Mareeba
SHIRE COUNCIL

MINUTES

Wednesday, 20 July 2022

Ordinary Council Meeting

MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 20 JULY 2022 AT 9:15AM

1 MEMBERS IN ATTENDANCE

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

Cr Angela Toppin (Mayor)

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 Bensted informed the meeting that he has a prescribed conflict of interest in relation to *ITEM 8.1 AMPLITEL PTY LTD - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 22 ON SP323208 - 114 MINES ROAD, MAREEBA - MCU/22/0007* as he is a close associate to the property owner. As a result Cr Bensted informed the meeting that he would leave the room whilst the matter is considered and voted on.

Cr Davies informed the meeting that he has a declarable conflict of interest in relation to *ITEM 9.4 - ITEM 9.11 Fleet Replacement for Assets - 1305, 1315, 1323, 1328, 1337 and 2025*. The nature of the conflict is that his son is employed by one of the tenderers and as a result a reasonable person make think he would be biased in the decision making. As a result Cr Davies informed the meeting that he would leave the room whilst the matter is considered and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2022/128

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Daniel (Danny) Bird

That the minutes of Ordinary Council Meeting held on 15 June 2022 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

At 9:17 am, Cr Lachlan (Locky) Bensted left the meeting.

8 CORPORATE AND COMMUNITY SERVICES

8.1 AMPLITEL PTY LTD - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 22 ON SP323208 - 114 MINES ROAD, MAREEBA - MCU/22/0007

RESOLUTION 2022/129

Moved: Cr Mary Graham
Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Amplitel Pty Ltd	**ADDRESS**	114 Mines Road, Mareeba
DATE LODGED	20 April 2022	**RPD**	Lot 22 on SP323208
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Telecommunications Facility		

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 - Telecommunications Facility

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q116998 S1	Site Access and Locality Plan	Amplitel	27.02.22
Q116998 S1-1	Site Layout	Amplitel	27.02.22
Q116998 S1-2	Antenna Layout	Telstra	27.02.22
Q116998 S3	North Elevation	Amplitel	27.02.22
Q116998 S3-1	Antenna Configuration Table	Telstra	27.02.22

(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 the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
   - to ensure compliance with the following conditions of approval.

2. Timing of Effect

   2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

   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 the condition(s) of this approval.

   3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.

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

   3.4 Noise Nuisance

   Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

4. Infrastructure Services and Standards

   4.1 Access

   An access crossover must be constructed off Mines Road to the development (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land 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.

4.3 Lighting

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

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

4.3.2 Warning lights shall not be installed on the tower, unless specifically required by other relevant legislation.

4.4 Building Materials & Finishes

4.4.1 Any equipment cabinets shall be a neutral colour.

4.4.2 The monopole tower and compound fencing shall be painted a colour equivalent to Colorbond 'Pale Eucalypt' in order to help achieve an effective visual blend with the surrounding landscape.

4.5 Operational Requirements

4.5.1 The radiofrequency field emissions and electromagnetic emissions from the installed tower shall not exceed the Australian Radiation Protection and Nuclear Safety Agency mandated exposure limits for continuous exposure to radio frequency and electromagnetic energy transmissions from mobile phone base stations at any time, at any location.

4.5.2 Within three (3) months of the site becoming operational, a site compliance inspection is to be carried out by an appropriately qualified person and certificate issued to verify that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard, 2002 Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz. This certificate is to be submitted to Council for consideration within three (3) months of the tower becoming operational.

4.6 Decommissioning and Site Rehabilitation

If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

(i) The monopole and associated infrastructure is removed from the site; and

(ii) The site is made suitable for other uses compatible with the locality; and

(iii) Restores the visual amenity of the site.

(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.

(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.

(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

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

CARRIED

CR MLIKOTA VOTED AGAINST THE MOTION

At 9:21 am, Cr Lachlan (Locky) Bensted returned to the meeting.

8.2 APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 0/221584 DESCRIBED AS LOT 61 ON CP846866, 828 MAREEBA - DIMBULAH ROAD, PADDYS GREEN

RESOLUTION 2022/130

Moved: Cr Lenore Wyatt
Seconded: Cr Mario Mlikota

That Council advise the Department of Resources that Council has no objection to conversion to freehold of Term Lease 0/221584 described as Lot 61 on CP846866, situated at 828 Mareeba - Dimbulah Road, Paddys Green.

CARRIED

8.3 COUNCIL POLICY REVIEW

RESOLUTION 2022/131

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Daniel (Danny) Bird

That Council:

1. Repeals the
   (a) Procurement Policy – adopted 16 June 2021; and
   (b) Public Interest Disclosure Management Plan – adopted 21 July 2021
2. Adopts the
   (a) Procurement Policy; and
   (b) Public Interest Disclosure Management Plan

CARRIED

8.4 NATIVE TITLE DETERMINATION APPLICATION QUD483/2015

RESOLUTION 2022/132

Moved: Cr Lenore Wyatt
Seconded: Cr Lachlan (Locky) Bensted

That Council authorise Preston Law to sign the Section 87A Agreement on behalf of Mareeba Shire Council.

