



MINUTES

Wednesday, 19 June 2019

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 19 JUNE 2019 AT 9:49 AM**

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

Cr Pedersen declared a material personal interest in relation to *ITEM 9.2 EOI-MSC2019-01 Panel of Preferred Providers, Occasional Plant Hire 2019/2020* as he is a partner of AC and KL Pedersen and stands to benefit depending on the outcome of Council's consideration of the matter. Cr Pedersen advised that he will leave the room when the matter is discussed and not vote.

Cr Brown declared a perceived conflict of interest in relation to *ITEM 9.12 Tender Evaluation TMSC2019-08 Green Waste Management Services* as he is the contractor managing the operation of some of Council's Transfer Stations. However Cr Brown determined that the perceived conflict was not real as he has no involvement in the management of the Green Waste and this tender would have no bearing on his contract with Council. Hence there is nothing would lead to him making a decision on the matter that is contrary to public interest. Cr Brown advised that he would participate in the discussion and vote on the matter. The Councillors voted on this matter prior to the agenda item, see below.

5 CONFIRMATION OF MINUTES

RESOLUTION 2019/52

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 15 May 2019 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

8 CORPORATE AND COMMUNITY SERVICES

8.1 W VENTURATO - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 1 ON RP747548 - 106 BRYDE ROAD, MAREEBA - RAL/19/0008

RESOLUTION 2019/53

Moved: Cr Alan Pedersen

Seconded: Cr Edward (Nipper) Brown

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	W Venturato	ADDRESS	106 Bryde Road, Mareeba
DATE LODGED	9 May 2019	RPD	Lot 1 on RP747548
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 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:

(A) REFUSED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots)

(B) ASSESSMENT MANAGER’S REASONS FOR REFUSAL:

1. The proposed development is in conflict with Performance Outcomes PO2, PO3 and PO6 of the Agricultural Land Overlay Code:

PO2

*Sensitive land uses in the ‘Class A’ area, ‘Class B’ area or the ‘Broadhectare rural’ area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:*

- (a) avoid land use conflict;*
- (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) avoid reducing primary production potential; and*
- (d) not adversely affect public health, safety and amenity.*

PO3

*Development in the ‘Class A’ area or ‘Class B’ area identified on the **Agricultural land overlay maps (OM-001a-n)**:*

- (a) ensures that agricultural land is not permanently alienated;*
- (b) ensures that agricultural land is preserved for agricultural purposes; and*
- (c) does not constrain the viability or use of agricultural land.*

PO6

*Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)**, including boundary realignments, only occurs where it:*

- (a) improves agricultural efficiency;*
- (b) facilitates agricultural activity; or*
- (d) facilitates conservation outcomes; or*
- (d) resolves boundary issues where a structure is built over the boundary line of two lots.*

2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

PO1

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;*
- (b) allows the desired amenity of the zone to be achieved;*
- (c) is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) allow the site to be provided with sufficient access;*
- (e) considers the proximity of the land to:
 - (i) centres;*
 - (ii) public transport services; and*
 - (iii) open space; and**
- (f) allows for the protection of environmental features; and*
- (g) accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

3. That there are not sufficient grounds to justify approval, despite the identified conflicts.

CARRIED

8.2 ADOPTED INFRASTRUCTURE CHARGES RESOLUTION (NO.2) 2019**RESOLUTION 2019/54**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council, under section 113 of the *Planning Act 2016*, adopt *Adopted Infrastructure Charges Resolution (No.2) 2019* to have effect on and from 1 July 2019.

CARRIED

8.3 POLICY REVIEW

RESOLUTION 2019/55

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

That Council:

1. Repeals the following policies:
 - (a) Road Naming Policy (adopted 21 January 2015)
 - (b) Fraud and Corruption Control Policy (adopted 21 November 2018)
 - (c) Policy for the Assessment of Advertising Billboards (adopted 21 January 2015)
2. Adopts the following policies:
 - (a) Road and Water Crossing Naming Policy
 - (b) Fraud and Corruption Control Policy

CARRIED

8.4 HISTORICAL TOWN POLICY

RESOLUTION 2019/56

Moved: Cr Mary Graham

Seconded: Cr Edward (Nipper) Brown

That Council adopts the Historical Township Policy attached.

