



Ordinary Meeting

Council Chambers
Date: 16 November 2016
Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

Members Present: Cr A Pedersen (Deputy Mayor), Crs, E Brown, K Davies, M Graham, A Toppin and L Wyatt.

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr T Gilmore was granted a leave of absence.

BEREAVEMENTS/CONDOLENCES

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

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 Wyatt

Seconded by Cr Davies

"That the Minutes of the Ordinary Council Meeting held on 12 October 2016 be confirmed as true and correct."

CARRIED

Moved by Cr Toppin

Seconded by Cr Brown

"That the Minutes of the Special Council Meeting held on 26 October 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 M MCKEEN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) LOT 1 SP154474 - 25 COPLAND ROAD, KOAH - DA/16/0033

Moved by Cr Brown

Seconded by Cr Davies

"That this application be brought back to Council within conditions for approval."

CARRIED

ITEM-2 PJ GIBBS - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS) LOT 17 SP219912 - 244 KANERVO ROAD, KOAH - DA/15/0045

Moved by Cr Brown

Seconded by Cr Graham

"1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	PJ Gibbs	ADDRESS	244 Kanervo Road, Koah
DATE LODGED	23 September 2015	RPD	Lot 17 on SP219912
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 lots)		

and in accordance with the Sustainable Planning Act 2009, 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 consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>1. The proposed development is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code:</p> <p>(b) where agricultural production and the raising of animals are protected from incompatible land uses;</p> <p>(f) that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;</p> <p>2. The proposed development is in conflict with Part 4, Division 14, Rural Zone Code:</p> <p>4.80 Reconfiguring a Lot</p> <p>S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.</p> <p>PS1.2 Allotments to have a minimum area of <u>30 hectares</u> and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.</p> <p>3. The proposed development is in conflict with land use policies 2.4.1, 2.6.1, 2.6.2, 5.4.2 and 5.4.3 of the Far North Queensland Regional Plan 2009-2031.</p>	<p>The subject site and surrounding allotments are not mapped as Good Quality Agricultural Land (GQAL). Council considers that the subject land is not suitable for sustainable agricultural production and further, it is improbable that adjoining allotments will be developed for significant agriculture purposes in the future.</p> <p>In assessing the potential for intensive animal husbandry, Council has applied the S-Factor methodology developed for the assessment of meat poultry farms. The typical meat poultry farm established within the Mareeba Shire accommodates up to 200,000 birds. A buffer distance of 845m is calculated for this farm size. Applying this buffer from the centre of the subject land would cover in excess of 25 surrounding rural and rural residential allotments.</p> <p>This demonstrates that it is not possible for intensive animal husbandry to achieve this separation distance. Separation distances for the establishment of a piggery or feedlot are expected to be no less than that required for a meat poultry farm.</p> <p>The subject land is located within Preferred Area No 3 - Clohesy River Area. Preferred Area No 3 reflects the planning scheme's ultimate intent that the Clohesy River area be development to accommodate some of urban growth.</p> <p>The proposed development is considered to represent the highest and best use of the subject land.</p>

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1761-SK03A	Proposed Reconfiguration of Lot 17 on SP219912	Flanagan Consulting Group	10 September 2015

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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 endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
 - 3.2 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.
 - 3.3 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.
 - 3.4 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.
 - 3.5 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.
 - 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

3.7 Prior to the endorsement of the plan of survey the applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with and/or that they have no objection to Council's endorsement of the plan of survey.

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

3.9 Flood Immunity

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.

3.10 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

3.11 Bushfire Management

3.11.1 Any new dwelling erected on each lot shall:

- (a) be sited in locations of lowest hazard within the lot;
- (b) achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
- (c) be sited 10 metres from any retained vegetation strips or small areas of vegetation;
- (d) be sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard; and
- (e) be provided with a source of water for firefighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within 40 metres from the habitable buildings.

3.11.2 Any future use on the lots must comply with the requirements of the Bushfire Management Plan prepared by ecoSpatial Pty Ltd (7-13-4_RP-BFMP_228_Kanervo_Rd_V1.0), at all times.

3.12 Charges

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

3.13 Rural Addressing

The applicant must pay a contribution per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.14 Building Setbacks

Any dwelling house constructed on proposed Lot 3 or 4 must be setback a minimum of 100 metres from the Kanervo Road frontage to reduce the potential for dust nuisance.

4. Infrastructure Services and Standards

4.1 Access

An access crossover for each allotment, must be constructed from the edge of the road pavement, to the property boundary of each respective allotment, in accordance with the FNQROC Development Manual, 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 Roadworks – Kanervo Road

4.3.1 Kanervo Road, for its entire frontage with proposed Lots 1 and 2, must be constructed to Rural Road standard, with 4.5 metre seal width, in accordance with FNQROC Development Manual standards to the satisfaction of Council's delegated officer.

4.3.2 The value of the roadworks required under Condition 4.3.1 will be credited towards the trunk transport contribution payable under Condition 5.

