



Ordinary Meeting

Council Chambers
Date: 17 February 2016
Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

Members Present: Cr T Gilmore (Mayor), Crs A Holmes, M Graham, K Ewin, E Brown and J Jensen (via teleconference).

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr Pedersen was absent on Council Business.

BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month and for Dr Mark Bestmann in particular.

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

There were no Material Personal Interests or Conflicts of Interest declared by any Councillor or Senior Council Officer in relation to the items of business listed on the Agenda.

CONFIRMATION OF MINUTES

Moved by Cr Graham

Seconded by Cr Ewin

"That the Minutes of the Ordinary Council Meeting held on 3 February 2016 be confirmed as true and correct."

CARRIED

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

Nil

CORPORATE AND COMMUNITY SERVICES

REGIONAL LAND USE PLANNING

**ITEM-1 APPLICATION FOR RENEWAL OF TERM LEASE 209996
- LOT 7 ON DA298, PARISH OF MAR**

Moved by Cr Brown

Seconded by Cr Ewin

"That Council advise the Department of Natural Resources and Mines that it offers no objection to the Department granting a new Term Lease for grazing purposes over Lot 7 on DA298. Noting that it is still required for its gazetted (camping and water) purpose and Council does not wish to offer a Trustee Lease or Trustee Permit."

CARRIED

**ITEM-2 APPLICATION FOR CONVERSION OF GHPL 9/2817 -
LOT 264 ON DA430, PARISH OF GARIOCH**

Moved by Cr Holmes

Seconded by Cr Graham

"That Council offer no objection to the conversion to freehold of GHPL 9/2817 over land described as Lot 264 on DA430, Parish of Garioch and advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

CARRIED

**ITEM-3 EXTENSION TO RELEVANT PERIOD - M & C SORBELLO
- RECONFIGURING A LOT - SUBDIVISION (1 INTO 2
LOTS) LOT 1 RP735873 - 3576 KENNEDY HIGHWAY,
MAREEBA - REC/08/0029**

Moved by Cr Jensen

Seconded by Cr Brown

"1. That in relation to the application to extend the relevant period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	M Sorbello	ADDRESS	3576 Kennedy Highway, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	22 January 2016	RPD	Lot 1 on RP735873
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

and in accordance with the Sustainable Planning Act 2009, the following

- (A) The relevant period be extended for *one (1) year from 9 February 2016 to 9 February 2017*.
2. A Notice of Council's decision be issued to the applicant/ Department of Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dilgp.gov.au (reference: SPD-0216-024771) advising of Council's decision".

CARRIED

GOVERNANCE AND COMPLIANCE

ITEM-4 ASSIGNMENT OF LEASE N - MAREEBA AERODROME

Moved by Cr Ewin

Seconded by Cr Holmes

"That Council endorse the decision to approve the assignment of Lease 'N' at Mareeba Aerodrome to Richard Rudd, subject to the following conditions being satisfied:

1. All debts owing to Council that exist on the leased area at the time of the assignment being effected are paid in full. These debts include:
 - a. Lease charges due to Council and any interest and associated charges on overdue amounts.
 - b. Rates and charges levied by Council with respect of the lease area including any interest and associated charges on overdue amounts.
2. All costs associated with the assignment of this lease including lodgement of documentation and any other relevant charges, duties and/or fees will be paid by the assignee."

CARRIED

FINANCE

ITEM-5 FINANCIAL STATEMENTS FOR THE PERIOD ENDING 31 JANUARY 2016

Moved by Cr Holmes

Seconded by Cr Graham

"That Council note the financial report for the period ending 31 January 2016."

CARRIED

COMMUNITY WELLBEING

ITEM-6 AMENDMENT TO COMMUNITY HOUSING FOR SENIORS POLICY

Moved by Cr Graham

Seconded by Cr Ewin

"That Council endorse the amendment and adopt the updated *Community Housing for Seniors Policy*, attached to these Minutes as Appendix 1.

CARRIED

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES

ITEM-7 GATES & GRIDS GUIDELINE REVIEW

The Mayor advised that this item was withdrawn.

ITEM-8 KOWA STREET COTTAGE AND OLD KURANDA LIBRARY - BUILDING OCCUPANCY

Moved by Cr Jensen

Seconded by Cr Ewin

"That Council:

1. appoint Rogato Bros Real Estate Agent to manage the renting of the Mareeba Cottage in Kowa Street; and
2. approve the calling of tenders for the leasing of the Old Kuranda library building."

