



MINUTES

Wednesday, 18 December 2019

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 18 DECEMBER 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 2019/174

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 20 November 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 CD NASTASI AG PTY LTD & SD NASTASI AG PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 51 ON SP243993 - 57 STUDDT ROAD, MAREEBA - RAL/19/0024**

RESOLUTION 2019/175

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	CD Nastasi AG Pty Ltd TTE & SD Nastasi AG Pty Ltd TTE	ADDRESS	57 Studt Road, Mareeba
DATE LODGED	11 November 2019	RPD	Lot 51 on SP243993
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:

Refused by Council for reasons set out in (B).

(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 Overall outcome (a) of the Agricultural land overlay code;*
2. *The proposed development conflicts with the following Performance Outcome of the Agricultural land overlay code:*

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*
- (c) facilitates conservation outcomes; or*
- (d) resolves boundary issues where a structure is built over the boundary line of two lots;*

CARRIED

8.2 SND DEVELOPERS PTY LTD - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - REQUEST FOR PAYMENT OF INFRASTRUCTURE CHARGES IN INSTALMENTS - MCU/18/0019

RESOLUTION 2019/176

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That Council agree to the payment of the levied charge under Adopted Infrastructure Charges Notice MCU/18/0019 in 36 equal monthly instalments, with the first instalment to be paid to Council within 6 months of the first occupation of the approved development.

CARRIED

8.3 MAREEBA SHIRE COUNCIL - MATERIAL CHANGE OF USE - CLUB (LAWN BOWLS CLUBHOUSE), COMMUNITY USE (COMMUNITY HUB & LIBRARY) & FUNCTION FACILITY - LOT 201 ON SP213026 - 43 ANZAC AVENUE, MAREEBA - MCU/19/0016

RESOLUTION 2019/177

Moved: Cr Mary Graham

Seconded: Cr Edward (Nipper) Brown

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Mareeba Shire Council	ADDRESS	43 Anzac Avenue, Mareeba
DATE LODGED	29 October 2019	RPD	Lot 201 on SP213026
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Club (Lawn Bowls Clubhouse), Community Use (Community Hub and Library) and Function Facility		

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), 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 not consider that the assessment manager’s decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Club (Lawn Bowls Clubhouse), Community Use (Community Hub and Library) and Function Facility

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1404-PD-A.01 A	Site & Locality Plans	Clarke and Prince Architects	16-01-2019
1404-PD-A.02 A	Existing Floor Plan	Clarke and Prince Architects	16-01-2019
1404-PD-A.04 A	Proposed Floor Plan	Clarke and Prince Architects	16-01-2019
1409-CD-A2.00.00	Site & Locality Plans	Clarke and Prince Architects	04-11-2019
1409-CD-A2.10.01	Floor Plan	Clarke and Prince Architects	04-11-2019
1409-CD-A2.40.00	Elevations	Clarke and Prince Architects	04-11-2019
1409-CD-A2.40.01	Elevations	Clarke and Prince Architects	04-11-2019
19-013-01 A	Crossing Point & Community Hub Pavement Marking Plan	Mareeba Shire Council	-

(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, 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 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure 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 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.

3.4 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

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

4.2 Car Parking/Internal Driveways/Pedestrian Linkages

The applicant/developer must ensure the development is provided with car parking, internal driveways and pedestrian linkages generally in accordance with Drawing No. 19-013-01 A.

All car parking spaces and internal driveways/vehicle manoeuvring areas must be concrete, bitumen or asphalt sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.3 Fencing

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Lighting

Where lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, 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.

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.

4.5 Water Supply

The developer must connect the proposed development to Council's reticulated water system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend 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 requirements in accordance with FNQROC Development Manual Standard (as amended).

4.6 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend the reticulated sewerage 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).

(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) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

(c) 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.

(d) A Trade Waste Permit will be required prior to the commencement of use.

(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) 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.

(g) 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.

