



MINUTES

Wednesday, 19 February 2025

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 19 FEBRUARY 2025 AT 9:01AM**

1 MEMBERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Cr Amy Braes, Cr Nipper Brown, Cr Ross Cardillo, Cr Mary Graham,

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

CR LENORE WYATT 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

Cr Brown declared a prescribed conflict of interest in relation to *ITEM 9.4 Expressions of Interest EOI-MS2024-01 Waste Services Delivery - Shortlisting of Respondents*. The nature of the prescribed conflict is that he is one of the respondents for the EOI. Cr Brown advised that as a result of this conflict he will leave the room whilst the matter is discussed and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2025/15

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

That the minutes of Ordinary Council Meeting held on 22 January 2025 be confirmed.

CARRIED

RESOLUTION 2025/16

Moved: Cr Nipper Brown

Seconded: Cr Ross Cardillo

That the minutes of Special Council Meeting held on 10 February 2025 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

8 CORPORATE AND COMMUNITY SERVICES

8.1 NEGOTIATED DECISION NOTICE - 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 & LOT 68 ON SP282408 - 545 KAY ROAD & 483 EMERALD FALLS ROAD, MAREEBA - MCU/22/0002

RESOLUTION 2025/17

Moved: Cr Amy Braes

Seconded: Cr Mary Graham

It is recommended that:

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

APPLICATION		PREMISES	
APPLICANT	Kanjini Co-Op Limited	ADDRESS	545 Kay Road & 483 Emerald Falls Road, Mareeba
DATE REQUEST FOR NDN LODGED	26 November 2024	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 following

- (a) Condition 4.5.1 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

*4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed ~~3,500~~ **8,000** persons per annum.*

- (b) Condition 4.5.3 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

*4.5.3 The cumulative maximum capacity of Event Site 2 must not exceed ~~500~~ **3,000** persons per annum.*

- (c) Condition 4.5.4 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

*4.5.4 No single event at Event Site 2 is to host more than ~~300~~ **1,500** persons.*

- (d) Condition 4.7.1 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

4.7.1 Event Site 2 and Function Facility

Amplified music or use of loudspeakers at Event Site 2 or the Function Facility between midnight and 7:00am shall not cause audible noise at the Kay Road property boundary of Lot 68 on SP282408.

- (e) Condition 4.7.2 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

4.7.2 No event at Event Site 2 shall have more than three consecutive nights of amplified music.

- (f) Condition 4.7.3 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

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~~) **with more than 200 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.*
- (g) Condition 4.7.4 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

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.

If the assessment finds the complaint to be unreasonable or unsubstantiated and Council receives another or subsequent complaint/s from the same Complainant, one of their family members or anyone else staying on or associated with the same property, any such subsequent complaint must be accompanied by an Acoustic Report prepared by an independent acoustic consultant at the cost of the complainant.

- (h) Condition 5.2 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

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 created by traffic generated by the uses approved under development approval MCU/22/0002 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.

- (i) Condition 5.3 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.3 *Road Pavement Condition Assessment (for all events with over ~~500~~ **1,500** attendees, unless otherwise instructed by Council at least one (1) week prior to an event)*

*A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than ~~500~~ **1,500** 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.

- (j) Condition 5.4 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.4 *Event Traffic Management Plan (for all events with over ~~100~~ **250** attendees)*

*~~An~~ **A one-off** 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~~ **250** attendees, at no cost to Council.*

- (k) Condition 5.7 of Council's Decision Notice issued on 17 October 2024 be amended as follows:

5.7 *Non-Reticulated Water Supply*

*~~The development~~ **Each event** 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.

- (l) Condition 5.9 of Council’s Decision Notice issued on 17 October 2024 be amended as follows:

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, **except within 50m of any registration and/or entry stations, where up to fifty (50) Lux shall be permitted.** 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.*

- 2. A Negotiated Decision Notice be issued to the applicant/referral agencies and submitters advising of Council’s decision.
- 3. That a Negotiated Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per 10 vpd	vpd			
Tourist Park (Camp sites)	\$5,452.00	4.2	\$2,289.80	Nil	\$2,289.80
Tourist Park (Tourist cabins)	\$5,452.00	5.6	\$3,053.10		\$3,053.10
Tourist Park (RV/Caravan sites)	\$5,452.00	7	\$3,816.40		\$3,816.40
Function Facility/Event sites	\$5,452.00	9.14	\$4,983.10		\$4,983.10
TOTAL CURRENT AMOUNT OF CHARGE					\$14,142.40