CARRIED

ITEM-9 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES - MONTHLY ACTIVITIES REPORT - JANUARY 2016

Moved by Cr Holmes

Seconded by Cr Ewin

"That Council receive and note the Infrastructure Services Technical Services Monthly Report for the month of January 2016."

CARRIED

WORKS

ITEM-10 INFRASTRUCTURE SERVICES - WORKS SECTION PROGRESS REPORT - JANUARY 2016

Moved by Cr Ewin
by Cr Brown

Seconded

"That Council receive and note the Infrastructure Services Transport Infrastructure, Parks and Gardens and Bridge Sections - Progress Report for the month of January 2016."

CARRIED

WATER & WASTE

ITEM-11 INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - JANUARY 2016

Moved by Cr Holmes

Seconded by Cr Graham

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, January 2016."

CARRIED

ITEM-12 INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS REPORT - JANUARY 2016

Moved by Cr Graham

Seconded by Cr Ewin

"That Council receive and note the January 2016 Monthly Water and Wastewater Report."

CARRIED

BUSINESS WITHOUT NOTICE

ADHOC-1 SHADE COVER FOR KURANDA POOL

Moved by Cr Jensen

Seconded by Cr Holmes

"That Council Officers investigate options and estimated costs for the erection of a Shade Cover for Kuranda pool and provide a Report to Council."

CARRIED

ADHOC-2**RIVERWALK SIGNAGE**

Moved by Cr Ewin

Seconded by Cr Graham

"That a directional sign be placed at the end of Therwine Street for the Riverwalk."

CARRIED**NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 2 March 2016

There being no further business, the meeting closed at 9:25 am.

.....
Cr Tom Gilmore
Mayor

**APPENDIX 1 - ITEM-6 AMENDMENT TO COMMUNITY HOUSING FOR SENIORS
POLICY**

Community Housing for Seniors Policy

Council Policy <input checked="" type="checkbox"/>	Internal Policy <input type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft	<input checked="" type="checkbox"/> Final	Version: 2.1
File ref:	POL-ADM-COM	Policy Section: Community Wellbeing
Date Adopted:	17 February 2016	Review Date: February 2017
Author:	Deborah Gillespie, Cristina Aloia	Review Officer: Manager Community Wellbeing

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1. POLICY INTENT

Mareeba Shire Council is committed to providing housing for Seniors in the towns of Mareeba, Mount Molloy, Kuranda and Dimbulah.

This policy establishes a formal process to ensure there is a consistent approach to managing the community housing facilities of the Mareeba Shire Council.

2. SCOPE

This policy shall apply when considering all requests relating to the community housing facilities of the Mareeba Shire Council.

Mareeba Shire Council delivers a Long Term Community Housing Program and has funding agreements with the Department of Housing and Public Works. As a result, Council is obliged to adhere to the relevant Departmental regulation and policy for funded properties. For the properties that do not have a funding agreement, the policy and criteria remains consistent.

As a community housing provider, Mareeba Shire Council is required to abide by the *Residential Tenancies and Rooming Accommodation Act 2008*, administered by the Residential Tenancies Authority (RTA) for all tenancy related matters such as bond, lease agreements and rent.

3. BACKGROUND

3.1 ELIGIBILITY

The Mareeba Shire Council *Community Housing for Seniors Policy* adopts the eligibility process currently used by the Department of Housing and Public Works which involves a need-based assessment for community housing assistance. Implementation of these criteria is a requirement of the *Housing Regulation 2015*, and stipulated in the *Social Housing Eligibility Criteria*.

All applicants for community housing are assessed against the common intake eligibility criteria as identified in the *Social Housing Eligibility Criteria*:

- Australian citizenship or residency;
- Queensland Residency - In addition to the requirements of the *Social Housing Eligibility Criteria*, preference will be given to applicants who have been resident in the Mareeba Shire Council area for five (5) years and over or have relatives living in the Mareeba Shire Council for ten (10) years and over;
- Property Ownership;
- Liquid assets;
- Independent income;
- Household income;
- Appropriateness of current housing;
- Reviewing intake eligibility.

Applicants must meet all of the common intake eligibility criteria to apply for housing assistance through the Department's Housing Services offices.

In addition, as the Mareeba Shire Council is a service specifically for Seniors, to be eligible to apply for Council housing the applicants must:

- Receive the Age Pension or other approved Pensions ie. Department of Veteran's Affairs;
OR
- Be aged 55 years or over receiving a Disability Pension in those cases as required by a funding agreement.