(h) 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) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 22 November 2019.

(F) 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);

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

CARRIED

8.4 APPLICATION TO LEASE UNALLOCATED STATE LAND DESCRIBED AS LOT 210 ON DA289 AND LOT 215 ON DA287, FASSIO ROAD, PADDYS GREEN

RESOLUTION 2019/178

Moved: Cr Angela Toppin

Seconded: Cr Kevin Davies

That Council offer no objection to the inclusion of unallocated State land described as Lot 210 on DA289 and Lot 215 on DA287 within Perpetual Lease 219179 and advise the Department of Natural Resources, Mines and Energy that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land.

CARRIED

8.5 COUNCIL POLICY REVIEW

RESOLUTION 2019/179

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council:

1. repeal the Debt Policy 2019/20 adopted 19 June 2019; and
2. adopt the following policies:
 - a. Native Title and Cultural Heritage Policy; and
 - b. Debt Policy 2019/20

CARRIED

8.6 ACQUISITION OF THE FORMER CROATIAN COMMUNITY CENTRE DIMBULAH

RESOLUTION 2019/180

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Angela Toppin

That Council approve a reimbursement of \$7,516.66 to be paid to the Public Trustee for interim property maintenance costs incurred to date, conditional upon confirmation that the property will be vested in Council as a freehold interest.

CARRIED

8.7 BORZI PARK ELECTRICITY UPGRADE WORKS

RESOLUTION 2019/181

Moved: Cr Alan Pedersen

Seconded: Cr Mary Graham

That Council approve the installation of electricity meters and upgrade of electricity network at Borzi Park through a competitive procurement process.

CARRIED

8.8 COUNCIL'S TRUSTEESHIP INTEREST IN THE MAREEBA WETLANDS

RESOLUTION 2019/182

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council ceases to be a co-trustee of Reserve TR49101163, described as Lot 142 on CP903068, Lot 3 on DA840915 and Lot 6 on SP189942, known as Mareeba Tropical Wetland and Savannah Reserve.

CARRIED

8.9 LOCAL LAW NO. 7 (AERODROMES) 2019

RESOLUTION 2019/183

Moved: Cr Lenore Wyatt

Seconded: Cr Edward (Nipper) Brown

That Council:

1. repeal Local Law No.2 (Meetings) 2008;
2. adopt Local Law No. 7 (Aerodromes) 2019 ("the Local Law"); and
3. delegate to the Chief Executive Officer the power to take all steps necessary to publish the Local Law, and to make any amendments to formatting as may be required.

CARRIED

8.10 FINANCIAL STATEMENTS PERIOD ENDING 30 NOVEMBER 2019**RESOLUTION 2019/184**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Lenore Wyatt

That Council:

1. note the financial report for the period ending 30 November 2019; and
2. utilise \$1,585,000 from the original proposed loan borrowings from the Mareeba Industrial Park Project for the Mareeba Airport Project as it is no longer required for the Mareeba Industrial Park Project.

CARRIED

8.11 REGIONAL ARTS DEVELOPMENT FUND 2019/20 COMMUNITY GRANTS**RESOLUTION 2019/185**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council approves 11 applications outlined in this report with a total value of \$40,910 under the Regional Arts Development Fund for 2019/20.

CARRIED

8.12 MAREEBA VISITOR SURVEY REPORT**RESOLUTION 2019/186**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Lenore Wyatt

That Council receive and note the Mareeba Visitor Survey 2019 Report.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 3 DECEMBER 2019****RESOLUTION 2019/187**

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 3 December 2019.

CARRIED

9.2 TENDER AWARD - TMSC2019-18 CONSTRUCTION OF MAREEBA CEMETERY MAUSOLEUM WALL

RESOLUTION 2019/188

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council awards contract TMSC2019-18 Construction of Mareeba Mausoleum Wall to Osborne Construction Solutions Pty Ltd at a value of \$201,520.00 (excluding GST).

