



# **MINUTES**

**Wednesday, 21 July 2021**  
**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 21 JULY 2021 AT 9:00AM**

**1 MEMBERS IN ATTENDANCE**

Cr Angela Toppin (Mayor), Cr Kevin Davies, Cr Mary Graham, Cr Lenore Wyatt, Cr Lachlan (Locky) Bensted, Cr Daniel (Danny) Bird, Cr Mario Mlikota

**2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**

Nil

**3 BEREAVEMENTS/CONDOLENCES**

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

**4 DECLARATION OF CONFLICTS OF INTEREST**

Cr Davies informed the meeting that he has a prescribed conflict of interest in relation to *9.1 EXPRESSION OF INTEREST EOI-MSC2021-02 OPERATION AND MANAGEMENT OF AQUATIC FACILITIES AND DIMBULAH CARAVAN PARK*. Cr Davies advised that he is one of the respondents of the Expression of Interest. As a result of this Cr Davies advised that he would leave the room whilst the matter is discussed and voted on.

Cr Davies informed the meeting that he has a declarable conflict of interest in relation to *9.6 WASTE DISPOSAL OPTIONS DEVELOPMENT*. Cr Davies advised that as he is employed by fgf Remondis at the Springmount Waste Facility and therefore it is reasonable that a person may think he could be biased in relation to this matter. As such Cr Davies advised that he would leave the room whilst the matter is discussed and voted on.

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2021/105**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That the minutes of Special Council Meeting held on 16 June 2021 be confirmed.

**CARRIED**

**RESOLUTION 2021/106**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That the minutes of Ordinary Council Meeting held on 16 June 2021 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 BTM&S STANKOVICH PTY LTD - MATERIAL CHANGE OF USE - OFFICE AND WAREHOUSE - PART OF LOT 2 ON SP298298 & LOT 48 ON SP320488 - 2-8 KAROBEAN DRIVE AND MERINDAH CLOSE, MAREEBA - MCU/21/0006**

**RESOLUTION 2021/107**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM&S Stankovich Pty Ltd	<b>ADDRESS</b>	2-8 Karobean Drive and Merindah Close, Mareeba
<b>DATE LODGED</b>	8 April 2021	<b>RPD</b>	Part of Lot 2 on SP298298 and part of Lot 48 on SP320488
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Office and Warehouse		

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 - Office and Warehouse

## (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0639 DA01 B	Site Plan -Existing	Gregory G Terzi	Jan 2021
0639 DA02 B	Proposed Site Plan	Gregory G Terzi	Jan 2021
0639 DA03 B	Proposed Building Floor Plan	Gregory G Terzi	Jan 2021
0639 DA04 A	Elevations	Gregory G Terzi	Jan 2021

## (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 demonstrate to 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 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
    - 3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as

measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

3.4.2 Where a forklift is used on site and fitted with an audible alarm, the volume of the audible alarm must be adjusted to ensure the audible alarm is not able to be heard outside of the boundary of approved area.

3.4.3 Loudspeakers of any kind must not be used in association with the approved use, unless in an emergency situation.

### 3.5 Air Conditioner & Building Plant Screening

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

### 3.6 Waste Management

All on site refuse storage area/s must be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.7 Hours of Operation

The operating hours for the Office and Warehouse shall be between 7am and 6pm, Monday to Friday and between 7am - 1pm Saturday.

No operations are permitted on Sundays or Public Holidays.

## 4. Infrastructure Services and Standards

### 4.1 Access

Access to the approved use must be via the existing rear drive located within Lot 2 on SP298298.

### 4.2 Stormwater Drainage/Water Quality

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

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

### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in generally in accordance with Drawing DA02 Issue B, 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, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and 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.

#### 4.4 Landscaping

4.4.1 The development must be landscaped in accordance with an approved landscape plan.

4.4.2 Prior to the commencement of the approved use, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.

4.4.3 The landscape plan must demonstrate 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.

4.4.4 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.

#### 4.5 Acoustic Fencing

Prior to the commencement of the use, the applicant/developer must erect a solid 1.8 metre high, acoustic fence of neutral colour along the entire western, northern and eastern boundaries of the Metes and Bounds Area shown on Drawing DA01 Issue B.