If an applicant referred to Mareeba Shire Council for housing assistance does not meet all eligibility criteria, the Department of Housing and Public Works, Housing Service Office will be contacted immediately.

3.2 ALLOCATION

Mareeba Shire Council is required to adhere to the *Allocations Policy for Funded Social Housing Providers* when allocating new tenants to vacant properties. Implementation of this policy is a requirement for providers funded under the *Housing Act 2003* to deliver community housing services. Mareeba Shire Council aims to match the needs of the tenants to the most suitable available property.

The *Allocations Policy for Funded Social Housing Providers* details the requirements for community housing providers assisting clients into and through the housing system, as appropriate to their needs. The Policy, and related procedures, establish processes for referrals, matching to a vacancy and offers of accommodation.

The movement of a tenant or household from one community housing property to another is managed as per the *Allocations Policy for Funded Social Housing Providers*. The household's needs will be assessed and matched to the property. The intake eligibility criteria will be reviewed to confirm continued suitability to the Long Term Community Housing Program.

3.3 COMMUNITY HOUSING RENT POLICY

Mareeba Shire Council, being a recognised Community Housing Provider, adheres to the principles as outlined in the *Community Housing Rent Policy 2013*, Department of Housing and Public Works Housing Services. The *Community Housing Rent Policy 2013* assists in providing tenants with low to moderate incomes with affordable housing.

All enquiries related to rent, or changes to tenants circumstances, should be addressed to the Community Wellbeing Officer at the Mareeba Shire Council. The Officer is able to provide a copy of a current rent ledger, listing all payments to-date.

3.3.1 Rent Calculation

The rent assessment principles used by the Mareeba Shire Council ensures equity and affordability for tenants in long term community housing. The payment is based on a comparison of:

- 25% of the household's assessable income plus Commonwealth Rent Assistance; OR
- The market rent for the property.

Council uses the Department's Electronic Rent Calculator Tool (ERCT) to determine if the rent for each property is set at the market rent or is no more than 25% of the tenant's assessable income plus rent assistance, with the tenant to pay whichever is the lower amount.

a) Determining 25% of assessable income plus rent assistance

This calculation is determined by the tenant's financial situation.

b) Determining market rent

No more than once every 12 months, an independent property valuer or real estate agent is appointed by Council to conduct a rent appraisal of each property, based on the following criteria:

- Local market rent conditions;
- Individual property characteristics including location, size and age of the property;
- The financial contributions made by tenants to properties;
- The low risk of property damage;
- The long term tenancy of most properties;

This approach ensures that rent is no more than 25% of the tenant's assessable income plus rent assistance.

Subsequent rent increases will be by normal annual increment based on Council Cost Index (approximately 2.6%) to take place annually in April, coinciding with annual Commonwealth pension and income support payment increases.

3.3.2 Rent Reviews

The new Mareeba Shire Council undertook a comprehensive rent review in 2014/15. Independent property services provided a rent appraisal of each property in accordance with 3.3.1 (b).

The independent rent appraisals were all considerably higher than current rents at that time and to minimise the negative impact on tenants, a phased approach to implementing these appraised rent increases by 31 October 2016 has been adopted.

Subsequent rent increases after 31 October 2016 will be by normal annual increment based on Council Cost Index (approximately 2.6%) to take place annually in April, coinciding with annual pension increases.

Further market rent appraisals will be conducted as required to align Council rents with the housing rental market.

As outlined at Section 3.6, it is the responsibility of the tenant to seek approval from Council of any significant improvements added during their tenancy to update Council records. The improvements will be excluded from consideration during rent appraisals for the length of the tenancy. When the tenant responsible for the improvement vacates the property, the rent will be reviewed for prospective tenants, taking into account any property improvements.

Two months' notice will be given prior to any increase in rent.

3.3.3 Rent Payment Methods

There are different methods for payment of rent to suit the tenant's requirements.

- Cash, cheque, debit or credit card at a Mareeba Shire Council Service Centre;
- A bill paying service - Centrepay is a free direct bill paying service for tenants receiving Centrelink payments such as the age pension. Rent can be deducted directly from Centrelink payments and paid directly to the Mareeba Shire Council each fortnight;
- Direct Debit - rental payments are debited from the tenant's bank account and deposited to Mareeba Shire Council's account;
- Electronic Direct Deposit - the tenant can electronically deposit rental payments to Mareeba Shire Council's account.