CARRIED

9.3 TENDER AWARD - TMSC2019-23 PAVEMENT STABILISATION CHETTLE ROAD, ARRIGA

RESOLUTION 2019/189

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

That Council delegates authority to the Chief Executive Officer to award the contract for TMSC2019-23 Pavement Stabilisation - Chettle Road, Arriga, after consultation with Councillors.

CARRIED

9.4 TENDER AWARD - TMSC2019-25 - 2019/20 ASPHALT OVERLAY PROGRAM

RESOLUTION 2019/190

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council awards contract TMSC2019-25 - 2019/20 Asphalt Overlay Program to NQ Asphalt Pty Ltd at a value of \$203,109.09 (excluding GST).

CARRIED

9.5 QMSC2019-07 BARANG STREET RENEWAL PROJECT - COMMUNITY HOUSING

RESOLUTION 2019/191

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

That Council engages Smith and Sons to undertake refurbishment works on the community housing units in Barang Street, Kuranda to a value of \$149,114.38 (excluding GST).

CARRIED

9.6 QUOTATION AWARD - VP153993 REPLACEMENT OF PLANT - ROLLER

RESOLUTION 2019/192

Moved: Cr Kevin Davies

Seconded: Cr Edward (Nipper) Brown

That Council:

1. approves the purchase of one (1) Caterpillar CW 34 Roller at a value of \$181,000 (excluding GST); and
2. authorises the disposal by Auction of Asset 210 Ammann multi-tyred roller.

CARRIED

9.7 QUOTATION AWARD - VP163448 REPLACEMENT OF PLANT - MOWER

RESOLUTION 2019/193

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council:

1. endorses the purchase of one (1) new Kubota 72-inch, 4x4 out front mower from Kubota Australia through Casali's Stihl Shop Mareeba for \$29,691.81 (excluding GST); and
2. authorises the disposal by Auction of Asset 4052 Kubota 4x4, 72-inch out front mower.

CARRIED

9.8 MAREEBA AIRPORT UPGRADING - NOVEMBER 2019 FINAL PROGRESS REPORT

RESOLUTION 2019/194

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

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

CARRIED

9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - NOVEMBER 2019**RESOLUTION 2019/195**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council:

1. receives the Infrastructure Services, Technical Services Monthly Report for the month of November 2019; and
2. approves the reallocation of funds within the Fleet Budget to facilitate the refurbishment of the transmission in Grader 7.

CARRIED

9.10 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - NOVEMBER 2019**RESOLUTION 2019/196**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

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

CARRIED

9.11 CHILLAGOE WATER SUPPLY INVESTIGATION**RESOLUTION 2019/197**

Moved: Cr Alan Pedersen

Seconded: Cr Lenore Wyatt

That Council approves funding of \$150,000 from the water reserves to progress investigation of an alternate bore water supply for Chillagoe township.

CARRIED

9.12 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - NOVEMBER 2019**RESOLUTION 2019/198**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council:

1. receives the Infrastructure Services, Waste Operations Progress Report for November 2019; and

- 2. submits a grant application for \$56,702.85 under the Department of Environment and Science Regional Recycling Transport Assistance Package.

CARRIED

9.13 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - NOVEMBER 2019

RESOLUTION 2019/199

Moved: Cr Edward (Nipper) Brown
Seconded: Cr Angela Toppin

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

CARRIED

10 OFFICE OF THE CEO

10.1 CHANGE IN COUNCIL MEETING DATES - JANUARY AND OCTOBER 2020

RESOLUTION 2019/200

Moved: Cr Angela Toppin
Seconded: Cr Kevin Davies

That Council hold its January 2020 Ordinary Council meeting on Wednesday 29 January 2020 and October 2020 Ordinary Council meeting on Wednesday 14 October 2020.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

Nil

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 29 January 2020.

There being no further business, the meeting closed at 9.45am

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Cr Tom Gilmore

Chairperson