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

#### 4.6 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.

#### 4.7 Water Supply

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

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

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

#### 4.8 Sewerage Connection

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

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

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) 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](http://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](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Development Type	Charge Rate	Measure	Charge	Credit	Balance
		per GFA	m <sup>2</sup>	\$	\$
Commercial (office)	\$98.00	50m2	\$4,900.00	nil	\$4,900.00
Industry (warehouse)	\$35.00	161m2	\$5,635.00	nil	\$5,635.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$10,535.00</b>

**CARRIED**



**8.2 M DOWLING - MATERIAL CHANGE OF USE - SHOP (GENERAL STORE), GARDEN CENTRE (NURSERY) & LOW IMPACT INDUSTRY (SMALL ENGINE REPAIRS & SERVICING) - LOT 56 ON RP732900 - 57 DOUGLAS TRACK, SPEEWAH - MCU/21/0004**

**RESOLUTION 2021/108**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Dowling	ADDRESS	57 Douglas Track, Speewah
DATE LODGED	22 March 2021	RPD	Lot 56 on RP732900
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shop (General Store), Garden Centre (Nursery) & Low Impact Industry (Small Engine Repairs & Servicing)		

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 - Shop (General Store), Garden Centre (Nursery) & Low Impact Industry (Small Engine Repairs & Servicing)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan	M Dowling	22/3/2021
-	Internal Building Layout	M Dowling	22/3/2021
-	Shed Elevations	M Dowling	22/3/2021

(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 **within 3 months of this approval taking effect**, except where specified otherwise in these conditions of approval.
  - 2.2 The applicant must demonstrate to 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 within the timeframes specified in Condition 2.1 and at the rate applicable at the time of payment.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.4 Noise Nuisance
    - 3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
    - 3.4.2 The applicant 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.

- 3.4.3 The use of any sound projecting devices are not permitted on-site. The reversing beeper on any forklift or similar machinery used on-site must be sufficiently muted so as to not be audible beyond site boundaries.
- 3.4.4 All small engine mechanical work and servicing must be carried out in the designated workshop area and with the shed predominantly closed or managed in such a way so as to not cause nuisance at any nearby residence. Any air compressor/s should be sited within an insulated containment device so as to not cause nuisance at any nearby residence. Any running of small engines should be done in such a way as to minimise risk of nuisance.
- 3.5 All waste oils, solvents, fuels and cleaning/degreasing waste must be collected and disposed of off-site at an approved disposal facility. These materials must not be disposed of or stockpiled on-site and must not be stored in view of neighbouring dwellings or Douglas Track users.
- 3.6 The mechanical repair or servicing of anything other than small engines and lawn /garden maintenance equipment is not permitted on-site, in particular cars and trucks.
- 3.7 Delivery vehicles associated with the business are limited to 4.5 Tonne Gross Vehicle Mass and must enter and exit the site in a forward gear.
- 3.8 Waste Management
- Any on site refuse storage areas must be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.
- Any commercial waste collection vehicles servicing the site must enter and exit the site in a forward gear.
- 3.9 Operating Hours
- The approved operating hours are between 8am and 6pm Monday to Saturday, Closed on Sunday's and Public Holidays.
- 3.10 Bushfire Management
- 3.10.1 The development must be provided with a minimum 5,000 litres of water storage for firefighting purposes via any the following:
- a water tank separate to any domestic water supply tank/s; or
  - a reserve section in the bottom part of a main water supply tank; or
  - a dam; or
  - a swimming pool.
- Where a tank is provided, the tank outlet must be fitted with standard rural fire brigade fittings and be positioned to be easily accessible to firefighting appliances.
- 3.10.2 A bushfire hazard management plan must be prepared and submitted to Council. The approved use must comply with the requirements of the bushfire hazard management plan at all times.

### 3.11 Signage

Any advertising devices, must be wholly sited on the subject site or the south-west wall of the shed only (facing the carpark) and be limited to a cumulative sign face area of 4m<sup>2</sup> and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

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

## 4. Infrastructure Services and Standards

### 4.1 Access

4.1.1 The existing access crossover servicing the customer car park must be maintained (from the edge of the road pavement to the property boundary of the subject land) in accordance with the standards set out in the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 The existing unsealed access crossover servicing the laydown area/workshop/stock storage area must be upgraded/constructed (from the edge of the road pavement to the property boundary) in accordance with the standards set out in the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must ensure a non-worsening effect on surrounding land and downstream properties as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

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

### 4.3 Car Parking/Internal Driveways

The existing internal car parking area must be maintained to include 5 parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways/vehicle manoeuvring areas (as shown on the approved plans) must remain sealed and line marked where necessary, and appropriately drained, to the satisfaction of Council's delegated officer.

