



MINUTES

Wednesday, 22 January 2025

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 22 JANUARY 2025 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Cr Amy Braes, Cr Nipper Brown, Cr Ross Cardillo, 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 2025/1

Moved: Cr Amy Braes

Seconded: Cr Lenore Wyatt

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

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

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

RESOLUTION 2025/2

Moved: Cr Nipper Brown

Seconded: Cr Mary Graham

That in relation to RESOLUTION 2024/224(1) adopted 18 December 2024, extend the term of the lease from ten (10) years to 30 years, commencing 11 January 2025.

CARRIED

7 DEPUTATIONS AND DELEGATIONS

Nil

8 CORPORATE AND COMMUNITY SERVICES

8.1 CHANGE OF DEVELOPMENT APPROVAL (OTHER CHANGE) - C & C PRATT - MATERIAL CHANGE OF USE - FOOD AND DRINK OUTLET (FORMERLY DEFINED AS "RESTAURANT") - LOT 2 ON SP310235 - 3946 KENNEDY HIGHWAY, MAREEBA - MCU/09/0005

MOTION

Moved: Cr Amy Braes

Seconded: Cr Lenore Wyatt

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	Change Application (Other Change) for Material Change of Use – Food and Drink Outlet (formerly defined as “Restaurant”)		

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), referral 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 – Food and Drink Outlet

(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) Negotiated Decision Notice Conditions - 8 July 2009

The following conditions apply to the operation of the food and drink outlet – Ice Creamery (formerly defined as a “restaurant”), as approved by Council on 1 July 2009 with operating hours of 9:00am to 5:30pm Monday to Friday, and 9.00am to 6:00pm Weekends and Public Holidays.

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.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the Department of Main Roads confirming that all conditions of that Department have been complied with to the Department's satisfaction.
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 the condition(s) of this approval.
 - 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the issue of a building permit (if no building permit required then prior to the 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

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.

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.

3.5 Waste Management

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

Certification by a Registered Professional Engineer Queensland (RPEQ) must be provided to Council 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, prior to the issue of a building permit.

3.6 Hours of Operation

The operating hours shall be between 9:00am and 5:30pm Monday to Friday and between 9.00am and 6.00pm on Weekends and Public Holidays.

3.7 Signage

One (1) sign is to be in accordance with:

- (1) The sign must not exceed 2.4 metres x 1.2 metres or a maximum area of 2.9m².
- (2) The sign must relate to businesses or companies and is not to advertise products only.
- (3) The sign must be kept clean, in good order and safe repair for the life of the approval. If evidence is obtained that the sign is not being well maintained in an appropriate clean and safe condition, Council may take action towards revoking the approval.
- (4) The sign must be removed when no longer required.
- (5) The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

4. Car Parking/Internal Driveways

- 4.1 The developer must ensure that the development is provided with a minimum of 10 on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. 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.

Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;

- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility;
 - A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.
- 4.2 The developer must ensure that the development is provided with a mini-bus turn around area available solely for the use of vehicles associated with the use of the premises.
- 4.3 All access driveways, car parking areas, delivery areas and the like must be paved with dust free material to the satisfaction of Council's delegated officer. As a trial, Council will permit the use of 20mm pebbled aggregate for the surfacing of the driveways, car parking areas and delivery areas, however should this prove unsuccessful and complaints are received in relation to dust emanating from the use of the driveways and parking areas, the applicant must bitumen seal all trafficable areas in accordance with the FNQROC Development Manual to the satisfaction of Council's delegated officer.
5. Water Supply
- The applicant/developer must demonstrate that the proposed water supply 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).
6. Landscaping
- Prior to the commencement of use, a detailed landscape plan (including species) for the required 3 metre wide landscape buffer between the western boundary and the access driveway and car parking areas (for the full length of the access driveway and car parking area) must be submitted to Council's delegated officer for consideration and approval.
7. 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.

(b) Other Change Conditions (extended operating hours)

The following conditions become relevant in addition to those conditions included in part (a) Negotiated Decision Notice – 8 July 2009 when operation of the food and drink outlet commences between the hours of 5:30pm and 10:00pm on Fridays, and/or 6:00pm and 10:00pm on Saturdays.

8. All conditions of this development permit must be complied with to the satisfaction of Council's delegated officer **prior to the commencement of trade over extended**

operating hours, being from 5:30pm to 10:00pm on Friday and/or 6:00pm to 10:00pm on Saturday, except where specified otherwise in these conditions of approval.

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.

9. General

9.1 Hours of Operation

The ice creamery can operate between 9:00am and 10:00pm on **Friday** and **Saturday** nights only, excluding Public Holidays. On Sunday to Thursday and on Public Holidays the ice creamery must close by the times authorised under Part (a) Condition 3.6 of this approval.

