



MINUTES

Wednesday, 16 August 2023

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 16 AUGUST 2023 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 Mario Mlikota

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr Daniel (Danny) Bird was granted a leave of absence.

3 BEREAVEMENTS/CONDOLENCES

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

4 DECLARATION OF CONFLICTS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

RESOLUTION 2023/151

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That the minutes of Special Council Meeting held on 19 July 2023 be confirmed.

CARRIED

RESOLUTION 2023/152

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That the minutes of Ordinary Council Meeting held on 19 July 2023 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 ANTON DEMOLITIONS PTY LTD - MATERIAL CHANGE OF USE - LOW IMPACT INDUSTRY (TRANSPORTED AND TRANSPORTABLE BUILDINGS AND STRUCTURES STORAGE) - LOT 3 ON SP327589 - 3278 MULLIGAN HIGHWAY, MOUNT MOLLOY - MCU/23/0008

RESOLUTION 2023/153

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Anton Demolitions Pty Ltd	ADDRESS	3278 Mulligan Highway, Mount Molloy
DATE LODGED	28 April 2023	RPD	Lot 3 on SP327589
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Low Impact Industry (Transported and Transportable Buildings and Structures Storage)		

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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use – Low Impact Industry (Transported and Transportable Buildings and Structures Storage)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AU006995-1A	Proposed Low Impact Industry (Transported and Transportable Buildings and Structures Storage)	RPS Australia East Pty Ltd	21-11-2022
-	MCU/23/0008 – Screen Fencing Plan	Mareeba Shire Council	26/07/2023

(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 Bushfire Management

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.
 - 3.5 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No operations are permitted on Sundays or Public Holidays.
 - 3.6 Storage of Structures

- 3.6.1 No structure stored within the approved Transported and Transportable Buildings and Structures Storage yard is to be occupied at any time the structure is stored on site.
- 3.6.2 No structure is to be stored within the approved Transported and Transportable Buildings and Structures Storage yard for more than two (2) years, unless otherwise agreed in writing by Council's delegated officer.
- 3.6.3 The applicant/developer must ensure that all structures and items stored within the approved transported and transportable buildings and structures storage yard are secured to prevent any structure, item or part thereof leaving the storage yard during high wind events.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

4.2 Screen Fencing

A minimum 1.8 metre high Colorbond (neutral colour) solid screen fence to the extent indicated on Plan *MCU/23/0008 – Screen Fencing Plan* must be maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces, and internal driveways must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

(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.dcceew.gov.au.

(d) Cultural Heritage

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

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 27 June 2023.

(F) RELEVANT PERIOD

(G) Material Change of Use – six (6) years (starting the day the approval takes effect) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.2 APPLICATION FOR CONVERSION TO FREEHOLD - LOT 299 ON CROWN PLAN NR7718, 36 COYLE ROAD, BIBOOHRA

RESOLUTION 2023/154

Moved: Cr Lenore Wyatt
Seconded: Cr Mary Graham

That Council advise the Department of Resources that Council has no objection to the conversion to freehold of Term Lease 0/239230 described as Lot 299 on Crown Plan NR7718, situated at 36 Coyle Road, Biboohra.

CARRIED

8.3 PROPOSED ROAD NAMES FOR FALLON ROAD RURAL RESIDENTIAL ESTATE (JUMRUM RAINFOREST PTY LTD) - RECONFIGURING A LOT - SUBDIVISION (1 INTO 83 LOTS) - LOT 72 ON RP903071 - FALLON ROAD AND KENNEDY HIGHWAY, KURANDA

RESOLUTION 2023/155

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council approves the use of the following road names for use in the Jumrum Rainforest Fallon Road Subdivision:

- a) Road A – Discovery Drive
- b) Road B – Misty Close
- c) Road C – Litoria Court
- d) Road D – Phoenix Crescent
- e) Road E – Canopy Close

CARRIED

8.4 DELEGATIONS UPDATE JUNE 2023

RESOLUTION 2023/156

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That:

1. Council delegates to the Chief Executive Officer, the exercise of the powers contained in the attached Instruments of Delegation, 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.

CARRIED

8.5 COUNCIL POLICY REVIEW

RESOLUTION 2023/157

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council:

1. Repeals the:
 - (a) Road and Water Crossing Naming Policy – adopted 19 June 2019;
 - (b) Road and Water Crossing Naming Procedure – adopted 19 June 2019
2. Adopts the:
 - (a) Road and Water Crossing Naming Policy
 - (b) Road and Water Crossing Naming Procedure

CARRIED

8.6 FINANCIAL STATEMENTS PERIOD ENDING 31 JULY 2023

RESOLUTION 2023/158

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council receives the Financial Report for the period ending 31 July 2023.