4.4 Water Supply

4.4.1 Each Lot must be provided with a potable water supply via bore or by water rights to a perennial stream in accordance with Planning Scheme Policy No. 1 - Water Supply (Outside Reticulated Water Supply Area).

4.4.2 Supply from a watercourse will be acceptable, provided the following can be demonstrated to the satisfaction of Council's delegated officer:

- the watercourse has sufficient flow and is perennial in all but the driest years; and

- the applicant can demonstrate that the Department of Natural Resources and Mines is prepared to grant a water licence for the proposed lot.

4.4.3 Where a bore is to be used as a source of water, bore installation will be in accordance with the requirements of D6.07 of the FNQROC Development Manual.

4.4.4 Where a bore is to be used as a source of potable water, it will be sited in accordance with the setback distances specified in the Queensland Plumbing and Wastewater Code.

4.4.5 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.4.3 (minimum sustainable yield only), 4.4.4 and 4.4.5 above.

4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (AS/NZS1547) to the satisfaction of the Council's delegated officer.

4.6 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

4.7 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

5. Additional Payment Condition/s (section 650 of the Sustainable Planning Act 2009)

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

- 5.2 The developer must pay a one-off payment of \$4,425.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport network servicing the land (\$4,425.00 per additional allotment)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

(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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(c) 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.

(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) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- conditions regarding bushfire management
- conditions regarding flood immunity
- conditions regarding building siting
- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply via bore/perennial watercourse
- Department of Infrastructure, Local Government and Planning concurrence agency conditions and advice

(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.

(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.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 26 September 2016

(F) RELEVANT PERIOD

When approval lapses if development not started (s.341)

- Reconfiguring a Lot requiring Operational Works – four (4) years (starting the day the approval takes effect);

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

GOVERNANCE AND COMPLIANCE

ITEM-3 DELEGATIONS ANNUAL REVIEW 2016

Moved by Cr Wyatt

Seconded by Cr Graham

"That:

1. Council delegate the exercise of the powers contained in the Instrument of Delegation to the Mayor and Chief Executive Officer, with such powers to be exercised subject to any limitations contained in Schedule 1 of the Instrument of Delegation.

2. Any prior delegations of power relating to the same matters contained in the attached Instrument of Delegation are revoked. "

CARRIED

ITEM-4 LEASE - AUCTUS RESOURCES CHILLAGOE

Moved by Cr Graham

Seconded by Cr Toppin

"That Council delegate authority for the Chief Executive Officer to negotiate suitable terms and conditions with Auctus Resources Pty Ltd for the co-location of their communication equipment at Council's broadcast facility in Chillagoe and further to execute a suitable legal instrument between Council and Auctus Resources Pty Ltd."

CARRIED

ITEM-5 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT BEING FOR JULY TO SEPTEMBER 2016

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council receive and note the quarterly report of the Development and Governance Group for July to September 2016."

CARRIED

FINANCE**ITEM-6 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 OCTOBER 2016**

Moved by Cr Toppin

Seconded by Cr Davies

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

CARRIED**ITEM-7 THREE MONTH CAPITAL REVIEW**

Moved by Cr Davies

Seconded by Cr Wyatt

"That Council adopt the proposed changes to the capital budget."

CARRIED**ITEM-8 KURANDA INFRASTRUCTURE ADVISORY COMMITTEE MEETING**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council:

1. Receive the minutes of the Kuranda Infrastructure Advisory Committee meeting of the 27 October 2016;
2. Authorise the Mayor to approach the Minister to extend agreement beyond 2020, preferably in perpetuity;
3. Adopt works programmes, up to 2020 and post 2020, as endorsed by the Committee and forward these to the Minister for approval."

CARRIED

ITEM-9 MAREEBA SPORTS HALL

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council adopt the following Hire Fees and Charges for the Mareeba Sports Hall as part of Councils Schedule of Hire Fees and Charges with effect from 1 December 2016:

Full day hall hire	\$130 (7am-6pm)
Half Day hall hire	\$75 (4 hours between 7am-6pm)
Hourly hall hire	\$35.00 per hour
Friday or Saturday night hall hire	\$275.00 (6pm - midnight)
Alcohol on premises	\$200.00
Deposit for ALL HIRES	\$500.00."

CARRIED**ITEM-10 RELATED PARTY DISCLOSURE POLICY**

Moved by Cr Toppin

Seconded by Cr Graham

"That Council adopt the Related Party Disclosure Policy, attached to these Minutes as Appendix 1."

CARRIED**COMMUNITY WELLBEING****ITEM-12 KURANDA COMMUNITY PRECINCT ADVISORY COMMITTEE**

Moved by Cr Brown

Seconded by Cr Davies

"That Council adopt the following recommendations by the Kuranda Community Precinct Advisory Committee:

1. Adopt the *Guidelines for Hiring of the Kuranda Community Precinct* at Attachment 2; and
2. Not support the request by Ngoonbi Community Services Indigenous Corporation for exclusive use of Kuranda Community Precinct facilities."

