



MINUTES

Wednesday, 19 February 2020

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 19 FEBRUARY 2020 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

Cr Davies declared a perceived conflict of interest in relation to *ITEM 9.5 SECOND WASTE DISPOSAL AGREEMENT WITH SUEZ RECYCLING AND RECOVERY (REGIONAL QUEENSLAND) - REQUEST FOR CONTRACT EXTENSION* as he works for a competitor. Cr Davies advised that he would leave the room for the discussion and not vote in relation to this item.

5 CONFIRMATION OF MINUTES

RESOLUTION 2020/23

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That the minutes of Ordinary Council Meeting held on 29 January 2020 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 REEVER & OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/19/0018

RESOLUTION 2020/24

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Reever & Ocean Pty Ltd	ADDRESS	112 Barnwell Road, Kuranda
DATE LODGED	15 November 2019	RPD	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.		

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 Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages.

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AA-GL00	Cover Sheet	Develop North	11/11/19
AA-GL01	Tourism Accommodation Site Plan	Develop North	11/11/19
AA-GL02	Tourism Accommodation Stage 1 & 2	Develop North	11/11/19
AA-GL03	Typical 2 Bed Floor Plan & Elevation	Develop North	11/11/19
AA-GL04	Typical 1 Bed Floor Plan & Elevation	Develop North	11/11/19

(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 each Stage of the use except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of each Stage of the 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 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.

3.4 Accommodation buildings/structures provided on-site are to be limited to glamping tents ("tents") only, as shown on the submitted plans.

3.5 Guests residing in the tents are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle).

3.6 Length of stay

The maximum length of stay for guests must not typically exceed three (3) consecutive months, unless otherwise approved by Council's delegated officer.

3.7 No more than 54 persons are to be accommodation on-site in the tents at any time.

3.8 No more than 150 tourists/visitors are permitted on-site (combination of tent accommodation guests and MCU/18/0006 Tourist Attraction visitors) unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is undertaken.

3.9 Tourist Attraction facilities authorised under development approval MCU/18/0006, namely those facilities being used for the provision of food and drink for overnight guests (staying in tents) must **not** operate between the hours of 7pm and 7am to align with the operational conditions of development approval MCU/18/0006.

Convenience food (food hampers, mini-bar etc.) may be provided to guests at any time for their preparation and consumption within the accommodation tents.

Food preparation at the communal BBQ area must also **not** occur between the hours of 10pm and 7am.

3.10 Amplified music or loudspeakers of any kind must not be used between the hours of 7pm and 7am unless in an emergency situation.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of Barnwell Road 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

The designated car parking area and internal driveways servicing the development must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 6, 2011 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.5 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Note: Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

4.7 Landscaping

Prior to the commencement of the use, rehabilitation, in the form of the planting and maintenance of 50 plants (utilising locally occurring native flora), will be undertaken in the promotion of fauna dispersal on the site between areas of Matters of State Environmental Significance (MSES), to the satisfaction of Council's delegated officer.

(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) Food Premises (restaurants/bed & breakfasts etc.)

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

(d) 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.

(e) 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.

(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)

- 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

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

In Favour: Crs Tom Gilmore, Alan Pedersen, Mary Graham, Angela Toppin and Lenore Wyatt

Against: Crs Edward (Nipper) Brown and Kevin Davies

CARRIED

8.2 REQUEST FROM REEVER & OCEAN PTY LTD**RESOLUTION 2020/25**

Moved: Cr Tom Gilmore

Seconded: Cr Alan Pedersen

That in response to the Coronavirus emergency and the effect on the tourism industry, Council as a matter of urgency, delegate authority to the Chief Executive Officer to make a decision, after consultation with the Councillors, in respect to Reever & Ocean Pty Ltd's proposed code assessable Material Change of Use application for a temporary Nature-based Tourism development, which would allow for self-drive tourists for a period not to exceed six (6) months. This delegation may not be further delegated.

In Favour: Crs Tom Gilmore, Alan Pedersen, Angela Toppin and Lenore Wyatt

Against: Crs Edward (Nipper) Brown, Kevin Davies and Mary Graham

CARRIED**8.3 ASSESSMENT OF MOST APPROPRIATE TENURE FOR SPECIAL LEASE NO.9/51478 OVER LOT 452 ON NR5432 AND LOT 351 ON NR8084, MAREEBA GOLF COURSE****RESOLUTION 2020/26**

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

That Council advise the Department of Natural Resources, Mines and Energy that they do not support the conversion to freehold of the special lease for golf course purposes over land described as Lot 452 on NR5432 and Lot 351 on NR8084, situated at Vaughan Street, Mareeba on the following grounds:

1. The land is in the Recreation and Open Space zone of the Mareeba Shire Council Planning Scheme 2016 and it is not considered appropriate to have freehold land zoned Recreation and Open Space.
2. The land is strategically important as a buffer between the Mareeba Industrial Park, Mareeba Landfill, Steggles Abattoir and established residential development. Due to its strategic importance, the land should be retained in public ownership.