CARRIED

8.7 COMMUNITY ASSISTANCE UPDATE

RESOLUTION 2023/159

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council receives the Community Assistance Update.

CARRIED

8.8 CCTV SURVEY RESULTS

RESOLUTION 2023/160

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council:

1. Notes that the results of the survey of property owners / business operators clearly indicates insufficient support for the installation of a CCTV surveillance system in Mareeba central business district;
2. Continues to provide assistance through its *Community Safety Enhancement Program* to property owners and business operators installing their own surveillance systems or lighting to enhance surveillance of public spaces; and

3. Continues to advocate to the State Government responsibility for community safety.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JULY 2023

RESOLUTION 2023/161

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of July 2023.

CARRIED

9.2 FNQROC 2023-2024 REGIONAL SEWER RELINING PROGRAM

RESOLUTION 2023/162

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council:

1. Awards Contract FNQ039 2023/2024 Regional Sewer Relining to Relining Solutions based on the indicative works program and pricing the annual contract value for all participating councils is estimated to be \$564,758.88 excluding GST, with the potential for the Scope to be varied to include relining required during 2024/25 and 2025/26; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this project subject to Council's procurement practices and policies.

CARRIED

9.3 REEF GUARDIAN COUNCIL ACTION PLAN 2023/24

RESOLUTION 2023/163

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council endorses the Mareeba Shire Council Reef Guardian Action Plan 2023/2024.

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JULY 2023**RESOLUTION 2023/164**

Moved: Cr Kevin Davies
Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Technical Services Operations Report for July 2023.

CARRIED

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JULY 2023**RESOLUTION 2023/165**

Moved: Cr Mary Graham
Seconded: Cr Mario Mlikota

That Council receives the Infrastructure Services, Water and Waste Operations Report for July 2023.

CARRIED

9.6 FNQ038 2023/24 REGIONAL BITUMEN RESEAL PROGRAM**RESOLUTION 2023/166**

Moved: Cr Lachlan (Locky) Bensted
Seconded: Cr Kevin Davies

That Council:

1. Awards Contract FNQ038 2023/24 Regional Bitumen Reseal Program to fgf Bitumen Pty Ltd. Based on the indicative works program and pricing, of an estimated annual contract value of \$274,217.70 (excl GST), with the potential for the Scope to be varied to include resealing required during 2024/25 and 2025/26; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies.

CARRIED

9.7 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JULY 2023**RESOLUTION 2023/167**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services, Works Progress Report for the month of July 2023.

CARRIED

10 OFFICE OF THE CEO

10.1 COUNCILLOR ATTENDANCE AT CONFERENCES

RESOLUTION 2023/168

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council:

1. Approves the attendance of Cr Bird to the 2023 Local Government Association Queensland (LGAQ) Annual Conference to be held in Gladstone 16-18 October 2023; and
2. Approves the attendance of Crs Bensted and Davies to the National Local Roads, Transport and Infrastructure Congress to be held in Canberra 6-7 September 2023.

CARRIED

10.2 LGAQ CONFERENCE MOTION - COUNCILS TO CONDUCT LOCAL GOVERNMENT ELECTIONS

RESOLUTION 2023/169

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

"The LGAQ calls on the State government to change the Local Government Electoral Act to allow Councils or their nominees to conduct Local Government Elections."

CARRIED

10.3 CHANGE IN OCTOBER COUNCIL MEETING DATE

RESOLUTION 2023/170

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council approves the change in date for the October Council Meeting to Wednesday 18 October 2023.

CARRIED

10.4 MSC SHOW HOLIDAYS 2024

RESOLUTION 2023/171

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council endorses the request to the Office of Industrial Relations to declare the show holidays within the Mareeba Shire for 2024:

1. 9 July 2024 for the parishes of Irvinebank, Myosotis and Western, which links to the Atherton Annual Show;
2. 19 July 2024 for 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. 22 July 2024 for 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 LEAVE OF ABSENCE

RESOLUTION 2023/172

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Cr Wyatt be granted a leave of absence for the December Council Meeting 2023.

CARRIED

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 20 September 2023.

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

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Cr Angela Toppin

Chairperson