CARRIED

8.5 DELEGATIONS UPDATE JULY 2022

RESOLUTION 2022/133

Moved: Cr Mary Graham
Seconded: Cr Mario Mlikota

That:

1. Council delegates the exercise of the powers contained in the attached Table of Delegable powers, with such powers to be exercised subject to any limitations and conditions; and
2. Any prior delegations of power relating to the same matters are revoked; and
3. Acknowledges that an annual review of Council delegations made to the CEO under section 257 of the *Local Government Act 2009* has been undertaken in accordance with section 257(5) of the Act.

CARRIED

8.6 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - APRIL TO JUNE 2022

RESOLUTION 2022/134

Moved: Cr Lenore Wyatt
Seconded: Cr Daniel (Danny) Bird

That Council receives the quarterly report of the Development and Governance Group for the April to June 2022 quarter.

CARRIED

8.7 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2022

RESOLUTION 2022/135

Moved: Cr Mary Graham
Seconded: Cr Lenore Wyatt

That Council note the financial report for the period ending 30 June 2022.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 T-MSC2022-02 MAREEBA SPLASH PARK DESIGN AND CONSTRUCT TENDER AWARD

RESOLUTION 2022/136

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Mario Mlikota

That Council award the design & construct contract for T-MSC2022-02 Mareeba Splash Park and associated works, including pool heating, to Kirratech Lifestyle Pools for the fixed price amount of $1,350,000 (excl. GST).

CARRIED

9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JUNE 2022

RESOLUTION 2022/137

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Mario Mlikota

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of June 2022.

CARRIED

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JUNE 2022

RESOLUTION 2022/138

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Technical Services Operations Report for June 2022.

CARRIED

At 9:39 am, Cr Kevin Davies left the meeting.

Cr Wyatt assumed the role of Chair.

9.4 FLEET REPLACEMENT - ASSET NO 1229 4WD SINGLE CAB UTILITY

RESOLUTION 2022/139

Moved: Cr Mario Mlikota
Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. awards contract VP310917 to Mete Motor Group Pty Ltd, for the amount of $42,727.27 (excl. GST), for the supply and delivery of one (1) Mitsubishi Triton Single Cab 4x4, and
2. authorise the disposal by Auction of Asset No 1229, one (1) Toyota Hilux Single Cab 4x4.

CARRIED

9.5 FLEET REPLACEMENT - ASSET NO 1304 4WD SINGLE CAB UTILITY

RESOLUTION 2022/140

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mary Graham

That Council:

1. awards contract VP310543 to Graeme Ford Motors Pty Ltd, for the amount of $40,490.00 (excl. GST), for the supply and delivery of one (1) Toyota Hilux Single Cab 4x4 Utility, and
2. authorise the disposal by Auction of Asset No 1304, one (1) Toyota Landcruiser Single Cab 4x4 Utility.

CARRIED

9.6 FLEET REPLACEMENT - ASSET NO 1305 4WD SINGLE CAB UTILITY

RESOLUTION 2022/141

Moved: Cr Mary Graham
Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. awards contract VP310896 to Graeme Ford Motors Pty Ltd, for the amount of $35,110.00 (excl. GST), for the supply and delivery of one (1) Toyota Hilux Single Cab 4x2 Utility, and
2. authorise the disposal by Auction of Asset No 1305, one (1) Toyota Landcruiser Single Cab 4x4 Utility.

CARRIED

9.7 FLEET REPLACEMENT - ASSET NO 1315 4WD SINGLE CAB UTILITY

RESOLUTION 2022/142

Moved: Cr Mario Mlikota
Seconded: Cr Daniel (Danny) Bird

That Council:

1. awards contract VP310827 to Mete Motor Group Pty Ltd, for the amount of $43,181.82 (excl. GST), for the supply and delivery of one (1) Mitsubishi Triton Single Cab 4x4, and
2. authorise the disposal by Auction of Asset No 1315, one (1) Toyota Landcruiser Single Cab 4x4 Utility.

CARRIED

9.8 FLEET REPLACEMENT - ASSET NO 1323 SINGLE CAB UTILITY

RESOLUTION 2022/143

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mary Graham

That Council:

1. awards contract VP310322 to Graeme Ford Motors Pty Ltd, for the amount of $30,350.00 (excl. GST), for the supply and delivery of one (1) Toyota Hilux Single Cab 4x2 Utility.

CARRIED

9.9 FLEET REPLACEMENT - ASSET NO 1328 4WD DUAL CAB UTILITY

RESOLUTION 2022/144

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Mario Mlikota

That Council:

1. awards contract VP310928 to Graeme Ford Motors Pty Ltd, for the amount of $30,860.00 (excl. GST), for the supply and delivery of one (1) Toyota Hilux Single Cab 4x2, and
2. authorise the disposal by Auction of Asset No 1328, one (1) Mitsubishi Triton Dual Cab Utility.

CARRIED

9.10 FLEET REPLACEMENT - ASSET NO 1337 4WD DUAL CAB UTILITY

RESOLUTION 2022/145

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. awards contract VP310889 to Graeme Ford Motors Pty Ltd, for the amount of $36,890.00 (excl. GST), for the supply and delivery of one (1) Ford Ranger Extra Cab 4x2, and
2. authorise the disposal by Auction of Asset No 1337, one (1) Mitsubishi Triton Dual Cab Utility.

