



MINUTES

Wednesday, 20 November 2019

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 20 NOVEMBER 2019 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Tom Gilmore (Mayor), Cr Alan Pedersen (Deputy Mayor), Cr Edward (Nipper) Brown, Cr Kevin Davies (via teleconference), 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 2019/154

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 23 October 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 APPLICATION FOR CONVERSION TO FREEHOLD OF TERM LEASE 231412 OVER LOT 15 ON CP862878, LOCALITY OF WATSONVILLE

RESOLUTION 2019/155

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

That Council advise the Department of Natural Resources, Mines and Energy that Council has no objection to the conversion to freehold of Term Lease 231412 over Lot 15 on CP862878 situated at Mount Nolan Road, Watsonville, subject to Lot 15 on CP862878 being amalgamated with adjoining Lot 4281 on CP862878.

Further, Council supports the Department's plan to formalise access to the proposed lot and that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land.

CARRIED

8.2 R FANNA - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 2 ON RP727052 - 30 MCGRATH ROAD, MAREEBA - RAL/19/0020

RESOLUTION 2019/156

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	R Fanna	ADDRESS	30 McGrath Road, Mareeba
DATE LODGED	6 September 2019	RPD	Lot 2 on RP727052
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:

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 2 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8373-LL1 Rev C	Proposed Reconfiguration of a Lot (1 lot into 2 lots)	Twine Surveys Pty Ltd	24.6.2019

(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 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.

3.8 Charges

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

3.9 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.

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 Water Supply

A water service connection must be provided to each lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 21, 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 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.

(D) ASSESSMENT MANAGER'S ADVICE

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.

(c) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection 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.

(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) 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) 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

- Nil

(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).

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$15,040.00	2 Lots	\$30,080.00	1 Lot - \$15,040.00	\$15,040.00
TOTAL CURRENT AMOUNT OF CHARGE					\$15,040.00

CARRIED

8.3 UNAUTHORISED SIGN ON MAREEBA INDUSTRIAL PARK ENTRANCE SIGN

RESOLUTION 2019/157

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

That Council contact the owner of the unauthorised sign panel that has been installed on the Mareeba Industrial Park entrance sign and require that they submit an application for their sign, pay all relevant fees and satisfy all conditions relating to the erection of such a sign including the relocation of the sign panel, at their expense, to the next available space as determined by Council;

CARRIED

8.4 ADOPTION OF CONSOLIDATED VERSION OF SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2018.

RESOLUTION 2019/158

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

That Council:

1. Adopts the consolidated version of the following subordinate local law:
 - i. Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018; and
2. Delegates to the Chief Executive Officer the power to take all steps necessary to comply with the requirements of section 32(4) of the *Local Government Act 2009*.

CARRIED

8.5 COUNCIL POLICY REVIEW

RESOLUTION 2019/159

Moved: Cr Lenore Wyatt

Seconded: Cr Edward (Nipper) Brown

That Council:

1. Adopt the following policies and procedures:
 - (a) Councillor Acceptable Requests Policy (Guideline)
 - (b) Unreasonable Complainant Conduct
 - (c) Use of Council Land for Agistment Purposes Policy

2. Repeal the following policies and procedures:
 - (a) Councillor Acceptable Requests Policy (Guideline) adopted November 2018
 - (b) Fig Tree Management Plan Coondoo Street Kuranda

CARRIED

8.6 DELEGATIONS UPDATE NOVEMBER 2019

RESOLUTION 2019/160

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

That:

1. Council delegates the exercise of the powers contained in the attached Table of Delegable Powers, 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 FINANCIAL STATEMENTS PERIOD ENDING 31 OCTOBER 2019

RESOLUTION 2019/161

Moved: Cr Kevin Davies

Seconded: Cr Angela Toppin

That Council note the financial report for the period ending 31 October 2019.

CARRIED

8.8 GOVERNMENT GRANT APPLICATIONS

RESOLUTION 2019/162

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council submit grant applications for the following programmes:

1. Building Better Regions Fund (Infrastructure Projects) round 4 - for the Chillagoe Critical Water Infrastructure Upgrade Project as a second priority;
2. Building Our Regions Program round 5 - a full application following the success of the expression of interest for the Chillagoe Critical Water Infrastructure Upgrade Project; and
3. Heavy Vehicle Safety & Productivity Program round 7 - for the Springmount Road Upgrade Project.

CARRIED

8.9 COMMUNITY PARTNERSHIP PROGRAM APPLICATION**RESOLUTION 2019/163**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council approve a one-off cash donation of \$1,650 to the Speewah District Residents Association towards the cost of relocating and refurbishing the Speewah community notice board under the Community Partnerships Program.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 STORMWATER INFRASTRUCTURE - BUNDANOON COURT****RESOLUTION 2019/164**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

That Council authorise works to reinstate and protect the drainage network located downstream of the access of 9, 10 and 12 Bundanoon Court.

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - OCTOBER 2019**RESOLUTION 2019/165**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

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

CARRIED

9.3 MAREEBA AIRPORT UPGRADING - OCTOBER 2019 PROGRESS REPORT**RESOLUTION 2019/166**

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

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

CARRIED

9.4 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - OCTOBER 2019

RESOLUTION 2019/167

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - OCTOBER 2019

RESOLUTION 2019/168

Moved: Cr Alan Pedersen

Seconded: Cr Edward (Nipper) Brown

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

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - OCTOBER 2019

RESOLUTION 2019/169

Moved: Cr Kevin Davies

Seconded: Cr Alan Pedersen

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

CARRIED

10 CONFIDENTIAL REPORTS**RESOLUTION 2019/170**

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

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:

10.1 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.

10.2 Land Exchange Agreement

This matter is considered to be confidential under Section 275 - e 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 contracts proposed to be made by it.

CARRIED

RESOLUTION 2019/171

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

That Council moves out of Closed Council into Open Council.

CARRIED

10.1 SALE OF LAND DUE TO RATES AND CHARGES IN ARREARS**RESOLUTION 2019/172**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

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
10362	Lot 708 C 5041 Lot 709 C 5041
11448	Lot 2 M 356180
13027	Lot 66 M 356130
13144	Lot 8 NR 7686
14058	Lot 196 CP 898462
16203	Lot 3799 CP 862876
19272	Lot 55 RP 861077
21781	Lot 4 MPH 3491

- 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

10.2 LAND EXCHANGE AGREEMENT**RESOLUTION 2019/173**

Moved: Cr Lenore Wyatt

Seconded: Cr Edward (Nipper) Brown

That Council approves the land exchange and authorises the Chief Executive Officer to negotiate and finalise the Land Exchange Agreement.

CARRIED

11 BUSINESS WITHOUT NOTICE

Nil

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 18 December 2019.

There being no further business, the meeting closed at 9:21am.

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Cr Tom Gilmore

Chairperson