### 4.4 Landscaping

The existing landscaping on-site must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.5 Lighting

Any outdoor lighting must be designed and installed to prevent the potential for light spillage to cause nuisance to neighbours and road users.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

#### (D) ASSESSMENT MANAGER'S ADVICE

##### (a) 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.

##### (b) 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.

##### (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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

#### (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 Works (Shipping Containers)

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from Condition 4.1.2

**CARRIED**

**8.3 Y MARTIN - MATERIAL CHANGE OF USE - FOOD AND DRINK OUTLET - LOT 407 ON NR7409 & LOT 412 ON SP103859 - 5 COONDOO STREET AND 4-12 THOOREE STREET, KURANDA - MCU/21/0012**

**RESOLUTION 2021/109**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Yolande Martin	<b>ADDRESS</b>	5 Coondoo Street & 4-12 Thooree Street, Kuranda
<b>DATE LODGED</b>	31 May 2021	<b>RPD</b>	Lot 407 on NR7409 & Lot 412 on SP103859
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Food and Drink Outlet		

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 - Food and Drink Outlet

## (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Proposed Food & Drink Outlet (Food Trailer)	Applicant	8/07/2021
01	External View 1 of Food Trailer	Applicant	8/07/2021
02	External View 2 of Food Trailer	Applicant	8/07/2021
03	External View 3 of Food Trailer	Applicant	8/07/2021
04	Internal View of Food Trailer	Applicant	8/07/2021

## (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 The applicant must demonstrate to 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 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 The use of a generator to power the food trailer/van is not permitted at any time.
  - 3.5 The food trailer/van must be painted a neutral colour, to the satisfaction of Council's delegated officer.

- 3.6 In the event that a Tropical Cyclone is declared that has the potential to impact Kuranda, the food trailer/van and any customer seating must be removed from the site and stored in secure location.
- 3.7 All waste oils, water, grey water and black water must be collected and disposed of off-site at an approved disposal facility/dump point. These materials must not be stockpiled for any length of time or disposed of on-site. In the event that any waste material is spilled on-site, the applicant/operator must notify Council immediately.
- 3.8 The food trailer/van may remain on-site or removed daily at the discretion of the applicant/operator.
- 3.9 Commercial delivery vehicles are not permitted to service the approved use.

#### 3.10 Waste Management

Any on site refuse storage areas, except a bin for customers rubbish must be screened from view from adjoining properties and customers. All refuse bins must be emptied daily.

#### 3.11 Signage

The following signage is permitted:

- (i) one (1) advertising sign facing Coondoo Street which must be mounted on a building façade, awning or post associated with Lot 407 on NR7409;
- (ii) one (1) sandwich board style sign on Coondoo Street along the frontage of Lot 407 on NR7409 and where strictly complying with Council's Local Law/s for footpath signage;
- (iii) one (1) sandwich board style sign on Thooree Street along the frontage of Lot 412 on SP103859 and where strictly complying with Council's Local Law/s for footpath signage;
- (iv) Signage on the food trailer/van itself.

Any advertising devices must:

- (i) Not resemble a traffic control device or give instructions to vehicular traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

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

### 4. Infrastructure Services and Standards

#### 4.1 Surface Treatment/Erosion and Sediment Control

The ground surface where the food trailer/van is located and where any outdoor dining tables are located must be maintained with a grass cover or similar so as to not cause an erosion and sediment control issue, to the satisfaction of Council's delegated officer.



Should an erosion and sediment control issue arise as a result of the continued use of the site, the applicant/developer must appropriately surface treat all problem areas to alleviate any erosion and sediment control issues, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises (restaurants/bed & breakfasts etc.)

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

(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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

(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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Food Licence

**CARRIED**

**8.4 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - APRIL TO JUNE 2021****RESOLUTION 2021/110**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the quarterly report of the Development and Governance Group for the April to June 2021 quarter.

**CARRIED**

**8.5 OPERATIONAL PLAN 2020/21 PROGRESS REPORT APRIL 2021 TO JUNE 2021****RESOLUTION 2021/111**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council receives and notes the progress report on implementation of the 2020/21 Operational Plan for the period April 2021 to June 2021.