CARRIED

8.5 BODY WORN CAMERA POLICY REVIEW

RESOLUTION 2019/57

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council approves the amended Body Worn Camera Policy, which increases the retention period for uncategorised footage from 30 days to 180 days.

CARRIED

8.6 DELEGATIONS UPDATE MAY 2019**RESOLUTION 2019/58**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That:

1. Council delegates the exercise of the powers contained in the attached Tables of Delegable Powers and Instruments of Delegation, 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

8.7 PLUMBING AND DRAINAGE REGULATION 2019 - FAST-TRACK OPT-OUT DECLARATION**RESOLUTION 2019/59**

Moved: Cr Kevin Davies

Seconded: Cr Angela Toppin

That per section 40 of the *Plumbing and Drainage Regulation 2019* Council declares it will not deal with any applications relating to permits for work to be carried out in its local government area as fast-track applications.

CARRIED

8.8 FINANCIAL STATEMENTS PERIOD ENDING 31 MAY 2019**RESOLUTION 2019/60**

Moved: Cr Mary Graham

Seconded: Cr Angela Toppin

That Council:

1. Note the financial report for the period ending 31 May 2019; and
2. Authorise the write off for outstanding rates and charges on the following two properties, Lot 1 PER 4789 and Lot 1 MLG 4285.

CARRIED

8.9 MAREEBA HERITAGE MUSEUM AND VISITOR INFORMATION CENTRE**RESOLUTION 2019/61**

Moved: Cr Mary Graham

Seconded: Cr Angela Toppin

That Council:

1. Approves the draft Mareeba Heritage Museum and Visitor Information Centre Management Agreement; and
2. Delegates authority to the Chief Executive Officer to finalise the Management Agreement on the condition that any changes are not substantial.

CARRIED

8.10 ENTERPRISE INFORMATION SYSTEM**RESOLUTION 2019/62**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council amend its existing contract with TechnologyOne to include Cloud First technologies and Software as a Service.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 TENDER EVALUATION TMSC2019-05 PRE-QUALIFIED SUPPLIERS LIST - INFRASTRUCTURE SERVICES - 1 JULY 2019 TO 30 JUNE 2021****RESOLUTION 2019/63**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council empanels the contractors listed in the documentation attached to this report for provision of services under TMSC2019-05 Pre-Qualified Suppliers for the period from 1 July 2019 to 30 June 2021.

CARRIED

At 10:08 am, Cr Alan Pedersen left the meeting.

9.2 EOI-MSC2019-01 PANEL OF PREFERRED PROVIDERS, OCCASIONAL PLANT HIRE 2019/2020

RESOLUTION 2019/64

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

That Council empanels the contractors listed in the documentation attached to this report for the purpose of providing preferred providers under EOI-MSC2019-01 Occasional Plant Hire for the 2019/20 financial year.

CARRIED

At 10:09 am, Cr Alan Pedersen returned to the meeting.

9.3 TMSC2019-13 REPLACEMENT OF POOL WATER TREATMENT INFRASTRUCTURE AT THE MAREEBA AND DIMBULAH SWIMMING POOLS

RESOLUTION 2019/65

Moved: Cr Angela Toppin

Seconded: Cr Kevin Davies

That Council delegates authority to the Chief Executive Officer to enter into, negotiate, and finalise a contract for TMSC2019-13 Replacement of Pool Water Treatment Infrastructure at the Mareeba and Dimbulah Swimming Pools, after consultation with Councillors.

CARRIED

9.4 PROPOSED EXTENSION OF TMSC2018-15 REGIONAL BITUMEN RESEALS DELIVERY CONTRACT 2019/20 PROGRAM

RESOLUTION 2019/66

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That Council awards an extension of Contract TMSC2018-15 for delivery of the 2019/20 Regional Bitumen Reseals Program to FGF Bitumen Pty Ltd indicative of the quoted delivery rates applied to the Council works program valued at an estimated contract amount of \$767,222.70 (inclusive GST).