3.3.4 Rent Arrears

If the tenant is not able to pay their rent, they are required to contact the Mareeba Shire Council's Community Wellbeing Officer immediately to discuss supportive option ie. a rent payment plan.

If the rent is 7 days overdue, the Community Wellbeing Officer may issue a *Notice to Remedy Breach* (RTA Form 11). The tenant will have seven (7) days to pay the outstanding rent. If payment is not received, a Notice to Leave (RTA Form 12) can be sent. This will give a further fourteen (14) days for the tenant to pay their rent. The tenancy may be ended if the tenant has not paid the outstanding rent in accordance with the *Notice to Remedy Breach*.

3.4 CAPITAL WORKS

The purpose of Capital Works is to ensure the assets of the Mareeba Shire Council are maintained in good and working condition and in doing so improves the living conditions of the tenants.

Major capital works is carried out on existing units to improve and maintain the assets where required on an annual basis in accordance with Council's budget review. Examples of capital works include:

- external painting;
- internal painting;
- installation of security screens;
- installation of roofing insulation;
- replace roof guttering and install gutter guard;
- replacement of fencing;
- installation of driveways and path ways;
- general regular upgrades of all units.

3.5 MAINTENANCE

A reliable maintenance service is provided to all Mareeba Shire Council. All maintenance issues or enquiries must be reported to one of Council's Service Centres or directly to the Community Wellbeing Officer (in person or by telephone) before any maintenance or repairs are commenced.

As the lessor, Mareeba Shire Council will make arrangements for any necessary repairs that may be required within Mareeba Shire Council maintenance policies. This maintenance service operates during office hours, and an emergency after hours service is also available.

It is the responsibility of tenants to keep their homes clean and in good condition.

Council will endeavour to respond to urgent enquiries such as flooding within 2 hours of notification. Non-urgent requests for minor repairs, such as leaking taps, Council will contact the tenant within 2 working days to agree on an action.

3.5.1 Garden Maintenance

Tenants are responsible for maintaining their lawns and gardens to satisfactory standard. If large trees or shrubs require pruning, the tenant is required to notify the Community Wellbeing Officer and Council will organise for these works to be completed at Council's cost.

Tenants must avoid planting trees near sewerage and drainage pipes or within three meters of the house as this may cause structural problems to foundations, roof and guttering. Tenants are required to not plant trees and shrubs that exceed 2 to 3 metres in height due to the difficulties of maintenance in the longer term. Vines that cling to property should be avoided.

3.5.2 End of tenancy

When a tenant leaves, the tenant is expected to have maintained his or her home in the same condition as on commencement of the tenancy. Should the community housing property require cleaning to remove mould, repair damage, modifications not approved by Council etc these costs will be charged to the tenant and Mareeba Shire Council will take action to recover costs.

3.6 TENANT REQUESTS FOR FIXTURES OR MODIFICATIONS

All requests for modifications to a community housing property require a formal request by the tenant through the completion of the Mareeba Shire Council *Property Modification Request Form*.

Tenants must obtain written approval before any modification is made to the property. Tenants may have to remove non-approved fixtures/modifications if they are not to Council standard. The property must be returned to its original condition at the tenants cost.

The following are examples for approval by Mareeba Shire Council:

- Modifications and fixtures such as garden sheds, inbuilt cupboards, carports, air-conditioning etc may be added by the tenant subject to approval of Council, permits, plans and regulations (where they apply).
- On approval of a Mareeba Shire Council *Property Modification Request Form* the tenant may proceed with the alteration or fixture to be installed. All costs, with the exception of the building application, will be paid by the tenant. The Mareeba Shire Council will cover the costs related to the building application if required;

- All approved modifications added and paid for by the tenant will remain the tenants responsibility for maintenance and upkeep for the term of the tenancy. At the end of the tenancy, the improvements will become the property of Mareeba Shire Council;
- All improvements added by the tenant at their cost will be excluded from consideration during rent appraisals for the length of the tenancy;
- Mareeba Shire Council will not reimburse tenants for costs expended on improvements and alterations to their units when they vacate units;

3.7 KEYS

Tenants are provided with two (2) keys when they rent a unit. Any extra keys required for family members or friends are to be paid for by the tenant. Additional keys must be organised through Council as the key system in place is registered with a local locksmith.