**CARRIED**

**8.6 COUNCIL POLICY REVIEW****RESOLUTION 2021/112**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council:

1. repeals the following policies:
  - a. Fraud Corruption Control Policy, adopted 21 November 2018;
  - b. Fraud Corruption Control Plan, adopted 21 November 2018; and
  - c. Public Interest Disclosure Management Plan, adopted 19 February 2020
2. adopts the following policies:
  - a. Fraud Corruption Control Policy;
  - b. Fraud Corruption Control Plan; and
  - c. Public Interest Disclosure Management Plan

**CARRIED**

## 8.7 ASSET INSURANCE REVIEW

### RESOLUTION 2021/113

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council:

1. self-insures its facilities; and
2. places an equivalent amount to the typical annual premium into a self-insurance reserve.

**CARRIED**

## 8.8 ASSIGNMENT OF INTEREST - LEASE AT - MAREEBA AIRPORT AVIATION INDUSTRIAL PARK

### RESOLUTION 2021/114

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council consents to the assignment of all interests in Lease AT located at Mareeba Airport Aviation Industrial Park held by Taikaka Pty Ltd, as assignors, Dealing Number 720710719 being Lease AT in Lot 20 RP748320 on SP325361, to Bradley Lionel Ballin, as assignee, conditional upon:

- a) Full payment of all amounts of lease rental and rates, fees and charges due as at the date of the assignment being effected, including any outstanding amounts;
- b) Cost of all legal fees associated with lease interest assignment and lodgement of necessary legal instruments with the Titles Office to effect the assignment being borne by the assignor. This includes any legal fees, reasonably incurred by Council, to achieve this outcome; and
- c) Full adherence by the assignor and assignee to conditions contained in Clause 12 'Transfer, Sub-letting and Mortgaging' and all sub-clauses relevant thereto, as contained in the Lease.

**CARRIED**

## 8.9 LOT 10 DA214 - BIG MITCHELL CREEK RESERVE

### RESOLUTION 2021/115

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council:

1. Approves the application of section 236(2) of the *Local Government Regulation 2012* to the disposal of Council's interest via grant of lease over the western portion of Lot 10 DA214 Reserve (Camping and Water); and
2. Approves the grant of a Trustee Lease over the western portion of Lot 10 DA214 Reserve (Camping and Water) for a term of ten (10) years to adjoining landowner Southedge Pastoral

Co. Pty Ltd for a permitted use consistent with the gazetted purpose with all costs of Trustee Lease preparation, surveying of the land and title registration to be borne by Southedge Pastoral Co. Pty Ltd; and

3. Authorises Council's Chief Executive Officer to negotiate, finalise and execute the Trustee Lease over the western portion of Lot 10 DA214 on behalf Council in accordance with all requirements under the *Land Act 1994* (Qld); and
4. Approves the restriction on access to and use of the western portion of Lot 10 DA214 to activities as aligned with the gazetted reserve purpose pending finalisation and execution of the Trustee Lease; and
5. Approves, for progression during the term of the Trustee Lease, the initiation of an application by Council to the State under section 34 of the *Land Act 1994* for revocation of the western portion of Lot 10 DA214 Reserve (Camping and Water).

**CARRIED**

#### **8.10 AGISTMENT PERMIT - LOT 520 NR6843 - ELLERY ROAD MAREEBA**

##### **RESOLUTION 2021/116**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council approves the issue of an agistment permit over Lot 520 NR6843 Reserve for Park and Recreation, Ellery Road Mareeba, to the adjoining property owner of Lot 2 RP735267, subject to provision of a fenced access corridor through the Reserve for continued public access to the Barron River and subject to all conditions and requirements under Council's *Use of Council Land of Agistment Purposes Policy*.

**CARRIED**

#### **8.11 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2021**

##### **RESOLUTION 2021/117**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council:

1. notes the financial report for the period ending 30 June 2021;
2. empanels the new contractor listed below to add to the Sole Supplier Register.

**CARRIED**

At 9:20 am, Cr Kevin Davies left the meeting.