CARRIED

CR BROWN AND CR CARDILLO VOTED AGAINST THE MOTION

8.2 T SKINNER - MATERIAL CHANGE OF USE - ANIMAL KEEPING (DOG TRAINING & BOARDING FACILITY & ANCILLARY USES) - LOT 224 ON SP297023 - 17 EFFLEY STREET, MAREEBA - MCU/24/0022

RESOLUTION 2025/18

Moved: Cr Ross Cardillo

Seconded: Cr Amy Braes

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	T Skinner	ADDRESS	17 Effley Street, Mareeba
DATE LODGED	22 November 2024	RPD	Lot 224 on SP297023
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses)		

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

A partial application fee refund of **\$4,196.00** be applied to the application and refunded to the applicants.

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 – Animal Keeping (Dog Training & Boarding Facility & Ancillary Uses)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1	Proposed Site Plan	Francis Kerr Design	6 November 2024
2	Proposed Floor Plan	Francis Kerr Design	6 November 2024
3	Proposed Elevations	Francis Kerr Design	6 November 2024
4	Proposed Elevations	Francis Kerr Design	6 November 2024

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 All conditions of this development permit must be complied with to the satisfaction of Council's delegated officer **prior to the commencement of the use** except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.4 Hours of Operation
 - 3.4.1 The dog boarding component is permitted to operate 24 hours per day, 7 days per week. Dogs boarded at the facility must not be allowed outside the building for exercise between the hours of 8.00pm and 7.00am.
 - 3.4.2 The dog daycare component must not operate outside the hours of 7.00am to 6.00pm Monday to Friday, 8.00am to 4.00pm Saturday, and 9.00am – 1.00pm Sunday.
 - 3.4.2 The dog training and classes component must not operate outside the hours of 7.00am - 8.00pm Monday to Friday; 8.00am – 5.00pm Saturday, and 9.00am – 3.00pm Sunday.
 - 3.5 Boarding/training/daycare Capacity

A maximum total of 40 dogs can be accommodated on-site at any time spread across the boarding, training and daycare components of the approved use. Records of dogs boarded, trained or minded on-site must be kept demonstrating

compliance with this condition and must be made available to Council officers upon request.

3.6 Waste Management

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

3.6.2 Dog faeces must be collected and disposed of through an approved disposal method, as approved by Council's delegated officer. Dog Faeces must not be disposed of into Council's sewer system.

3.6.3 Dog Faeces and urine must be disposed of regularly and effectively, so as to not cause any detectable odour nuisance to any adjoining allotment or sensitive receptor, at all times.

3.7 Acoustic Fencing/Insulation

3.7.1 Prior to building works commencing, the applicant/developer is to submit a fencing plan to Council for review and approval that must include the following:

- 1.8 metre high, neutral colour, sound reflective acoustic fencing installed along the entire eastern boundary and extend along both the northern and southern boundaries to a point 10 metres past the front (western) face of the outdoor exercise yards.
- 1.8 metre high, neutral colour solid screen non-acoustic fencing along the remainder of the northern and southern property boundaries to a point in line with the front building façade (including fence returns between the side boundaries and the building). Front/side boundary fencing forward of the building is optional and may be chain mesh or similar.
- Solid screen non-acoustic fencing (constructed to a height that effectively screens dogs from each other) must be installed between the outdoor exercise yards. The front face of the exercise yards may be chain mesh or similar.

All fencing included on the approved fencing plan must be built prior to the commencement of the use, to the satisfaction of Council's delegated officer.

3.7.2 The design of the acoustic fencing mentioned in 3.7.1 must be endorsed by a suitably qualified acoustic engineer to achieve the desired levels of noise reduction outlined in the *Noise Impact Assessment prepared by XNoise Version 1.1 dated 7 November 2024*. Design plans for the fencing must also be submitted to Council for review prior to any building works commencing.

All acoustic and non-acoustic fencing must be maintained in accordance with the approved design/location and in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

3.7.3 The exterior walls and roof of the facility must be constructed to be acoustically insulated in accordance with the recommendations and design

included in Appendix D of the *Noise Impact Assessment prepared by XNoise Version 1.1 dated 7 November 2024*, to the satisfaction of Council's delegated officer. Any alternative acoustic insulation design must be endorsed by a suitably qualified acoustic engineer and submitted to Council for review prior to construction commencing.