9.2 Birthday parties and other small private functions held after 5:30pm must be held within the internal confines of the ice creamery building only. No parties or small functions are permitted on the patio/verandahs at any time.

9.3 To minimise noise impacts, all doors to the ice creamery must be closed after 5:30pm on Friday and 6:00pm on Saturday and must remain closed until 10pm. All doors must be made of solid material such as glass and/or timber. The use of screen doors only is not acceptable after the abovementioned times.

The applicant/developer/operator must ensure conversational noise levels of any diners sitting on the patio/verandah is kept to a reasonable level so as to not be audible at property boundaries.

9.4 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.

9.5 Illuminated Signage (site access sign only)

- Lighting can be installed to shine onto the site access sign only (light spillage must be avoided) and must be on a timer so as to run only on Friday and Saturday nights between 5:30pm and 10pm. No other signage within the property bounds or on the building is permitted to be illuminated in any way.

9.6 No loitering is permitted in the car parking area. Signage must be erected to state as much and staff/management must ensure that patrons leave in a timely manner.

9.7 Noise Nuisance

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.

9.8 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.

10. Infrastructure Services and Standards

10.1 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.

10.2 Stormwater Management

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

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

10.3 Landscaping

10.3.1 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 of the ice creamery building towards 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

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

10.3.3 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.

10.4 Fencing

10.4.1 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.

- 10.4.2 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.

- 10.4.3 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.

10.5 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.

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 prior to the commencement of the use, 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.

(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 14 November 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

8.2 WALLACE QUARRYING AND MINING PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY (UP TO 5,000 TONNES PER ANNUM) - LOT 2 ON SP182482 - 852 TINAROO CREEK ROAD, MAREEBA - MCU/24/0004

RESOLUTION 2025/3

Moved: Cr Ross Cardillo

Seconded: Cr Nipper Brown

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Wallace Quarrying and Mining Pty Ltd	ADDRESS	852 Tinaroo Creek Road, Mareeba
DATE LODGED	21 June 2024	RPD	Lot 2 on SP182482
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum)		

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 – Extractive Industry (up to 5,000 tonnes per annum) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 2	Quarry Operations Map - Sites and Distances to Neighbours	Anson Advisory	June 2024

- (B) 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 the 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. The developer/landowner/operator must ensure ongoing compliance with all conditions of approval for the life the development, to the satisfaction of Council’s delegated officer.

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, or except where ongoing compliance over the life of the approval is required.

3. General

3.1 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.

3.2 Where relevant, 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.

3.3 Days/Hours of Operation

Crushing, screening and washing of rock product can only occur **a maximum of 10 days in any 4-week period** between Monday and Friday only (inclusive) and

only between the hours of 7.00am and 6.00pm. No crushing, screening, or washing operations are permitted on weekends or Public Holidays.

Rock can be ripped or picked from paddocks on-site between the hours of 7.00am and 6.00pm Monday to Friday and 7.00am to 12.00pm Saturdays. No rock ripping or picking can occur on Sundays or Public Holidays.

PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other reasonable hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like associated with the extractive industry operation, nor remove any materials from the said land outside the abovementioned hours or such other hours as can be fixed by Council.

3.4 Rock crushed and processed on-site must be limited to that either stockpiled on-site or any rock removed from paddocks on-site as part of soil improvements for agriculture. No rock or other product external to the site is to be bought on-site for crushing, processing or washing.

3.5 No mechanical "rock breakers" of any kind, such as those mounted to an excavator are permitted to be used as part of the extractive industry processing operation. This restriction does not include "rock crushers" which are acceptable. Mechanical crushing and screening/washing plant must be located in the most north-west extent of the approved processing area. Where possible, unprocessed and processed crushed rock should be stockpiled between the crushing and screening/washing plant and nearby sensitive land uses to provide a physical noise barrier.

3.6 Blasting

Blasting associated with the approved extractive industry must not occur more than twice per year. Each blast must involve only 1 shot. A Blast Management Plan must be developed for each blasting activity in accordance with Australian Standard 2187. Blasting must only be conducted between 9am and 3pm Monday to Friday (and not on any Public Holiday).

Airblast overpressure must not exceed 120dB Z Peak for all blasts when measured from any noise sensitive location. Ground vibration measured at any noise sensitive location must not exceed a peak particle velocity of 5mm per second for any blast event.

All blasts must occur at the western end of the approved processing area, unless an alternate site is located so as to better comply with the above criteria. Rocks to be blasted must be buried before blasting occurs to avoid flyrock and other debris impacting neighbouring properties.

Any resident located within 1km of the blast site must be made aware of each blasting event at least 2 weeks in advance.

