



MINUTES

Wednesday, 19 December 2018

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 19 DECEMBER 2018 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Tom Gilmore (Mayor), Cr Alan Pedersen (Deputy Mayor), Cr Edward (Nipper) Brown, Cr Kevin Davies, Cr Mary Graham, Cr Angela Toppin, Cr Lenore Wyatt

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 ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

Nil

5 CONFIRMATION OF MINUTES

RESOLUTION 2018/76

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 21 November 2018 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

7 DEPUTATIONS AND DELEGATIONS

8 CORPORATE AND COMMUNITY SERVICES

8.1 A & A SALINOVIC - RECONFIGURING A LOT - SUBDIVISION (1 INTO 9 LOTS) - LOT 100 ON SP202702 - 72-76 MASONS ROAD, KURANDA - RAL/18/0029

RESOLUTION 2018/77

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Alan Pedersen

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	A & A Salinovic	ADDRESS	72-76 Masons Road, Kuranda
DATE LODGED	26 September 2018	RPD	Lot 100 on SP202702
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 9 Lots)		

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 - Subdivision (1 into 9 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
34579/001A	Proposed Reconfiguration Lots 1 - 9 & Emts A - D	Brazier Motti	26 July 2018

(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, 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 for each stage of the development must be complied with to the satisfaction of Council’s delegated officer prior to

the endorsement of the plan of survey for each stage of the development, 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 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.7 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.

3.8 Charges

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

3.9 Bushfire Management (for Lots 2, 3 and 6 - 9 only)

A bushfire hazard management plan for the subject land and proposed allotments must be prepared by suitably qualified person, and submitted to Council prior to the endorsement of the plan of survey.

All future development on the subject land must comply with the bushfire hazard management plan.

3.10 Slope Stability

For any new building work proposed on a slope of 15% or greater, the applicant/developer must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- the long-term stability of the development site; and
 - that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site.
4. Infrastructure Services and Standards

3.11 Building Envelopes

- (a) The approved building envelopes for proposed lots 1 - 4 and 6 - 9 are the building envelopes shown on Brazier Motti plan no. 34579/001A dated 26 July 2018.
- (b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by markers set at each corner, to the satisfaction of Council's delegated officer.
- (c) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.
- (d) No vegetation shall be cleared outside the approved building envelopes.

4. Infrastructure Services and Standards

4.1 Access

- (a) Industrial/commercial grade access crossovers must be constructed (from the edge of the Mason Road kerbing to the commencement of each shared driveway required by 4.1 (b) below) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

An access crossover must be provided/constructed to each allotment from the shared access driveways required by 4.1 (b) below) to the boundary of each proposed lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The provision of layback kerb along the road/access easement frontages of each allotment will satisfy this condition.

- (b) An asphalt or concrete sealed driveway, including kerb and channel shall be provided for the full length of the access handles of Lots 1 and 6 (covered

by easements A and B), to the satisfaction of Councils delegated officer.
Each driveway will:

- have a minimum formation width of 4 metres;
 - be constructed generally in the centre of each access handle;
 - be formed to cater for stormwater drainage such that any stormwater runoff is discharged to Masons Road or another approved legal point of discharge;
 - service and utility conduits, including water supply pipes are to be provided for the full length of each driveway to service the benefited allotments.
- (c) A formed concrete wheelie bin set-down area capable of accommodating 4 wheelie bins must be constructed adjacent the Masons Road kerbing next to each access crossover required by 4.1 (a) above.
- (d) Reciprocal "access and services" easement must be established over the access handles of Lots 1 and 6 which benefit Lots 2 - 5 and Lots 7 - 9. Easement documents must be made available to Council for review prior to endorsement of a plan of survey creating any lots.

Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for Operational Works.

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to operational works commencing, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

4.3 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on each lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 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 **underground** power reticulation.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes (to be included for the full length of the shared driveways required by 4.1 (b) above).

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

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 \$16,960.00 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 (\$4,585.00 per additional allotment)
- The trunk open space infrastructure servicing the land (\$4,585.00)
- The trunk water supply infrastructure servicing the land (\$7,790.00 - Mason High Level Zone)

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) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation and Connection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(c) 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.

(d) 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.

(e) 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.

(f) Notation on Rates Record

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

- a registered covenant (Lot 9 only)
- an approved building envelope plan (Lots 1 - 4 and 6 - 9 only)
- building on sloped land (greater than 15% grade)
- conditions regarding bushfire management (Lots 2, 3 and 6 - 9 only)
- an approved bushfire management plan (Lots 2, 3 and 6 - 9 only)
- a registered easement over the subject site (Lots 1, 2, 3 and 6 only)
- the standard of any future on-site effluent disposal system

(g) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works

on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(h) 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

(i) Cultural Heritage

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

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Not required if carried out at operational works stage).

CARRIED

8.2 APPLICATION FOR RENEWAL OF TERM LEASE 237606 - LOT 166 ON HG622, LOCALITY OF ARRIGA

RESOLUTION 2018/78

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the renewal of Term Lease 237606 for grazing purposes over land described as Lot 166 on HG622, situated at 2332 Mareeba-Dimbulah Road, Arriga.