3.8 Emissions

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

3.9 Operational Noise Management Plan

The applicant/developer/operator is required to submit for approval by Council's delegated officer an Operational Noise Management Plan (ONMP) containing best practice procedures that are to be implemented for minimising noise emissions from the premises. The ONMP must include provisions for dealing with noise complaints, including the maintenance of a complaint register, as well as dealings with dogs that are known to bark or howl excessively.

The approved ONMP must be complied with at all times. The operator must actively manage noise from dogs accommodated at the facility such that the occurrence of excessive noise is prevented.

All records required to be maintained under the ONMP must be made available to Council upon request.

3.10 Acoustic Controls Generally

3.10.1 All external windows, doors and roller doors of the building must remain closed at all times when not in use.

3.10.2 No more than 10 dogs are to be accommodated at any one time across the 5 outdoor exercise yards. Each exercise yard must house only 1 dog, or multiple dogs if from the same household. All dogs within the exercise yards must be exercised under an appropriate level of supervision to ensure the effective control of barking/howling.

3.10.3 Dog training and classes carried out during evening hours (6.00pm – 8.00pm) should limit the use of outdoor areas where possible to minimise noise nuisance during this more noise sensitive time period. Dog numbers for training/classes is not capped but must not result in any exceedance to the facilities 40 dog total capacity, at all times.

3.10.4 When outside the confines of the building, dogs engaged in classes/training must be under the direct supervision and control of either a staff member or the dog owner, at all times (does not include dogs in outdoor exercise yards).

4. Infrastructure Services and Standards

4.1 Access

An industrial access crossover must be constructed (from the Effley Street kerbing to the property boundary) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of 8 on-site car parking spaces, inclusive of 1 disabled parking space which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete or asphalt 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:

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

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

4.3 Stormwater Management

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

4.3.2 Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.3.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.

4.3.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

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

4.4 Landscaping

4.4.1 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 1.5-metre-wide landscape strip along the entire front boundary of the site excluding the access driveway. The landscape strip must include shrubs, plants and trees that will grow to form an attractive visual buffer of no less than 3 metres in height at maturity and should include at least 25% larger more advanced plant stock.

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

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

4.5 Water Supply

4.5.1 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).

4.5.2 A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

4.6.1 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).

4.6.2 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.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(b) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(c) A Trade Waste Permit will be required prior to the commencement of use.

(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.environment.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.datsip.qld.gov.au.

(h) Electric Ants

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

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

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

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

(i) Potential Industry Zone Impacts

The applicant should take note:

- The subject site is within the Mareeba Industrial Park which will continue to be used and developed for heavy industrial purposes;
- It can be expected that the subject site will experience off site impacts from industrial activities, including but not limiting to, noise, odours, and dust that may cause a lesser level of amenity than that experienced in other non-industrial zones.

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

CARRIED

8.3 C & N DISCRETIONARY TRUST - MATERIAL CHANGE OF USE - WAREHOUSE & CARETAKER'S ACCOMMODATION - LOTS 1 & 2 ON RP715873 - 20 HERBERTON STREET AND 94 CONSTANCE STREET, MAREEBA - MCU/24/0017

RESOLUTION 2025/19

Moved: Cr Ross Cardillo

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	C & N Discretionary Trust	ADDRESS	20 Herberton Street and 94 Constance Street, Mareeba
DATE LODGED	2 October 2024	RPD	Lots 1 & 2 on RP715873
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Warehouse & Caretaker's 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 – Warehouse & Caretaker’s Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix 2	Site Plan	Scope Town Planning	-

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Waste Management - Lot 2 on RP715873

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

3.5 Noise Nuisance - Lot 2 on RP715873

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 - Lot 2 on RP715873

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

3.7 No testing or repair of engines, motor vehicles and/or power equipment is permitted on Lot 2 on RP715873.

3.8 Hours of Operation – Warehouse (Outdoor Storage Area)

All access to the warehouse (outdoor storage area) shall be between 7am and 5pm Monday to Friday and between 7am and 12pm Saturday only. No access to the warehouse (outdoor storage area) is permitted within Lot 2 on RP715873 outside of these hours or on Sundays or Public Holidays.

3.9 Signage

No advertising signage is permitted to be erected on Lot 2 on RP715873.

4. Infrastructure Services and Standards

4.1 Access

Commercial access crossovers must be constructed (from the edge of Constance Street to the property boundary of both lots) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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

4.2 Stormwater Management

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

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

4.3 Loading Zone

Provide detailed plans including signage plans, prepared by a Registered Professional Engineer of Queensland (RPEQ) for the use of the Constance Street footpath and carriageway as a formalised loading zone.