CARRIED

INFRASTRUCTURE SERVICES

PROJECT MANAGEMENT

**ITEM-13 CONTRACT TMSC2015-13 MAREEBA WASTEWATER
TREATMENT PLANT - DESIGN & CONSTRUCTION -
OCTOBER 2016 PROGRESS REPORT**

Moved by Cr Davies

Seconded by Cr Toppin

"That Council note the October 2016 progress report on the Mareeba Wastewater Treatment Plant."

CARRIED

**ITEM-14 MAREEBA AIRPORT REDEVELOPMENT - EOI -
WESTERN LEASE AREA**

Moved by Cr Toppin

Seconded by Cr Brown

"That Council invites Expressions of Interest from civil contractors for construction of the Mareeba Airport Redevelopment - Construction of Western Lease Area."

CARRIED

**ITEM-15 MAREEBA AIRPORT UPGRADING - OCTOBER 2016
PROGRESS REPORT**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council note the October 2016 progress report on the Mareeba Airport Upgrading."

CARRIED

TECHNICAL SERVICES

ITEM-16 PENSIONER PRECINCT TRAFFIC CALMING

Moved by Cr Toppin

Seconded by Cr Graham

"That Council endorse the installation of traffic calming devices as per Drawing No. 16-CON01 within the Pensioner Precinct, Mareeba."

CARRIED

ITEM-17 MINES ROAD MAREEBA - EXCESSIVE DUST

Moved by Cr Brown

Seconded by Cr Davies

"That Council endorse the placement of a rock barrier across on Mines Road, in the vicinity of Lot 1RP741787 Mareeba and to be reviewed if required."

CARRIED**ITEM-18 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - OCTOBER 2016**

Moved by Cr Davies

Seconded by Cr Toppin

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

CARRIED**WORKS****ITEM-19 INFRASTRUCTURE SERVICES - WORKS SECTION PROGRESS REPORT - SEPTEMBER/OCTOBER 2016****SUBJECT: COUNCIL MEETING MINUTES 16/11/2016 ORD**

Moved by Cr Wyatt

Seconded by Cr Graham

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

CARRIED**WATER & WASTE****ITEM-20 INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS REPORT - OCTOBER 2016**

Moved by Cr Brown

Seconded by Cr Toppin

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

CARRIED

ITEM-21 **INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - OCTOBER 2016**

Moved by Cr Davies

Seconded by Cr Wyatt

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

CARRIED**CHIEF EXECUTIVE OFFICER****ITEM-22** **CHANGE IN COUNCIL MEETING DATE JANUARY 2017**

Moved by Cr Graham

Seconded by Cr Davies

"That Council hold its January 2017 Ordinary Council meeting on Wednesday 25 January 2017."

CARRIED**ITEM-23** **MAREEBA LOCAL DISASTER MANAGEMENT GROUP**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council endorse and adopt the changes to the Mareeba Local Disaster Management Group structure, attached to these Minutes as Appendix 2."

CARRIED**CLOSURE OF MEETING - 9:45am**

Moved by Cr Wyatt

Seconded by Cr Davies

"That in accordance with Section 275(1)(h) of the Local Government Regulation 2012, the meeting be closed to the public at 9:45am to discuss matters relative to Other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage."

CARRIED**OPENING OF MEETING - 9:58am**

Moved by Cr Toppin

Seconded by Cr Davies

"That the meeting be opened at 9:58am."

CARRIED

ITEM-11
SALE OF LAND DUE TO RATES IN ARREARS

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council:

1. Sell the land listed as below due to the rates 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*;

Property No	Property Description	Property Location
10530	Lot 7 MPH 25016	Herberton - Petford Road Irvinebank Qld 4887
11126	Lot 22 M 35673	288 Byrnes Street Mareeba Qld 4880
11673	Lot 11 M 35646	2 Hampe Street Mareeba Qld 4880
11916	Lot 32 M 356114	17 Jebreen Street Mareeba Qld 4880
14939	Lot 1 MPH 24934	Burke Development Road Petford Qld 4871
15193	Lot 1 RP 721456	343 Emerald End Road Mareeba Qld 4880
17500	Lot 93 RP 734453	106 William Smith Drive Speewah Qld 4881
17689	Lot 11 RP 727448	170 Hickory Road Russett Park Qld 4881
20007	Lot 45 SP 154568	37 Dawson Road Mareeba Qld 4880
21033	Lot 163 RP 843529	Collins Weir Road Mutchilba Qld 4872
21529	Lot 1 RP 745187	149 McCorry Road Kuranda Qld 4872
22323	Lot 7 SP 146296	14 Martin Tenni Drive Mareeba Qld 4880
22950	Lot 215 DA 451, Lot G SP 145520	Bakers Road Mount Molloy Qld 4871
60230	PTBJ L285 CP 855881	370 Oak Forest Road Kuranda Qld 4881

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

**ITEM-24 GOLD COAST 2018 COMMONWEALTH GAMES QUEEN
S BATON RELAY**

Moved by Cr Davies

Seconded by Cr Toppin

"That Council delegates authority to the CEO to deal with this matter."