3.7 Water Quality

3.7.1 Ponds (dams) used for the storage or treatment of aqueous waste must be constructed, installed and maintained to:

- prevent any release of aqueous waste from the ponds; and
- ensure the stability of the pond structure.

3.7.2 Stormwater contaminated by the activity must be managed to minimise or prevent any adverse impacts on the values of the receiving environment, in particular Tinaroo Creek.

3.7.3 Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

3.7.4 The stormwater runoff from the processing area generated by a 24 hour storm event with an average recurrence interval of one in five years must be retained within the processing area and treated to remove contaminants before release from the processing area.

3.8 Emissions

Emissions associated with the development, including but not limited to noise and dust emissions must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act 1994 (s440)* to any nearby sensitive receptor, at any time.

3.9 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.10 Scale and Intensity

The extraction volume, meaning the amount of processed/crushed rock product produced, must not exceed 5,000 tonnes per annum. This tonnage limit does not apply to unprocessed stockpiled rock removed from the ground. Processed and unprocessed rock stockpiles are not to exceed three (3) metres in height.

3.11 The Applicant shall provide Council with records of quantities of material extracted/removed from the site on a monthly basis, including the number of truck movements associated with each monthly quantity.

3.12 Access to the approved processing area, including for the carting of any processed material must be via the internal driveway located in the centre of the site only.

3.13 Prevention of the spread of weeds and pests

The applicant/developer/operator must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

3.14 Machinery and plant used on-site must be fitted with reversing “squawkers” instead of beepers so as to minimise noise impacts.

3.14 The Site Based Management Plan must be amended to include any operational requirements/limitations required under these conditions of approval. The amended Site Based Management Plan must be provided to Council for review and approval prior to the commencement of the use. All operations pursuant to the extractive industry must be carried out in accordance with the amended Site Based Management Plan at all times.

4. Infrastructure Services and Standards

4.1 Access

The existing access crossover (between Tinaroo Creek Road and the site access) must be upgraded to an industrial access crossover standard in accordance with the FNQROC Development Manual, for the life of the development, to the satisfaction of Council’s delegated officer.

5. Additional Payment Condition – **Note:** The applicant’s obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council’s adopted annual budget.

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay \$3,360.00 for each 167 haul truck movements from the site towards trunk transport infrastructure, with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land - specifically the upgrading of Tinaroo Creek Road to rural road (8 metres wide) bitumen sealed standard.

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to commencement of the use.

(C) 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) Compliance with applicable codes/policies

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

(c) 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.

(d) 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.

(e) 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.

(f) Transportation of Soil

All soil and material transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(D) 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).

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

- Nil

(F) OTHER APPROVALS REQUIRED FROM COUNCIL

- • Access approval arising from Condition 4.1 (Please contact Planning Section to obtain application form and applicable fee)

CARRIED

8.3 DEVELOPMENT & GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2024

RESOLUTION 2025/4

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

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

CARRIED

8.4 COUNCIL POLICY REVIEW**RESOLUTION 2025/5**

Moved: Cr Nipper Brown

Seconded: Cr Amy Braes

That Council:

1. Repeals the:

Climate Change Resilience Policy – adopted 20 January 2021;

Environmental Protection and Sustainability Policy – adopted 20 January 2021

Gifts and Benefits Policy – adopted 17 February 2021

2. Adopts the:

Climate Change Resilience Policy

Environmental Protection and Sustainability Policy

Gifts and Benefits Policy

CARRIED

8.5 OPERATIONAL PLAN 2024/25 PROGRESS REPORT**RESOLUTION 2025/6**

Moved: Cr Ross Cardillo

Seconded: Cr Lenore Wyatt

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

CARRIED

8.6 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2024**RESOLUTION 2025/7**

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

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

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 17 DECEMBER 2024****RESOLUTION 2025/8**

Moved: Cr Lenore Wyatt

Seconded: Cr Ross Cardillo

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

CARRIED

9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - DECEMBER 2024**RESOLUTION 2025/9**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

CARRIED

9.3 PARKS AND OPEN SPACES QUARTERLY REPORT OCTOBER 2024 - DECEMBER 2024**RESOLUTION 2025/10**

Moved: Cr Nipper Brown

Seconded: Cr Mary Graham

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

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - DECEMBER 2024**RESOLUTION 2025/11**

Moved: Cr Nipper Brown

Seconded: Cr Lenore Wyatt

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - DECEMBER 2024

RESOLUTION 2025/12

Moved: Cr Amy Braes

Seconded: Cr Ross Cardillo

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

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2024

RESOLUTION 2025/13

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

Nil

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 19 February 2025.

There being no further business, the meeting closed at 9:26am.

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Cr Angela Toppin

Chairperson