The plans must demonstrate compliance with all relevant design guidelines including the location of the loading zone with respect to the site accesses for Lots 1 and 2 on RP715873.

A Traffic Management Plan must be provided which clearly demonstrates how safe access for the public will be achieved during periods of loading/unloading.

All parts of the loading zone on the Constance Street footpath must be concrete sealed.

Prior to works commencing, plans for the works and requirements described above must be approved as part of an Operational Works application.

The loading zone must be constructed in accordance with the approved plans and requirements.

4.4 Warehouse (Outdoor Storage Area) – Lot 2 on RP715873

The warehouse (outdoor storage area) on Lot 2 on RP715873 must be surface treated with dust free all weather compacted gravel or pebble/stone treatment and must be appropriately drained, to the satisfaction of Council's delegated officer. The dust free surface treatment must be maintained in good order and safe repair for the life of the development.

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

4.5 Landscaping and Fencing

4.5.1 Prior to the commencement of the use of the site, a landscape plan for Lot 2 on RP715873 must be prepared and submitted to Council's delegated officer for consideration and approval.

4.5.2 The landscape plan must include landscaping generally in accordance with the approved Appendix 1 – Site Plan and in compliance with the Landscaping Code. Plant species are to be

generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

4.5.3 The landscaping plan must incorporate the following:

- (i) A 1.8 metre high (neutral colour) solid screen fence must be established along the full length of the southern and western boundary of Lot 2 on RP715873.
- (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

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

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

4.6 Lighting

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

(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) 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) 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.

- (d) 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.

(e) 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) 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 Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.4 M & M SMITH - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 4 ON SP164245 - 118 MYOLA ROAD, KURANDA - RAL/24/0016

RESOLUTION 2025/20

Moved: Cr Mary Graham

Seconded: Cr Ross Cardillo

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M & M Smith	ADDRESS	118 Myola Road, Kuranda
DATE LODGED	18 October 2024	RPD	Lot 4 on SP164245
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 2 lots)		

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

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

And

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24018	Lot 4 SP164245	Scope Town Planning	Oct. 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, and 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

The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for the development, except where specified otherwise in these conditions of approval.

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 the endorsement of the plan of survey and at the rate applicable at the time of payment.

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 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.

3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.5 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Charges

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

4. Infrastructure Services and Standards

4.1 Access

The existing access crossover must be upgraded/constructed (from the edge of Myola Road to the property boundary) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Easement

An easement must be provided over access handle in favour of Lot 1 for the purposes of access/drainage/services.

4.3 Stormwater Drainage

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

4.4 Water Supply

4.4.1 The developer must provide each proposed allotment with a water service connection in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4.2 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).

4.5 On-Site Wastewater Management

All on site wastewater disposal associated with the approved development must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZS 1547) to the satisfaction of the Council's delegated officer.

4.6 Electricity provision/supply

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

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

4.7 Telecommunications

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) 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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning

Section for more information regarding the drafting of easement documents for Council easements.

(c) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered easement over the subject site

(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) Electric Ants

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

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

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

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

(E) RELEVANT PERIOD

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

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

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

CARRIED

8.5 CHANGE OF DEVELOPMENT APPROVAL - SIBI GIRGENTI HOLDINGS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 80 LOTS) - LOT 300 ON SP336263 (FORMERLY LOT 1 ON RP730895) - ANTONIO DRIVE, MAREEBA - REC/07/0043 (THE EDGE ESTATE)

RESOLUTION 2025/21

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

It is recommended that:

1. In relation to the application to change the following development approval:

APPLICATION			PREMISES	
APPLICANT	Sibi Girgenti Holdings Pty Ltd		ADDRESS	Antonio Drive, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	28 November 2024		RPD	Lot 300 on SP336263 (formerly Lot 1 on RP730895)
TYPE OF APPROVAL	Development Permit			
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 80 lots)			

and in accordance with the Planning Act 2016, the following

- (a) The Council Resolution included on the Decision Notice dated 21 September 2007 be amended as follows:

Resolved that Council:-

- A. Issue a Development Permit for the application made by Jim Papas Drafting Pty Ltd on behalf of Sibi Girgenti Holdings Pty Ltd and Novelette Pty Ltd for the reconfiguration of land described as Lot 1 on RP730895, Parish of Tinaroo, situated on the Kennedy Highway, Mareeba into ~~eighty (80)~~ **86** allotments ~~as shown on~~ **generally in accordance with** Drawing No 1082 SK1 Amdt E **(Stages 1 to 3) and Drawing No 1458 – C01 (Stage 4)** subject to:
- (b) Condition 1 of Council's Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (c) Condition 6(iv) of Council's Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (d) Condition 7(iv) of Council's Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (e) Condition 9 of Council's Decision Notice issued on 21 September 2007 be deleted and an Adopted Infrastructure Charges Notice be issued in its place.
 - (f) Additional Condition 14 being included:
 - 14. Road Reserve Connection

A 15.5 metre wide (Access Street) road reserve must be opened between Antonio Drive and Lot 453 on SP247821. The road reserve must be located generally within the confines of proposed Lot 5 as shown on Drawing 1458 – C01.
- (g) To support the issue of an Adopted infrastructure Charges Notice, additional advice clauses (a) and (b) must be included on Council's Decision Notice dated 21 September 2007 as follows:
 - (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.

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure Charges in lieu of deleted Conditions 1, 6(iv), 7(iv) and 9:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Residential	\$ per Lot	Lots		Lots	
Stages 1 - 3	\$21,808.00	65 lots	Completed	Completed	Completed
Stage 4	\$21,808.00	21 lots	\$457,968.00	Nil	\$457,968.00
TOTAL CURRENT AMOUNT OF CHARGE					\$457,968.00

3. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council’s decision.

CARRIED

8.6 SELECTIVE APPROVED ANIMAL INSPECTION PROGRAM

RESOLUTION 2025/22

Moved: Cr Nipper Brown

Seconded: Cr Ross Cardillo

That Council

1. Approve a selective Approved Inspection Program in the township of Dimbulah and surrounds to be carried out to ensure compliance with the registration and microchipping requirements of the Animal Management (Cats and Dogs) Act 2008; and
2. Approve a selective Approved Inspection Program in the township of Dimbulah and surrounds to be carried out to ensure compliance with section 14 of *Local Law No. 2 (Animal Management) 2018* – duty to provide proper enclosure and prevent the animal from wandering.

CARRIED

8.7 COMMERCIAL LEASE - LOT 1 RP734346 - WALSH STREET MAREEBA**RESOLUTION 2025/23**

Moved: Cr Amy Braes

Seconded: Cr Ross Cardillo

That Council:

1. Approves the offer of a commercial lease interest to the Queensland Police-Citizens Youth Welfare Association over the whole of Lot 1 RP734346 for a three year term; and
2. Decides that section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) applies to point 1 above; and
3. Delegates authority to the Chief Executive Officer to finalise and execute all instruments to give effect to point 1 above.

CARRIED**8.8 COUNCIL POLICY REVIEW****RESOLUTION 2025/24**

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

That Council:

1. Repeals the:
Revenue Policy – adopted 15 May 2024
2. Adopts the:
Revenue Policy

CARRIED**8.9 DELEGATIONS UPDATE FEBRUARY 2025****RESOLUTION 2025/25**

Moved: Cr Ross Cardillo

Seconded: Cr Amy Braes

That:

1. Council delegates to the Chief Executive Officer all the powers appearing in the attached document titled 'excerpt of Register of Delegations – Council to Chief Executive Officer' with such powers to be exercised subject to any limitations and conditions declared therein; and
2. Any prior delegations of power relating to the same matters are revoked.

CARRIED

8.10 SALE OF LAND DUE TO RATES IN ARREARS

RESOLUTION 2025/26

Moved: Cr Amy Braes

Seconded: Cr Mary Graham

That Council:

- 1 Sell the land listed below due to the rates and charges which have accrued on the rateable lands remaining unpaid for three (3) years or longer, in accordance with section 140 of the *Local Government Regulation 2012*; and

Property No	Property Description
10287	Lot 15 LD 29, Lot 2 RP 703296
10291	Lot 163 C 5041
10304	Lot 80 C 5041, Lot 81 C 5041, Lot 82 C 5041
10502	Lot 1 MPH 31324
10772	Lot 2 RP 715132
12278	Lot 2 RP 713438
14046	Lot 1 MPH 25181
16059	Lot 302 M 4872
17171	Lot 9 RP 725850
17296	Lot 1 RP 861070
17297	Lot 2 RP 861070
19917	Lot 1 RP 895742
20612	Lot 9 RP 909807
60393	Lot 59 SP 143218

- 2 Delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012* to effect sale of land (including, for avoidance of doubt, the power to end sale procedures including the authority to remove a property where circumstances arise whereby the continuation of this action is considered unwarranted or inappropriate).