**9 INFRASTRUCTURE SERVICES****9.1 EXPRESSION OF INTEREST EOI-MSC2021-02 OPERATION AND MANAGEMENT OF AQUATIC FACILITIES AND DIMBULAH CARAVAN PARK****RESOLUTION 2021/118**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council invites all three (3) respondents to Expression of Interest EOI-MSC2021-02 Operation and Management of Aquatic Facilities and Dimbulah Caravan Park to provide written tenders.

**CARRIED**

At 9:21 am, Cr Kevin Davies returned to the meeting.

**9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JUNE 2021****RESOLUTION 2021/119**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of June 2021.

**CARRIED**

**9.3 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 29 JUNE 2021****RESOLUTION 2021/120**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council:

1. receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 29 June 2021; and
2. accepts the Traffic Advisory Committee's letter of support endorsing Council's application for grant funding under the Black Spot Program for the upgrade of the Herberton / Constance streets.

**CARRIED**

**9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JUNE 2021****RESOLUTION 2021/121**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Technical Services Operations Report for June 2021.

**CARRIED**

**9.5 CHILLAGOE WASTE TRANSFER STATION - CHANGE IN SCHEDULED OPERATING TIMES****RESOLUTION 2021/122**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That Council amend the scheduled operating hours for the Chillagoe Waste Transfer Station.

1. Rescind the Tuesday operating hours,
2. Allocate the operating hours to Mondays from 9:00am to 12:00pm.

**CARRIED**

At 9:33 am, Cr Kevin Davies left the meeting.

**9.6 WASTE DISPOSAL OPTIONS DEVELOPMENT****RESOLUTION 2021/123**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council;

1. notes the two (2) options for consideration:
  - i. Option One - Direct all Mareeba Shire Council waste to the Springmount Waste Facility;
  - ii. Option Two - Construction of new landfill cells at Mareeba Landfill to extend the operational life of the site; and
2. approves \$295,000 from the waste reserve to facilitate further investigation for option two.

**CARRIED**

At 9:40 am, Cr Kevin Davies returned to the meeting.

**9.7 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JUNE 2021****RESOLUTION 2021/124**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Water and Waste Operations Report for June 2021.

**CARRIED**

**9.8 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JUNE 2021****RESOLUTION 2021/125**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Works Progress Report for the month of June 2021.

**CARRIED**

**10 OFFICE OF THE CEO****10.1 COUNCILLOR ATTENDANCE AT LGAQ ANNUAL CONFERENCE AND DEVELOPING NORTHERN AUSTRALIA CONFERENCE****RESOLUTION 2021/126**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council:

1. approves the attendance of Crs Bensted, Bird, Davies, Graham, and Wyatt at the LGAQ Annual Conference at Mackay 25 - 27 October 2021; and
2. approves the attendance of Cr Mlikota at the Developing Northern Australia Conference in Darwin 16 - 18 August 2021.

**CARRIED**

**10.2 MSC SHOW HOLIDAYS 2022****RESOLUTION 2021/127**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council request the Office of Industrial Relations to declare the show holidays within the Mareeba Shire for 2022 once determined by the show societies for the following parishes:

1. the parishes of Irvinebank, Myosotis and Western, which links to the Atherton Annual Show;
2. the Mareeba Shire Council area excluding the parishes of Irvinebank, Myosotis, Western, Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Cairns Annual Show; and
3. the parishes of Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Mossman Annual Show.

**CARRIED**

**10.3 OFFICE CLOSURE FOR STAFF FUNCTION****RESOLUTION 2021/128**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council approves the closure of all Council offices and libraries from 1pm - 5pm on Friday 30 July 2021.

**CARRIED**

**8.1 DELEGATION TO RELINQUISH TRUSTEESHIP OF NORTHERN TRIANGLE PORTION OF LOT 20NR7137****RESOLUTION 2021/129**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council delegates the Chief Executive Officer after consultation with Councillors:

1. to negotiate with Kilcor Properties Pty Ltd or associated entities to relinquish its Trusteeship of the northern triangle portion of Lot 20 NR7137, and
2. to make a statement in relation to an application by Kilcor Properties Pty Ltd or associated entities to the Department of Resources for purchase of the northern triangle portion of Lot 20 NR7137.

**CARRIED**



**11 CONFIDENTIAL REPORTS**

Nil

**12 BUSINESS WITHOUT NOTICE**

**13 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 18 August 2021.

There being no further business, the meeting closed at 9:48am.

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Cr Angela Toppin

Chairperson