CARRIED

**ITEM-25 A SUMMARY, IN CHRONOLOGICAL ORDER, OF
DOCUMENTATION AND EVENTS RELATED TO
REEDLodge PTY LTD'S REQUEST TO PURCHASE A
PORTION OF THE RESERVE FOR LOCAL
GOVERNMENT PURPOSES (AGED HOUSING) (LOT
20NR7137)**

Moved by Cr Brown

Seconded by Cr Graham

"That the matter be deferred until the January meeting at which time a decision be made regarding the request from Reedlodge, to allow for further information to be received and for all Councillors to be present.

And further, that the Report be made public, excluding the attachments due to the information being deemed commercial in confidence, attached to these Minutes as Appendix 3."

CARRIED

BUSINESS WITHOUT NOTICE

ADHOC-1 LEAVE OF ABSENCE - CR GILMORE

Moved by Cr Brown

Seconded by Cr Graham

"That Council grant Cr Gilmore a leave of absence from the meeting."

CARRIED

ADHOC-2**LEAVE OF ABSENCE - CR DAVIES**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council grant Cr Davies a leave of absence from the Ordinary Council Meeting to be held on Wednesday 21 December 2016."

CARRIED**NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 21 December 2016.

There being no further business, the meeting closed at 10:08 am.

.....
Cr Alan Pedersen
Deputy Mayor

APPENDIX 1 - ITEM-10 RELATED PARTY DISCLOSURE POLICY

**RELATED PARTY DISCLOSURE
POLICY**

Draft <input checked="" type="checkbox"/>	Final <input type="checkbox"/>	Version:	1
File ref:		Policy Section:	Finance
Date Adopted:	1 July 2016	Review Date:	1 July 2017
Author:	Manager Finance	Review Officer:	Director Corporate and Community Services

Version #: 00/00/2009

Mareeba Shire Council

Related Party Disclosure Policy

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Version 1: 02/11/2011

1. POLICY INTENT

The purpose of this policy is to provide guidance to Council to achieve compliance with the *Australian Accountant Standard AASB 124 – Related Party Disclosures*.

2. SCOPE

This policy applies to related parties of Council and their transactions with Council.

3. BACKGROUND

The sources of legal obligations behind this Policy are;

- Local Government Act 2009
- Local Government Regulation 2012
- AASB 124 Related Party Disclosures

4. DEFINITIONS

“Close family members of a person” - are those family members who may be expected to influence or be influenced by, that person in their dealings with Council and include;

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner
- dependants of that person or that person's spouse or domestic partner

“Entities” - include companies, trusts, incorporated and unincorporated associations, joint ventures, control or joint controlled entities and partnerships.

“Key Management Personnel” - as defined in Section 5.1.2 of this policy.

“Materiality” - means the assessment will be assessed on a case by case basis assessing if the amount and/or nature of the transaction would be considered beneficial to the related party.

“Ordinary citizen transactions” - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

“Related Party” - as defined in Section 5.1 of this policy.

“Related Party Transaction” - is a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.

5. POLICY STATEMENT

5.1 IDENTIFICATION OF RELATED PARTIES AND TRANSACTIONS

A related party is a person or entity that is related to the Council.

For the purpose of this policy, related parties of Council are;

- A subsidiary, associate or joint venture of Council
- Key Management Personnel (KMP)
- Close family members of KMP
- Any entities controlled or jointly controlled by KMP or their close family members.

5.1.1 Subsidiary, associated or joint venture of Council

These are entities that are controlled by Council, jointly controlled by Council or over which Council has significant influence.

For the purpose of this policy, Council does not have any entities in this category.

5.1.2 Key Management Personnel (KMP)

Key Management Personnel (KMP) are persons having authority and responsibility for planning, directing and controlling the activities of Council either directly or indirectly.

KMP's for the Council are considered to be;

- Councillors (including the Mayor)
- Chief Executive Officer
- Directors
- A person acting in the Chief Executive Officer or Director position (that are not already identified as a KMP).

Council requires all KMP's to fill out a Related Party Declaration form (as per **Appendix 1**) identifying the following;

- their close family members
- entities that they control or are associated with; and
- entities that their close family members control or jointly control.

Declarations are required bi- annually each financial year. Should an individual's circumstances materially change between these periods a new declaration must be completed.

5.1.3 Close family members of KMP

Close family members are people who may be expected to influence or be influenced by, that person in their dealings with Council and include;

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner
- dependants of that person or that person's spouse or domestic partner.

KMP will identify close family members through the Related Party Declaration form.

5.1.4 Entities controlled or jointly controlled by KMP or their close family members

Entities include companies, trust, joint ventures, partnerships and non-profit associations such as sporting clubs.

Key management personnel will identify all entities through the Related Party Declaration form.

Transactions between Council and related parties, whether monetary or not, are required to be identified. The types of transactions may include;

- Grants and Subsidy payments made to associated entities of Council
- Non-monetary transactions between Council and related parties
- Goods and services provided by Council to related parties
- Purchase of materials and services from related parties
- Compensation made to key personnel
- Fees and charges charged to related parties
- Infrastructure contributions and application fees from related parties.