CARRIED

9.11 FLEET REPLACEMENT - ASSET NO 2052 EXTRA CAB UTILITY

RESOLUTION 2022/146

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mario Mlikota

That Council:

1. awards contract VP309374 to Mete Motor Group Pty Ltd, for the amount of $25,000.00 (excl. GST), for the supply and delivery of one (1) Mitsubishi ASX 4x2, and
2. authorise the disposal by Auction of Asset No 2052, one (1) Mitsubishi Extra Cab 4x4.

CARRIED

At 9:44 am, Cr Kevin Davies returned to the meeting.

Cr Davies resumed the role of Chair.

9.12 FLEET REPLACEMENT - ASSET NO 5006 TRACTOR 4X4

RESOLUTION 2022/147

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. awards contract VP309854 to Casali Stihl Shop, for the amount of $81,818.18 (excl. GST), for the supply and delivery of one (1) Kubota M9540 DHC, and
2. authorise the disposal by Auction of Asset No 5006, one (1) Massey Ferguson 4x4.

CARRIED

9.13 T-MSC2021-10 GRANITE CREEK SEWERAGE PUMP STATION UPGRADE

RESOLUTION 2022/148

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mario Mlikota

That Council;

1. reallocate the funds of $640,000 (excl. GST) from the 2022/23 Capital Program CP894 Minor Wastewater Pump Station Refurbishments Project to CP00740 Granite Creek Sewerage Pump Station Project; and
2. a review of the Atherton Street Sewerage Pump Station upgrade design project be undertaken to determine and assess if a new pump station should be constructed, or the existing pump station be upgraded.

CARRIED

9.14 T-MSC2022-04 ANZAC AVENUE WATER MAIN UPGRADE - AC PIPE RENEWAL PROGRAM

RESOLUTION 2022/149

Moved: Cr Mary Graham
Seconded: Cr Lenore Wyatt

That the Council awards Tender T-MSC2022-04 Anzac Avenue Water Main Upgrade – AC Pipe Renewal Tender to NQ Wastetrans Pty Ltd for the amount of $2,861,731.80 (excl. GST).

CARRIED

9.15 MAREEBA AND KURANDA WASTE TRANSFER STATION ALARMING AND SURVEILLANCE IMPROVEMENTS

RESOLUTION 2022/150

Moved: Cr Mary Graham
Seconded: Cr Lenore Wyatt

That Council allocate funds from the Waste Reserves to fund the security alarming and surveillance improvements at the Mareeba and Kuranda Waste Transfers.

CARRIED

9.16 TEMPORARY LEASE OF UNUSED WATER ALLOCATIONS

RESOLUTION 2022/151

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mary Graham

That Council appoint Apels Solicitors, a licenced water broker and local law firm, to act on Council's behalf for the leasing process required, with a maximum lease term of three (3) years.

CARRIED

9.17 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JUNE 2022

RESOLUTION 2022/152

Moved: Cr Mario Mlikota
Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Water and Waste Operations Report for June 2022.

CARRIED

9.18 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JUNE 2022

RESOLUTION 2022/153

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Works Progress Report for the month of June 2022.

CARRIED

10 OFFICE OF THE CEO

10.1 LGAQ CONFERENCE MOTION - GRANT FUNDING

RESOLUTION 2022/154

Moved: Cr Lenore Wyatt
Seconded: Cr Lachlan (Locky) Bensted

That Council submits the following motion for consideration at the LGAQ Annual Conference:

"The LGAQ calls on the Federal and State governments to allow the State Government to allocate but hold payment of the annual Federal Assistance Grant to Councils until the start of the applicable financial year."

CARRIED

10.2 MSC SHOW HOLIDAYS 2023

RESOLUTION 2022/155

Moved: Cr Daniel (Danny) Bird
Seconded: Cr Mario Mlikota

That Council request the Office of Industrial Relations to declare the show holidays within the Mareeba Shire for 2023 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

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

12.1 LGAQ MOTION

RESOLUTION 2022/156

Moved: Cr Lenore Wyatt
Seconded: Cr Mary Graham

That Council submits the following motion for consideration at the LGAQ Annual Conference:

"The LGAQ calls on the State government maintain the Road Maintenance Performance Contract (RMPC) funding paid to Councils to maintain the State road network, to at least the value in real terms with a minimum increase of Construction Price Index per annum."

CARRIED

12.2 LGAQ MOTION #3

RESOLUTION 2022/157

Moved: Cr Mario Mlikota
Seconded: Cr Lachlan (Locky) Bensted

That Council submits the following motion for consideration at the LGAQ Annual Conference:

"The LGAQ calls on the State government to introduce diversionary facilities on more remote State-owned properties across the State where young people who have started falling foul of the law can be sent to gain both social and vocational skills and accreditation so that they can pursue employment opportunities rather than be sent to youth detention facilities."

CARRIED

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 17 August 2022.

There being no further business, the meeting closed at 10:07am.

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Cr Kevin Davies

Chairperson