - STREETSWEeper**RESOLUTION 2024/234**

Moved: Cr Nipper Brown

Seconded: Cr Mary Graham

That Council;

1. Accepts the tender from Bucher Municipal for supply and delivery of one (1) Bucher Municipal V65T Road Sweeper, at a value of \$452,219.69 (excl. GST); and
2. Disposes of Asset 741, Bucher Municipal VT651 Road Sweeper via auction.

CARRIED

9.8 RAY ROAD DRAINAGE STUDY**RESOLUTION 2024/235**

Moved: Cr Ross Cardillo

Seconded: Cr Lenore Wyatt

That Council:

1. Receives and notes the attached report and publishes it on Council's website; and
2. Prepare a Ray Road Drainage Management Plan to investigate, assess and cost potential drainage infrastructure upgrade options which may reduce the impacts of drainage and flooding issues for consideration in future budgets; and
3. Consider the report as part of future updates to Council's Planning Scheme to assist with setting controls for new development applications in the Ray Road Management Plan area; and
4. Until such time as a flood overlay is prepared and included in the Planning Scheme, a notation be included in Council's Property and Rating system on properties that are affected by the study.

CARRIED

8 CONFIDENTIAL REPORTS

Nil

9 BUSINESS WITHOUT NOTICE

Nil

10 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 22 January 2025.

There being no further business, the meeting closed at 9:56am.

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Cr Angela Toppin

Chairperson