When tenants have locked themselves out of their unit, it is the tenants responsibility to organise access and all costs will be covered by the tenant. The options include:

- During Office Hours - tenants can go to Rankin Street Office to collect a key. The spare key is signed out to the tenant and returned by the tenant at their earliest convenience. The other option is to call a Locksmith and the tenant will be required to pay for this service.
- After Hours - Council does not guarantee an after hours service for lock outs. The After Hours Call Centre may be able to put the tenant in touch with a local locksmith but this is not guaranteed.
- Tenants are encouraged to make suitable private arrangements if they are concerned that they may lock themselves out and another option for consideration is a key safe fixed to the property.

3.8 CRITERIA FOR PETS

Mareeba Shire Council recognises that pets can provide companionship, security, and contribute to the health and well-being of our tenants. Tenants will be allowed to keep one (1) dog or (1) one cat where the pet and property complies with Mareeba Shire Council Pet Criteria, Local Laws, *Animal Management Act 2008* and Commonwealth and State Statutes.

3.8.1 Principles

- Pets can provide companionship, security, and contribute to the health and well being of people;
- Pets will be assessed on pet type and will not be limited to dogs and cats;
- Pets will only be approved if the pet/property complies with existing laws;
- Not all pets will be approved by Council;
- The pet is right for the lifestyle and environment of both the pet and applicant;
- Tenants in the community have the right to live without interference from other tenant's pets.

3.8.2 Animals Permitted

- All animals require approval from Council;
- One (1) dog or one (1) cat per unit unless otherwise agreed by Council;

- Dogs and cats are to be de-sexed, micro chipped and a Veterinarian Certificate attached to the Application;
- Dogs must be registered as required by *Animal Management (Cats and Dogs) Act 2008*;
- Dogs are not to weigh more than 8 (eight) kilograms;
- Registered service dogs (including all assistance e.g. Guide dog, hearing dog and assistance dog) greater than 8 (eight) kilograms will be permitted. Copy of certification as per Council's Local Law requirements of a guide dog or hearing dog or assistance dog to be supplied with application;
- Appropriate fence/enclosure to be erected with Council approval. The tenant is responsible for the cost associated with the installation and maintenance of the yard and fencing to safely enclose the animal;
- Removal of all unwanted rubbish and pet faeces regularly;
- Inspections outside of annual and safety inspections will be carried out as required;
- Tenants will be required to apply a flea treatment at the end of the tenancy, if relevant.

3.8.3 Nuisances and Complaints

If an approved pet causes a nuisance and if complaints are received that your pet is interfering with the reasonable peace, comfort and privacy of neighbours, Council will investigate. If you are in breach of your Rental Tenancy Agreement or of Local Government laws, Council will withdraw approval to keep a pet; the owner will be required to remove the pet permanently from the unit within a timeframe designated by Council.

3.9 COMPLAINTS AND APPEALS

Mareeba Shire Council is committed to improving its services to clients by resolving complaints and appeals quickly and effectively. If a tenant or applicant is dissatisfied with the service or actions of the Council or Council staff, the tenant or applicant can lodge a complaint or an appeal against that decision.

3.9.1 Neighbourhood Disputes

Complaints about tenants will be accepted by Mareeba Shire Council however, it is not usually Mareeba Shire Council's policy to actively intervene in disputes between neighbours. However, the Mareeba Shire Council will intervene and provide solutions where it is required to do so under the *Residential Tenancies and Rooming Accommodation Act 2008*.

3.9.2 Dispute Resolution Centre

The Dispute Resolution Centre provides mediation services and can help by settling a dispute without legal action. The Dispute Resolution Centre is run by the Department of Justice and Attorney-General and involves guiding discussions between the two parties involved to work out an agreement that suits them both. Mediators will not take sides and will not make judgements. The service maintains the tenant's privacy, is usually free, helps a tenant make their own decisions about the dispute and most importantly, will help to have the problem resolved.

3.9.3 Criminal Offences

Council does not have authority to investigate criminal offences. For example if a neighbour is being either physically or verbally harassed by another neighbour, or illegal substances are being used on Mareeba Shire Council housing property, please contact the police.

All complaints and appeals will be handled in accordance with the confidentiality and privacy policy of the Mareeba Shire Council.

All complaints will be investigated in light of current legislation, by-laws and policies of the Mareeba Shire Council, which are relevant to the type of complaint or appeal.

Management will monitor complaints or appeals and ensure that practices causing concern are addressed in line with resolution of the Complaints and Appeals Principles.

Complaints or appeals will be dealt with as quickly as possible within the due process outlined and the complainant shall be kept informed of the relevant process and timeframes.

4. REVIEW

It is the responsibility of the Manager Community Wellbeing to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed by 31 October 2016.

This policy is to remain in force until otherwise determined by Council.