CARRIED

8.3 DELEGATIONS UPDATE DECEMBER 2018**RESOLUTION 2018/79**

Moved: Cr Angela Toppin

Seconded: Cr Edward (Nipper) Brown

That

1. Council delegates the exercise of the powers contained in the attached Tables of Delegable Powers and Instruments of Delegation to the Chief Executive Officer, with such powers to be exercised subject to any limitations; and
2. Any prior delegations of power relating to the same matters are revoked.

CARRIED

8.4 FINANCIAL STATEMENTS PERIOD ENDING 30 NOVEMBER 2018**RESOLUTION 2018/80**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council note the financial report for the period ending 30 November 2018.

CARRIED

8.5 COMMUNITY HOUSING CAPITAL WORKS 2018/19**RESOLUTION 2018/81**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council approve the capital project to be completed at 2 Barang Street, Kuranda during the financial year ending 2019. These works will be funded through the Community Housing Reserve.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 4 DECEMBER 2018****RESOLUTION 2018/82**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 04 December 2018.

CARRIED

9.2 REEF COUNCILS MAJOR INTEGRATED PROJECTS PROGRAM ENDORSEMENT

RESOLUTION 2018/83

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council endorses the Reef Councils Major Integrated Projects proposal.

CARRIED

9.3 MAREEBA AIRPORT UPGRADING - NOVEMBER 2018 PROGRESS REPORT

RESOLUTION 2018/84

Moved: Cr Lenore Wyatt

Seconded: Cr Alan Pedersen

That Council receives the November 2018 progress report on the Mareeba Airport Upgrade Project.

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - NOVEMBER 2018

RESOLUTION 2018/85

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of November 2018.

CARRIED

9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - NOVEMBER 2018

RESOLUTION 2018/86

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Kevin Davies

That Council receives the Infrastructure Services, Works Progress Report for the month of November 2018.

CARRIED

9.6 WASTE MANAGEMENT SERVICES STRATEGY PUBLIC CONSULTATION

RESOLUTION 2018/87

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

That Council adopts the draft Waste Management Services Strategy 2018 - 2027 and Community Snapshot for the purpose of public consultation.

CARRIED

9.7 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - NOVEMBER 2018

RESOLUTION 2018/88

Moved: Cr Mary Graham

Seconded: Cr Angela Toppin

That Council receives the Infrastructure Services, Waste Operations Progress Report, November 2018.

CARRIED

9.8 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - NOVEMBER 2018

RESOLUTION 2018/89

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of November 2018.

CARRIED

10 OFFICE OF THE CEO

10.1 MAREEBA COMMUNITY HUB

RESOLUTION 2018/90

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council enter into an agreement with the Mareeba and Memorial Bowls Club Incorporated to acquire the land and facilities on Anzac Avenue, Mareeba, contingent on the following conditions:

- that cost estimates following a Quantity Surveyors report are acceptable by Council when presented;
- that Grant funding is approved for the construction of new facilities for the Bowls Club and Reconfiguration of the existing premises into a Community facility;
- that the Tenders received for all these works being within the anticipated price range; and
- Council's contribution is to come from grant funding, excluding the sale of the existing library premises.

CARRIED

10.2 AMENDMENT TO SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2018

MOTION

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

That Council:

1. propose to adopt Amending Subordinate Local Law No. 1 (Animal Management) 2018 ("**the Amending Local Law**");
2. pursuant to section 257 of the Local Government Act 2009 ("**the Act**"), to delegate to the Chief Executive Officer of Council its powers to:
 - (a) under section 29(1) of the Act and Council's Process for Making Local Laws, decide the public consultation requirements for the Amending Local Law and proceed with public consultation;
 - (b) under section 38 of the Act, section 15 of the Local Government Regulation 2012 and Council's Process for Making Local Laws, decide whether a review of the Amending Local Law for anti-competitive provisions is required, and if one is required, how it is conducted.

11 CONFIDENTIAL REPORTS

RESOLUTION 2018/91

Moved: Cr Angela Toppin
 Seconded: Cr Mary Graham

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

11.1 Sale of Land Due to Rates and Charges in Arrears

This matter is considered to be confidential under Section 275 - h of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

CARRIED

RESOLUTION 2018/92

Moved: Cr Angela Toppin
 Seconded: Cr Mary Graham

That Council moves out of Closed Council into Open Council.

CARRIED

11.1 SALE OF LAND DUE TO RATES AND CHARGES IN ARREARS

RESOLUTION 2018/93

Moved: Cr Alan Pedersen
 Seconded: Cr Angela Toppin

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
11452	Lot 1 RP 712692
12072	Lot 1 RP 741780
14140	Lot 282 NR 7486
14186	Lot 3 HG 716 Lot 540 OL 450
15816	Lot 4 RP 725861

20586	Lot 2 SP 167062
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- 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

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9.00am on 23 January 2019.

There being no further business, the meeting closed at 10.20am.

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Cr Tom Gilmore

Chairperson