CARRIED

9.5 TENDER EVALUATION TMSC2019-10 FULL SERVICE SUPPLY & DELIVERY OF 2018/19 ASPHALT OVERLAY PROGRAMME**RESOLUTION 2019/67**

Moved: Cr Angela Toppin

Seconded: Cr Edward (Nipper) Brown

That Council awards Tender TMSC2019-10 for Full-Service Supply and Delivery of Asphalt Overlay Works to NQ Asphalt Pty Ltd on a schedule of rates basis for the tendered price of \$353,661.83 including GST.

CARRIED

9.6 MAREEBA AIRPORT UPGRADING - MAY 2019 PROGRESS REPORT**RESOLUTION 2019/68**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council receives the May 2019 progress report on the Mareeba Airport Upgrade Project.

CARRIED

9.7 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - MAY 2019**RESOLUTION 2019/69**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of May 2019.

CARRIED

9.8 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MAY 2019**RESOLUTION 2019/70**

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Works Progress Report for the month of May 2019.

CARRIED

9.9 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - MAY 2019**RESOLUTION 2019/71**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council receives the Infrastructure Services, Waste Operations Progress Report for May 2019.

CARRIED

9.10 TENDER EVALUATION TMSC2019-03 BARANG STREET SEWAGE PUMP STATION UPGRADE**RESOLUTION 2019/72**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council awards Tender TMSC2019-03 Barang Street Sewage Pump Station Upgrade to BJS Plumbing and Civil for a total value of \$377,872.00 (exclusive of GST).

CARRIED

9.11 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - MAY 2019**RESOLUTION 2019/73**

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of May 2019.

CARRIED

9.12a PERCEIVED CONFLICT OF INTEREST**RESOLUTION 2019/74**

Moved: Cr Kevin Davies

Seconded: Cr Angela Toppin

That Cr Brown does have a perceived conflict of interest in this matter and notwithstanding the conflict, Cr Brown may participate in the matter, discuss and vote upon it.

CARRIED

Cr Brown did not participate in the vote.

9.12 TENDER EVALUATION TMSC2019-08 GREEN WASTE MANAGEMENT SERVICES**RESOLUTION 2019/75**

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That Council awards Tender TMSC2019-08 Green Waste Management Services to Shark Recycling and delegate authority to the CEO to negotiate and finalise the contract after consultation with Councillors.

CARRIED

All Councillors, including Cr Brown, voted in favour of the motion.

10 OFFICE OF THE CEO**10.1 PETITION FROM SPEEWAH DISTRICT RESIDENTS ASSOCIATION REGARDING TELEVISION RETRANSMISSION SERVICE IN SPEEWAH****RESOLUTION 2019/76**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council receives the petition, and further:

1. Determines that it's original decision to cease the rebroadcasting service in Speewah will stand; and
2. Will continue with the rebroadcast service for a further two months i.e. until 1 September 2019, to give people further opportunity to make alternative arrangements.

CARRIED

11 CONFIDENTIAL REPORTS**RESOLUTION 2019/77**

Moved: Cr Angela Toppin

Seconded: Cr Kevin Davies

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 Organisational Development Progress and Information Report

This matter is considered to be confidential under Section 275 - b 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 industrial matters affecting employees.

CARRIED

RESOLUTION 2019/78

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That Council moves out of Closed Council into Open Council.

CARRIED

11.1 ORGANISATIONAL DEVELOPMENT PROGRESS AND INFORMATION REPORT**RESOLUTION 2019/79**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Lenore Wyatt

That Council receives the Organisational Development Sections progress and information report.

CARRIED

12 BUSINESS WITHOUT NOTICE

At 10:52 am, Cr Kevin Davies left the meeting.

12.1 LIBRARY NAME**RESOLUTION 2019/80**

Moved: Cr Tom Gilmore

Seconded: Cr Lenore Wyatt

That the new Mareeba Community Hub be named the "Cedric Davies Community Hub."

CARRIED

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 17 July 2019.

There being no further business, the meeting closed at 10:53am.

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Cr Tom Gilmore

Chairperson