



MINUTES

Wednesday, 24 January 2024

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 24 JANUARY 2024 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Kevin Davies, Cr Mary Graham, Cr Angela Toppin (Mayor), 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

NIL

5 CONFIRMATION OF MINUTES

RESOLUTION 2024/1

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 20 December 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 W & R BLUNDELL - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 30 & 31 ON SP284537 - 37 & 50 COBRA ROAD, MAREEBA - RAL/23/0015

RESOLUTION 2024/2

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	W & R Blundell	ADDRESS	37 & 50 Cobra Road, Mareeba
DATE LODGED	2 November 2023	RPD	Lots 30 & 31 on SP284537
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

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 – Boundary Realignment

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
SP284537 (as amended)	Plan of Lots 30 & 31	-	-

(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

2.1 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, 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 endorsement of the plan of survey and at the rate applicable at the time of payment.
- 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 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where a structure is located in close proximity to a new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.
- 3.6 Charges

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

(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) 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.
- (c) Compliance with applicable codes/policies

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

- 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

- Nil

CARRIED

8.2 APPLICATION FOR CONVERSION TO FREEHOLD OF PERPETUAL LEASE OVER LOT 379 ON NR4669, 1 PERKINS STREET, MAREEBA

RESOLUTION 2024/3

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council advise the Department of Resources that Council has no objection to conversion to freehold of Perpetual Lease NCL 9/3082 described as Lot 379 on Crown Plan NR4669, situated at 1 Perkins Street, Mareeba

CARRIED

8.3 PLANNING SCHEME POLICY 4 - REVIEW OF SUBMISSIONS AND ADOPTION OF AMENDMENTS TO FNQROC REGIONAL DEVELOPMENT MANUAL - VERSION 05/23 (ISSUE 9)

RESOLUTION 2024/4

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council:

1. Adopts Planning Scheme Policy 4 - FNQROC Regional Development Manual Version 05/23 (Issue 9), as modified, having regard to the submissions received in accordance with Section 22 of the *Planning Act 2016* and Chapter 3 Minister's rules for making and amending a planning scheme policy.
2. Place a notice in a local newspaper, and on Council's website advising of Council's decision to adopt the amendments of Version 05/23 (Issue 9) with an effective date of 31 January 2024.

CARRIED

8.4 COUNCIL POLICY REVIEW

RESOLUTION 2024/5

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council:

1. Repeals the:
 - (a) Community Leasing Policy – adopted 17 May 2023
 - (b) Community Management of Halls and Associated Facilities Policy – adopted 17 May 2023
 - (c) Body Worn Camera Policy – adopted 20 April 2022

- (d) Standing Orders (Meeting Procedures) for Council Meetings – adopted 20 September 2023

2. Adopts the:

- (a) Community Group Exclusive Use of Council Land and Facilities Policy
- (b) Community Management of Halls and other Council Land and Facilities Policy
- (c) Community Tenure Guidelines
- (d) Body Worn Camera Policy
- (e) Standing Orders (Meeting Procedures) for Council Meetings

CARRIED

8.5 MAREEBA SHIRE COUNCIL LOCAL HOUSING ACTION PLAN

RESOLUTION 2024/6

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council adopt the Mareeba Shire Local Housing Action Plan.

CARRIED

8.6 OPERATIONAL PLAN 2023/24 PROGRESS REPORT

RESOLUTION 2024/7

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council receives and notes the progress report on the implementation of the 2023/24 Operational Plan for the period October to December 2023.

CARRIED

8.7 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2023

RESOLUTION 2024/8

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council receives the quarterly report of the Development and Governance Group for the October to December 2023 quarter.

CARRIED

8.8 SALE OF LAND DUE TO RATES IN ARREARS

RESOLUTION 2024/9

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

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
10564	Lot 1 MPH 24996
10615	Lot 42 W 2632
14058	Lot 196 CP 898462
14186	Lot 3 HG 716, Lot 540 OL 450
20074	Lot 15 SP 154001
60524	Lot 36 SP 276116, Lot 37 SP 276116
60526	Lot 49 SP 276116

- 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

8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2023

RESOLUTION 2024/10

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

8.10 NEW CEMETERIES FEES AND CHARGES 2023/24

RESOLUTION 2024/11

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council adopts the new proposed fees as follows:

1. Cemeteries - Private land Interment application: \$255.00
2. Cemeteries – Reservation, double depth burial, Kuranda Heights: \$921.00
3. Cemeteries – 50% non-resident burial and reservation surcharge

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - DECEMBER 2023

RESOLUTION 2024/12

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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

CARRIED

9.2 PARKS AND OPEN SPACES QUARTERLY REPORT OCTOBER 2023 - DECEMBER 2023.

RESOLUTION 2024/13

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Parks and Open Spaces Action Plan Progress Report for the months of October 2023 – December 2023.

CARRIED

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - DECEMBER 2023

RESOLUTION 2024/14

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

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

CARRIED

9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - DECEMBER 2023**RESOLUTION 2024/15**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2023**RESOLUTION 2024/16**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE**11.1 DELEGATION OF AUTHORITY TO THE CEO TO AWARD CONTRACTS FOR DISASTER RECOVERY WORKS DURING CARETAKER PERIOD****RESOLUTION 2024/17**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

Council delegates authority to the CEO to award contracts for Disaster Recovery Works during the caretaker period should the Minister grant such an exemption

. CARRIED

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 09:00 on 21 February 2024.

There being no further business, the meeting closed at 09:40am.

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Cr Angela Toppin

Chairperson