



MINUTES

Wednesday, 23 January 2019

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 23 JANUARY 2019 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 2019/1

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 19 December 2018 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

8 CORPORATE AND COMMUNITY SERVICES

8.1 APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD - LOT 152 ON HG140, LOCALITY OF DIMBULAH

RESOLUTION 2019/2

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 conversion to freehold of land described as Lot 152 on HG140, situated at Boonmoo Road, Dimbulah, subject to the amalgamation of Lot 152 on HG140 with Lot 14 on CP895435.

CARRIED

8.2 M & N BAKSAJ - MATERIAL CHANGE OF USE - TRANSPORT DEPOT - LOT 9 ON SP210185 - SHABAN CLOSE, MAREEBA - MCU/18/0025

RESOLUTION 2019/3

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M & N Baksaj	ADDRESS	Shaban Close, Mareeba
DATE LODGED	13 August 2018	RPD	Lot 9 on SP210185
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Transport Depot		

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.

APPROVED DEVELOPMENT: Development permit for Material Change of Use - Transport Depot(B)
APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
n/a	Site Plan	M & N Baksaj	n/a
n/a	Shed Elevations - 1	M & N Baksaj	n/a
n/a	Shed Elevations - 2	M & N Baksaj	n/a
n/a	Proposed Fencing Plan	M & N Baksaj	10 October 2018
n/a	Garden Design for Michael Baksaj	Rosemary Williams	2 October 2018
n/a	Landscape Design for Michael Baksaj	Rosemary Williams	1 October 2018

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, including but not necessarily limited to the subject of any alterations:
 - found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All external 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.
 - 3.3 Waste Management

On site refuge storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

3.4 Limitations on ancillary maintenance

On site maintenance of vehicles associated with the transport depot use is to be limited to changing of flat tyres and greasing of vehicles.

3.5 Hours of Operation

The hours of operation for the approved use shall be limited to the hours between 6:00am to 5:30pm Monday to Friday. No activities associated with the approved use are permitted on Saturdays, Sundays or Public Holidays.

3.6 Any fuel stored on site associated with the approved use (other than in the buses) must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.

3.7 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external blockwork/render and window screening structures must be made from non-reflective, modern building materials and must be of a neutral colour, to the satisfaction of Council's delegated officer.

4. Infrastructure Services and Standards

4.1 Access

An asphalt heavy duty access crossover with dimensions suitable for the proposed school buses, must be constructed (from the edge of Shaban Close to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Carparking/Internal Driveways

All car parking and trafficable areas associated with the approved use, must be asphalt or concrete surface treated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Environmental Management

4.4.1 Any material likely to degrade the water (eg oils, lubricants, solvents, coolants, degreasing agents etc) must be stored within a bunded area, or an appropriately designed chemical storage container, suitable for preventing the escape of material into surface or underground water resources.

4.4.2 All waste products associated with the approved use including tyres, wheels, fluids (lubricants, fuels, solvents, coolants, degreasing agents etc.) must be

disposed of off-site and must not be stored on site for more than two (2) weeks, to the satisfaction of Council's delegated officer.

4.5 Landscaping/Visual Screening

Within three (3) months of this approval taking effect, the applicant/developer must establish the landscape buffer generally in accordance with the Landscape Designs for Micheal Baksaj dated 1 & 2 October 2018 by Rosemary Williams Landscape Consultant.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

All landscaping must be maintained for the life of the development.

4.6 Lighting

4.6.1 Where outdoor lighting is required the developer shall locate, design and install lighting which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

4.6.2 Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

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 \$4,545.00 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 infrastructure servicing the land

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.

(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) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (c) Compliance with applicable codes/policies
The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.
- (d) Compliance with Acts and Regulations
The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
- (e) 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.
- (f) 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)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

CARRIED**8.3 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2018****RESOLUTION 2019/4**

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

That Council receive and note the quarterly report of the Development and Governance Group for the October to December 2018 quarter.

CARRIED**8.4 AMENDMENT TO SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2018****RESOLUTION 2019/5**

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

That Council:

1. adopts the Amending Subordinate Local Law No. 1 (Animal Management) 2018 (“Amending SLL”), pursuant to section 29(2) of the Local Government Act 2009;
2. delegates to the Chief Executive Officer the power to take all steps necessary to publish the Amending SLL, including a consolidated version of Subordinate Local Law No. 2 (Animal Management), in accordance with section 29B of the Local Government Act 2009.

CARRIED**8.5 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2018****RESOLUTION 2019/6**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council note the financial report for the period ending 31 December 2018.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 MAREEBA AIRPORT UPGRADING - DECEMBER 2018 PROGRESS REPORT****RESOLUTION 2019/7**

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

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

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - DECEMBER 2018**RESOLUTION 2019/8**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council:

1. receives the Infrastructure Services, Technical Services Monthly Report for the month of December 2018; and
2. endorses the awarding of Contract TMSC2018-25 Chillagoe Maintenance to JF & DA Burton Pty Ltd.

CARRIED

9.3 EXPRESSION OF INTEREST FOR CLEAN UP AUSTRALIA DAY 2019**RESOLUTION 2019/9**

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council lodges an expression of interest in becoming a Council Ally to the Clean Up Australia Day 2019 events by offering free rubbish disposal at Council waste facilities.

CARRIED

9.4 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - DECEMBER 2018**RESOLUTION 2019/10**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Waste Operations Progress Report, December 2018 and notes that a free mulch giveaway weekend will occur on 9 and 10 February 2019 or until supplies are exhausted.

CARRIED

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - DECEMBER 2018

RESOLUTION 2019/11

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

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

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2018

RESOLUTION 2019/12

Moved: Cr Alan Pedersen

Seconded: Cr Edward (Nipper) Brown

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

CARRIED

10 OFFICE OF THE CEO

10.1 EXTERNAL COUNCILLOR REPRESENTATION

RESOLUTION 2019/13

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council approves the representation of Councillors on the to various Boards, Associations, Committees and Community Organisations as outlined in Attachment 1.

CARRIED

11 CONFIDENTIAL REPORTS**RESOLUTION 2019/14**

Moved: Cr Lenore Wyatt

Seconded: Cr Alan Pedersen

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 Mareeba Community Hub

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 2019/15

Moved: Cr Angela Toppin

Seconded: Cr Kevin Davies

That Council moves out of Closed Council into Open Council.

CARRIED

11.1 MAREEBA COMMUNITY HUB**RESOLUTION 2019/16**

Moved: Cr Lenore Wyatt

Seconded: Cr Alan Pedersen

That Council submits an application for funding through the Local Government Grants and Subsidy Program (LGGSP) to develop the Mareeba Community Hub which will incorporate community facilities for training and public events, public library facilities and Bowls Club facilities.

CARRIED

12 BUSINESS WITHOUT NOTICE

Nil

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 20 February 2019.

There being no further business, the meeting closed at 9.40am.

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Cr Tom Gilmore

Chairperson