5.2 ASSESSMENT OF RELATED PARTY TRANSACTIONS AND DISCLOSURES

Once the related party transactions have been identified they will be analysed by the Manager Finance and Manager of Development and Governance. Where transactions are found to be of material or significant nature, they will be disclosed in the financial statements.

The following matters must be considered in determining the materiality and significance of any related party transactions;

- Significance of transaction in terms of size
- Whether the transaction was carried out on non-market terms
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets
- Whether the transaction is disclosed to regulatory or supervisory authorities
- Whether the transaction has been reported to senior management
- Whether the transaction was subject to Council approval.

Transactions or balances that occur within a **ordinary citizen transaction** shall be excluded from the detailed disclosures. An exception to this would be if the terms and conditions differ from those offered to the general public the transaction may be material therefore a disclosure would be required.

6. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and approve appropriate changes.

Mareeba Shire Council

Related Party Disclosure Policy

7. DISTRIBUTION REGISTER

Date	Issue No.	Copy No.	Issued To	Copy Type

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

**Declaration****Related Party Declaration for Key Management Personnel****PRIVATE AND CONFIDENTIAL**

Name of Key Management Person: _____

Position of Key Management Person: _____

(List details of known close family members, entities that are controlled/jointly controlled by KMP and entities that are controlled/jointly controlled by the close family members of KMP)

Name person or entity**Relationship**

Name person or entity	Relationship
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(attach separate sheet if required)

I, _____
(insert full name and position)

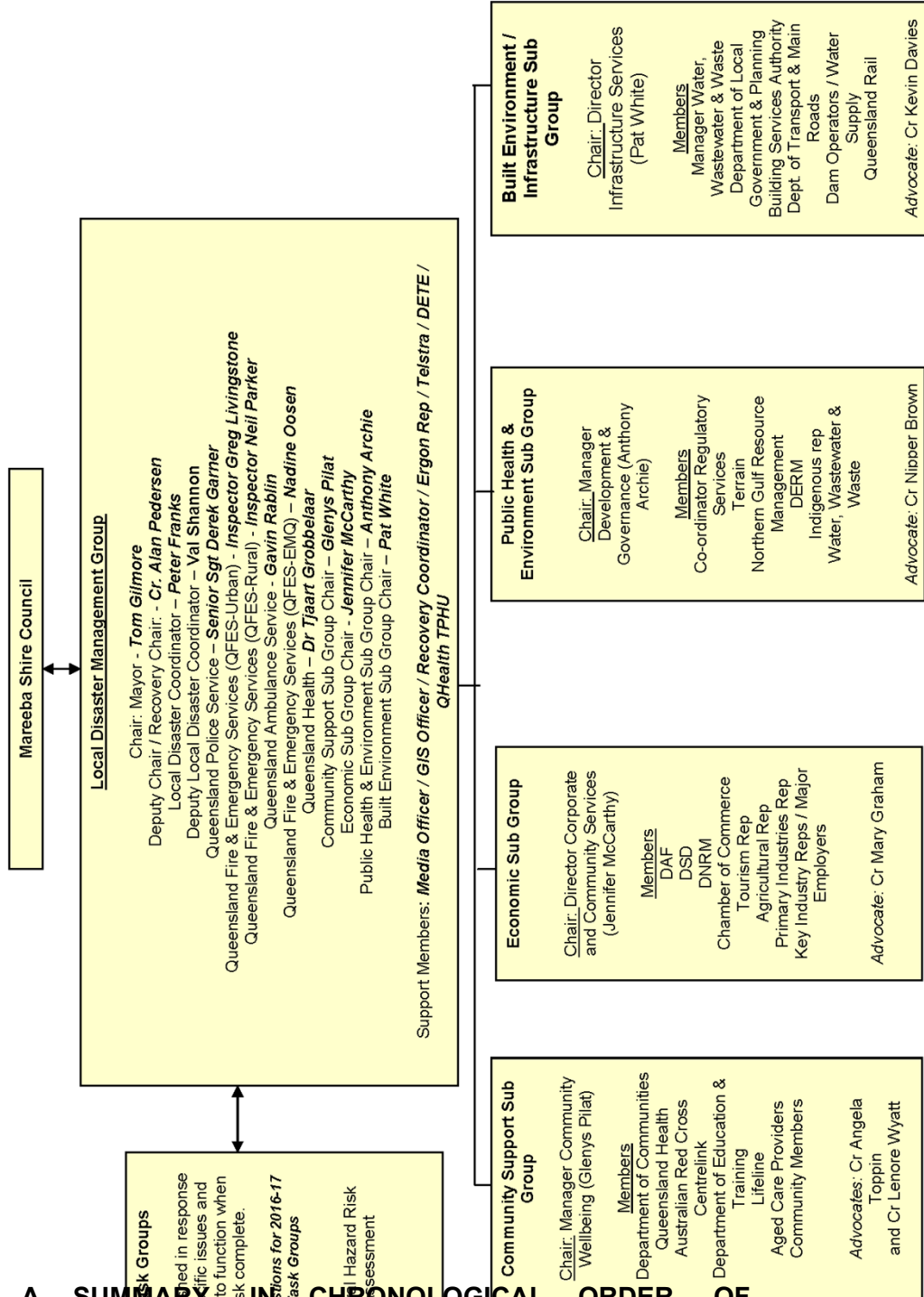
declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the fact sheet supplied by council which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