CARRIED

8.11 2024/2025 CEMETERIES FEES AND CHARGES

RESOLUTION 2025/27

Moved: Cr Amy Braes

Seconded: Cr Mary Graham

That Council adopts the amended Cemetery Fees and Charges 2024/2025.

CARRIED

8.12 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2025**RESOLUTION 2025/28**

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

That Council receives the Financial Report for the period ending 31 January 2025.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JANUARY 2025****RESOLUTION 2025/29**

Moved: Cr Nipper Brown

Seconded: Cr Ross Cardillo

That Council:

1. receives the Infrastructure Services Capital Works Monthly Report for the month of January 2025, and
2. allocates an additional \$200,000 from the Kuranda Infrastructure Agreement Fund for the CP00861 Kuranda Coondoo Street Refurbishment project.

CARRIED

9.2 INFRASTRUCTURE SERVICES, DISASTER RECOVERY OPERATIONS REPORT - JANUARY 2025**RESOLUTION 2025/30**

Moved: Cr Nipper Brown

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Disaster Recovery Operations Report for January 2025.

CARRIED

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JANUARY 2025**RESOLUTION 2025/31**

Moved: Cr Nipper Brown

Seconded: Cr Amy Braes

That Council receives the Infrastructure Services, Technical Services Operations Report for January 2025.

CARRIED

At 9:30 am, Cr Nipper Brown left the meeting.

9.4 EXPRESSIONS OF INTEREST EOI-MSC2024-01 WASTE SERVICES DELIVERY - SHORTLISTING OF RESPONDENTS**RESOLUTION 2025/32**

Moved: Cr Amy Braes

Seconded: Cr Ross Cardillo

That Council:

1. approves the shortlisting of Respondents C, D and F the commencement of a Stage 2 of the EOI process regarding Landfill Operations; and
2. notifies other Respondents A, B, and E that Council will continue with the assessment once Stage 2 of the EOI process has been completed; and
3. Advise Respondent G that Council will not be proceeding with their offer.

CARRIED

At 9:33 am, Cr Nipper Brown returned to the meeting.

9.5 TENDER T-MSC2024-30 KENNEALLY ROAD GRAVITY SEWER MAIN UPGRADE PROJECT**RESOLUTION 2025/33**

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

That Council award Tender T-MSC2024-30 Kenneally Road Gravity Sewer Main Upgrade Project to Terranovus Civil Pty Ltd T/A Northern Civil Earthworks Pty Ltd for the amount of \$5,187,495.95 (excl. GST) subject to the grant funding deed being signed.

CARRIED

9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JANUARY 2025**RESOLUTION 2025/34**

Moved: Cr Ross Cardillo

Seconded: Cr Amy Braes

That Council receives the Infrastructure Services, Water and Waste Operations Report for January 2025.

CARRIED**9.7 TENDER T-MSC2024-31 SUPPLY & DELIVERY OF 2.1 ROAD BASE - OOTANN ROAD****RESOLUTION 2025/35**

Moved: Cr Mary Graham

Seconded: Cr Nipper Brown

That Council awards Tender T-MSC2024-31 Supply & Delivery of 2.1 Road Base - Ootann Road to Gunther Resources Pty Ltd for \$507,000 (excl. GST).

CARRIED**9.8 TENDER T-MSC2024-32 FULL SERVICE SEAL - OOTANN ROAD****RESOLUTION 2025/36**

Moved: Cr Nipper Brown

Seconded: Cr Amy Braes

That Council awards Tender T-MSC2024-32 Full Service Seal - Ootann Road to Stabilised Pavements Australia Pty Ltd for \$228,696.24 (excl. GST).

CARRIED**9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2025****RESOLUTION 2025/37**

Moved: Cr Mary Graham

Seconded: Cr Ross Cardillo

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2025.

CARRIED

10 OFFICE OF THE CEO

10.1 APPOINTMENT OF GREAT WHEELBARROW RACE CHAIRPERSON

RESOLUTION 2025/38

Moved: Cr Mary Graham

Seconded: Cr Amy Braes

That Council appoints Cr Ross Cardillo as the Chairperson of the Great Wheelbarrow Race Advisory Committee.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

Nil

13 NEXT MEETING OF COUNCIL

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

There being no further business, the meeting closed at 9:40am.

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Cr Angela Toppin

Chairperson