CARRIED

8.4 COUNCIL POLICY REVIEW**RESOLUTION 2020/27**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council:

1. Repeal the following policies and procedures:

- (i) Public Interest Disclosure Management Plan adopted 28 February 2019;
- (ii) Standard Requirements for Public Liability Insurance for Approval Holders adopted 15 November 2017;
- (iii) Caretaker Period Policy adopted 20 September 2016; and

2. Adopt the following policies and procedures:

- (i) Public Interest Disclosure Management Plan (reviewed and updated)
- (ii) Standard Requirements for Public Liability Insurance for Approval Holders (reviewed)
- (iii) Caretaker Period Policy (reviewed and updated)

CARRIED

8.5 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2020**RESOLUTION 2020/28**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Kevin Davies

That Council note the financial report for the period ending 31 January 2020.

CARRIED

8.6 KURANDA VISITOR SURVEY REPORT**RESOLUTION 2020/29**

Moved: Cr Lenore Wyatt

Seconded: Cr Angela Toppin

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

CARRIED

8.7 FNQ SPORTS AND PISTOL CLUB COMMUNITY LOAN**RESOLUTION 2020/30**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

That Council approve the request from the FNQ Sports and Pistol Club for a \$20,000 interest-free loan and in-kind support for foregone interest of approximately \$153 per annum under the Community Partnerships Program.

CARRIED

8.8 MAREEBA RAIL TRAIL FEASIBILITY STUDY**RESOLUTION 2020/31**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council:

1. receive the Mareeba Rail Trail Feasibility Report; and
2. include the options in the list of other similar potential recreational project opportunities for assessment and consideration in future budgets.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 TENDER AWARD - TMSC2020-01 BUSHY CREEK CROSSING BRIDGE REPLACEMENT - CHAPMANS ROAD, JULATTEN****RESOLUTION 2020/32**

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Lenore Wyatt

That Council awards the contract for TMSC2020-01 Bushy Creek Crossing Bridge Replacement to Durack Civil Pty Ltd for the amount of \$385,147.08 (including GST).

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - JANUARY 2020

RESOLUTION 2020/33

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

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

CARRIED

9.3 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - JANUARY 2020

RESOLUTION 2020/34

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of January 2020.

CARRIED

9.4 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - JANUARY 2020

RESOLUTION 2020/35

Moved: Cr Alan Pedersen

Seconded: Cr Edward (Nipper) Brown

That Council receives the Infrastructure Services, Waste Operations Progress Report for January 2020.

CARRIED

At 9:25 am, Cr Kevin Davies left the meeting.

9.5 SECOND WASTE DISPOSAL AGREEMENT WITH SUEZ RECYCLING AND RECOVERY (REGIONAL QUEENSLAND) - REQUEST FOR CONTRACT EXTENSION**RESOLUTION 2020/36**

Moved: Cr Angela Toppin

Seconded: Cr Mary Graham

That Council enters into an agreement from SUEZ Recycling & Recovery (Regional Australia Pty Ltd) to amending the period in the "Right of Renewal Term" in the second waste disposal agreement from nine (9) months to six (6) months.

CARRIED

At 9:28 am, Cr Kevin Davies returned to the meeting.

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2020**RESOLUTION 2020/37**

Moved: Cr Angela Toppin

Seconded: Cr Edward (Nipper) Brown

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2020.

CARRIED**10 OFFICE OF THE CEO****10.1 KURANDA INFRASTRUCTURE AGREEMENT EXTENSION TO 31 DECEMBER 2020****RESOLUTION 2020/38**

Moved: Cr Angela Toppin

Seconded: Cr Edward (Nipper) Brown

That Council enter into the Deed of Variation with the Department of Local Government, Racing and Multicultural Affairs to amend the term of the agreement for the Kuranda Infrastructure Agreement from 1 March 2020 until 31 December 2020 and authorises the Chief Executive Officer to execute the document.

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 18 March 2020.

There being no further business, the meeting closed at 9:34am.

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Cr Tom Gilmore

Chairperson