Declared at: _____ on the: _____

Signature of KMP: _____

Name of KMP: _____

ATTACHMENT 1: Mareeba Shire Council Local Disaster Management Group (LDMG) Structure



APPENDIX 3 -ITEM-25 A SUMMARY IN CHRONOLOGICAL ORDER, OF DOCUMENTATION AND EVENTS RELATED TO REEDLOGE PTY LTD'S REQUEST TO PURCHASE A PORTION OF THE RESERVE FOR LOCAL GOVERNMENT PURPOSES (AGED HOUSING) (LOT 20NR7137)

Mareeba Shire Council

OFFICER'S REPORT

SUBJECT: A SUMMARY, IN CHRONOLOGICAL ORDER, OF DOCUMENTATION AND EVENTS RELATED TO REEDLodge PTY LTD'S REQUEST TO PURCHASE A PORTION OF THE RESERVE FOR LOCAL GOVERNMENT PURPOSES (AGED HOUSING) (LOT 20NR7137)

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: CEO

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a summary, in chronological order, of documentation and events related to Reedlodge Pty Ltd's request to purchase a portion of the Reserve for Aged Housing (Lot 20NR7137).

OFFICER'S RECOMMENDATION

"That Council receive the report."

BACKGROUND

While the purpose of the report is to cover the request to purchase a portion of the Reserve for Aged Housing (Lot 20NR7137), it should be noted that Reedlodge has been offered to purchase the portions of the rail corridors that boarder two sides this triangular portion of land they wish to acquire and that they own, in freehold lot 78SP152626 (232 Byrnes St). It should also be noted that Council has previously approved the development of a shopping centre on this later lot on two previous occasions as well as approving its subdivision. The later approval still being current.

Below, in a date order, is a list of events that have occurred. Where there has been correspondence involved this is included as attachments circulated separately to the Agenda;

Date	Details	Attachment
06.01.2015	Girgenti Lawyers, on behalf of Reedlodge Pty Ltd submit request for Council's views and input regarding an application made to DNRM to purchase state land, being a part of Lot 20 on NR7137 Reserve for Local Government - Aged Persons Housing - Mareeba	06.01.2015 Reedlodge writes to CEO regarding purchase of Lot 20 on NR7137.pdf
04.02.2015	Officers presented a brief at a workshop on this date	04.02.2015 Councillor Workshop Brief 04 02 2015 - Application.docx
04.02.2015	Letter to Girgenti Lawyers, on behalf of Reedlodge Pty Ltd response to request to acquire part of Lot 20 NR7137 (Aged Person Housing Reserve Mareeba) - advising Council wishes to retain land and will not support freeholding	04.02.2015 Response to correspondence received 06.01.2015.pdf
09.02.2015	Girgenti Lawyers, on behalf of Reedlodge Pty Ltd request further response to address initial queries regarding their application to DNRM to purchase state land - Lot 20 on NR7137 - (Aged Person Housing Reserve Mareeba)	09.02.2015 Girgenti Requests further information regarding correspondence received 04.02.2015.pdf
11.02.2015	Response to Girgenti Lawyers, on behalf of Reedlodge Pty Ltd regarding their request for further information surrounding Council's decision to retain Lot 20 on NR7137 - (Aged Person Housing Reserve Mareeba)	11.02.2015 Response to Girgenti Lawyers (acting for Reedlodge regarding correspondence received 09.02.2015.pdf
12.06.2015	Girgenti Lawyers, on behalf of Reedlodge Pty Ltd submit Right To Information Application regarding (a) planned use and future development of Lot 20 NR7137 (excl related to existing structures) and (b) planning for development of road on part of Lot 201 SP129905 Lot 78 SP152626	11.06.2015 Girgenti request RTI.pdf
12.06.2015	Council advises Girgenti Lawyers, on behalf of Reedlodge Pty Ltd that the Right To Information Application has deemed properly made with acknowledgement of their request to amend 2 of application as they are now not seeking access on someone's behalf. Advised that the decision date is 17/07/2015.	12.06.2015 Acknowledgement of RTI Application.docx
14.07.2015	Council advises Girgenti Lawyers, on behalf of Reedlodge Pty Ltd, that as per Section 37 of the Right to Information Act, Council will be consulting with a third party in relation to their Right To Information Application - RTI1506/01	14.07.2015 Girgenti Lawyers Advised of Progress of RTI Application and third party consultation.docx
29.07.2015	Council advises Girgenti Lawyers, on behalf of Reedlodge Pty Ltd of the outcome of their Right To Information Application - RTI1506/01	30.07.2015 Correspondence to Girgenti Lawyers regarding Decision Notice - RTI application.docx
29.07.2015	Information provided to Girgenti Lawyers, on behalf of Reedlodge Pty Ltd under their Right To Information Application	29.07.2015 Pdf final for release - RTI Application.pdf
03.09.2015	Letter from Department of Natural Resources and Mines to Girgenti Lawyers, on behalf of Reedlodge Pty Ltd regarding their request to purchase of land Lot 20 NR7137	03.09.2015 Letter from DNRM to Girgenti regarding purchase of land Lot 20 NR7137.pdf
02.10.2015	Email and attachments from Department of Natural Resources and Mines with request for submission by Council in relation to Reedlodge Pty Ltd acquiring Lot 20 NR7137	02.10.2015 email and attachments from DNRM with request for submission by Council - includes Girgenti submission.pdf
12.10.2015	Senior Planner Email to Manager Development and Governance Regarding Lot 20 NR7137	12.10.2015 Senior Planner Email to Manager Development and Governance regarding Lot 20 NR7137.pdf

Date	Details	Attachment
02.11.2015	Council responds to request for submission by DNRM with request for submission by Council in relation to Reedlodge Pty Ltd acquiring Lot 20 NR7137	02.11.2015 letter emailed to DNRM - response to Girgenti Submission.pdf
09.12.2015	Girgenti Lawyers submits complaint on behalf of Reedlodge Pty Ltd concerning the conduct of Council's Chief Executive Officer	09.12.2015 Girgenti Lawyers lodge complaint against CEO.pdf
09.12.2015	Mayor responds to Girgenti Lawyers in relation to their complaint on behalf of Reedlodge Pty Ltd concerning the conduct of Council's Chief Executive Officer	09.12.2015 Mayor responds to complaint regarding CEO and requests further information.pdf
12.12.2015	Department of Natural Resources and Mines response to Girgenti Lawyers, on behalf of Reedlodge Pty Ltd in relation to purchase part of Lot 20 NR7137	11.12.015 DNRM response to Girgenti Lawyers in relation to purchase part of Lot 20 on MN7137 Reserve for Local Government (Aged Persons Home) Purposes (combined file).pdf
16.12.2015	Correspondence forwarded to King & Co Solicitors relevant to submission to the Mayor lodging a formal complaint concerning the conduct of the CEO relative to the acquisition by Reedlodge Pty Ltd of a portion of Lot 20 Nr7137 Aged Housing Reserve Mareeba	16.12.2015 Information sent to King and Co regarding complaint made against CEO.pdf
11.01.2016	Response to Girgenti Lawyers regarding their complaint Alleged unprofessional conduct of Council's CEO relative to acquisition by Reedlodge Pty Ltd of portion of land at Lot 20 NR7137 aged housing reserve	11.01.2016 Response to Girgenti Lawyers regarding complaint made against the CEO -.pdf
01.01.2016	Pietro Girgenti addressed the Councillors at a workshop	
11.07.2016	Preston Law Advises that all Council's Right To Information applications have been made	11.07.2016 Preston Law advises all RTI applications have been made.msg
12.07.2016	CEO advises no objection to Mareeba Shire Council being identified on Right To Information Applications	12.07.2016 CEO advises Preston Law no objection to being identified on RTI applications.msg
19.07.2016	Former Manager Development and Governance provides information including map outlining the current requests for land made by Girgenti Lawyers, on behalf of Reedlodge Pty Ltd, to the Department of Natural Resources and Mines.	19.07.2016 Former Manager Development and Governance regarding Girgenti - Rail Corridor.msg
20.07.2016	Preston Law provides an update on Right to Information Application	20.07.2016 Preston Law provides an update in relation to Right to Information Applications.msg
25.07.2016	Girgenti Lawyers forward follow-up email following a conversation with the CEO concerning a determination on the request of Reedlodge Pty Ltd to support the disposal of part of Aged Housing Reserve - Lot 20 NR7137 - Downs Street Mareeba and requests a response	21.07.2016 Girgenti confirms topic of conversation regarding decision to relinquish Lot 20 on NR7137.pdf
26.07.2016	CEO responds to Girgenti Lawyers regarding their correspondence 25/07/2016 in relation to Lot 20 NR7137 and advises that no time frame had been established as to when Council would make its decision in relation to Lot 20 NR7137	26.07.2016 Letter of response to Girgenti Lawyers regarding Lot 20 NR 7137.pdf
01.08.2016	Preston Law provides an update on Right to Information Application	01.08.2016 Preston Law provides an update on Right to Information Application (combined file).pdf

Date	Details	Attachment
02.08.2016	Preston Law advises Right to Information Access Application - Consultation Notice - 135/04316 - Department Transport and Main Roads has decided to consult with third party in relation to the application.	02.08.2016 RE Right to Information Application TMR (combined file).pdf
03.08.2016	Correspondence between Department Natural Resources and Mines and CEO regarding timeframes for a decision on Lot 20 NR7137	03.08.2016 Correspondence between DNRM and CEO regarding timeframes for a decision on Lot 20 NR7137.msg
09.08.2016	CEO writes to Girgenti Lawyers, on behalf of Reedlodge Pty Ltd following up on correspondence sent 26/07/2016 in relation to Lot 20 NR7137	09.08.2016 Follow up letter to Girgenti in relation to correspondence sent 26.07.2016.pdf
12.09.2016	Girgenti Lawyers, on behalf of Reedlodge Pty Ltd writes to CEO responding to request for information 26/07/2016	12.09.2016 Correspondence received from Girgenti Lawyers regarding Lot 20 NR7137 (combined file).pdf
12.09.2016	Preston Law provide an update on Department Natural Resources and Mines Right To Information Application	12.09.2016 DNRM Right to Information Application update (combined file).pdf
13.09.2016	CEO writes to Girgenti Lawyers, on behalf of Reedlodge Pty Ltd confirming correspondence and information has been forwarded to the Councillors	13.09.2016 CEO emails Girgenti Lawyers in response to their email received 12.09.2016.msg
14.09.2016	Preston Law Provides an update to Right To Information Applications	14.09.2016 RE Right to Information Application DNRM.msg
20.09.2016	Preston Law advises of the Decision Notice in relation to the Right To Information Application made to Department of Transport and Main Roads	20.09.2016 Preston Law advises of Right to Information Access application 13504316 - Decision Notice TMR (combined file).pdf
23.09.2016	Girgenti Lawyers acting on behalf of Reedlodge Pty Ltd submits response to email of 13/09/2016 and submit information request for material relative to Council's decision	23.09.2016 Girgenti Lawyers response to CEO's email 13.09.2016.pdf
27.09.2016	Girgenti Lawyers submit request for update on complaint lodged on behalf of Reedlodge Pty Ltd on 12/09/2016	27.09.2016 Girgenti Lawyers submit request for update on complaint made 23.09.2016.pdf
30.09.2016	CEO responds to Girgenti Lawyers acting on behalf of Reedlodge Pty Ltd submits response to email of 13/09/2016 and submit information request for material relative to Council's decision	30.09.2016 CEO responds to Girgenti Lawyers correspondence 23.09.2016.pdf
04.10.2016	Request by Girgenti Lawyers and Response by CEO advising Council's solicitors handling Right To Information Applications	04.10.2016 Request from Girgenti Lawyers and Response by CEO regarding solicitors handling RTI requests.pdf
09.10.2016	Preston Law provides update on Right To Information Application made to Department of Natural Resources and Mines	09.10.2016 Preston Law provides and update on Right to Information Application DNRM (combined file).pdf
12.10.2016	Correspondence between CEO and Preston Law in relation to Right To Information Applications	12.10.2016 correspondence between CEO and Preston Law in relation to RTI.msg
17.10.2016	Preston Law provides an update on Right to Information Application made to Department of Transport and Main Roads	17.10.2016 Preston Law provides and update in relation to RTI TMR.msg
18.10.2016	Department of Infrastructure, Local Government and Planning submits Notice of intent to consult with third party.	18.10.2016 Fw Notice of intent to consult - Right to information access application RTIP1617-017.msg
19.10.2016	Girgenti Lawyers, on behalf of Reedlodge Pty Ltd voices their concern about Council Right To Information requests made with various State Departments	19.10.2016 Girgenti Lawyers voice concern over Council RTI requests.pdf
31.10.2016	Preston Law provides and update in relation to Right To Information Applications	31.10.2016 Preston Law provides and updated in relation to Right to Information Applications (combined file).pdf

In addition to the information above the following information that has been requested and is still outstanding at the time of writing this report is as follows;

1. Department of State Planning – Third Party Consultation is being undertaken and a response is not due until 15 November 2016.
2. Department of Natural Resources and Mines – We have been advised that the decision has been finalised but requires approval from a supervisor who had to take unexpected leave. This decision is due to be provided to our solicitors office on 25 November 2016.
3. Department of Local Government, Infrastructure and Planning – a decision has been made and documents will be provided to Council in the next few days.
4. Application for review to the Office of the Information Commissioner regarding the Decision of Department of Transport and Main Roads. This application has been acknowledged by the OIC and will be processed and reviewed in due course. Unfortunately these matters can take months to process and an update will be provided to Council as soon as possible.

LINK TO CORPORATE PLAN

N/A

CONSULTATION

Internal

Councillors

Executive Management Team

External

Preston Law

King and Company

Department Transport and Main Roads

Department of Natural Resources and Mines

Department of Infrastructure Local Government and Planning

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Given the majority of the correspondence from Girgenti Lawyers is marked as "Commercial - in - Confidence" these letters cannot be made public even though the information they contain is already in the public realm.

Secondly should Council wish to make the other attachments public certain correspondences and references to these in the report, between the CEO and our solicitors would have to be removed as they contain information that is protected under legal privilege.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Circulated separately to the Agenda
Date Prepared: 08/11/2016