



MINUTES

Wednesday, 18 March 2020

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 18 MARCH 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 Toppin declared a perceived conflict of interest in relation to *ITEM - 8.2 CHANGE OF DEVELOPMENT APPROVAL - BORAL RESOURCES (QLD) PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 273 ON SP235252 & OTHER - 47 DAVIES CREEK ROAD, MAREEBA - MCU/10/0029* as Boral is a sponsor of the Business Liaison Association. Cr Toppin advised that she would leave the room and not vote in relation to this item.

5 CONFIRMATION OF MINUTES

RESOLUTION 2020/39

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 19 February 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 APPLICATION FOR PERMIT TO OCCUPY OVER LOT 1 ON AP19863, LOCALITY OF DIMBULAH

RESOLUTION 2020/40

Moved: Cr Lenore Wyatt

Seconded: Cr Edward (Nipper) Brown

That Council offer no objection to the issue of a permit to occupy for grazing purposes over land described as Lot 1 on AP19863, located off Davenport Road, Dimbulah and advise the Department of Natural Resources, Mines and Energy that Council does not have knowledge of any local non-indigenous cultural heritage values associated with the land.

CARRIED

At 9:00 am, Cr Angela Toppin left the meeting.

8.2 CHANGE OF DEVELOPMENT APPROVAL - BORAL RESOURCES (QLD) PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 273 ON SP235252 & OTHER - 47 DAVIES CREEK ROAD, MAREEBA - MCU/10/0029

RESOLUTION 2020/41

Moved: Cr Mary Graham

Seconded: Cr Alan Pedersen

It is recommended that:

1. "In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	Boral Resources (Qld) Pty Ltd	ADDRESS	47 Davies Creek Road (Kennedy Highway), Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	30 January 2020	RPD	Lot 273 on SP235252, Lot 4 on RP738588, Lot 3 on RP735873 and Emt A in Lot 31 on USL21043
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		

and in accordance with the Planning Act 2016:

- (a) The approved plan/s of Council’s Decision Notice issued on 10 August 2011 (amended 2 December 2015) be amended as follows:

<i>Plan/Document Number</i>	<i>Plan/Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
<i>7801/17 7801/17Rev3</i>	<i>5-Year Staging Plan Stage 1 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>10-Year Staging Plan Stage 2 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>15-Year Staging Plan Stage 3 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>20-Year Staging Plan Stage 4 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>25-Year Staging Plan Stage 5 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>7801/17 7801/17Rev3</i>	<i>30-Year Staging Plan Stage 6 Plan</i>	<i>Cardno</i>	<i>9 June 2010 1 October 2015</i>
<i>Project No AWE200117</i>	<i>Approved Extraction Limit</i>	<i>Cardno</i>	<i>20 November 2019</i>
<i>Project No AWE200117</i>	<i>Rehabilitation Plan</i>	<i>Cardno</i>	<i>20 November 2019</i>

- 2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council’s decision”.

CARRIED

At 9:01 am, Cr Angela Toppin returned to the meeting.

8.3 PIONEER NORTH QUEENSLAND PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 108 ON SP188692 & LOT 6 ON RP910469 - 65625 & 65773 BURKE DEVELOPMENTAL ROAD, DIMBULAH - MCU/19/0014

RESOLUTION 2020/42

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Pioneer North Queensland Pty Ltd	ADDRESS	65625 & 65773 Burke Developmental Road, Dimbulah
DATE LODGED	9 September 2019	RPD	Lot 108 on SP188692 & Lot 6 on RP910469
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extractive Industry		

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 - Extractive Industry

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR143442-4	Site Layout Plan	RPS	21-1-2020

(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 the 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 payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 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.
- 3.5 Hours of Operation
- All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.
- 3.6 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.
- 3.7 All operations pursuant to the extractive industry must be carried out in accordance with an Environmental Management Plan, except where modifications are required by the conditions of this approval. A copy of the

Environmental Management Plan must be provided to Council prior to the commencement of extraction.

- 3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.9 Scale and Intensity

The extraction volume must not exceed 100,000 tonnes per annum.

- 3.10 No extractive industry operations, other than access, are to occur within 10 metres of:

- Burke Developmental Road;
- any property boundary;
- any waterway; and
- any mapped remnant vegetation.

3.11 Rehabilitation

A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works.

Site rehabilitation works must be provided in a progressive manner in accordance with extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

4. Infrastructure Services and Standards

4.1 Access

A Commercial access crossover/s, for the extractive industry access, must be constructed and maintained, to the property boundary in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

5. Additional Payment Condition – Note: The applicant's obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council's adopted annual budget.

- 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 \$11,898.81 for each 3,333 haul truck movements from the site towards trunk transport 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 - specifically the upgrading of Leafgold Weir Road to rural road (8 metres wide) bitumen sealed standard.

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; and
- Complete the works prior to the commencement of the use.

(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) 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.

(c) 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.

(d) 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.

(e) 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 21 January 2020.

(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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

CARRIED

8.4 REGULATORY FEES AND CHARGES 2020/2021

RESOLUTION 2020/43

Moved: Cr Alan Pedersen

Seconded: Cr Edward (Nipper) Brown

That Council adopt the proposed 2020/21 fees as listed for Animal Management, Environmental Health and Local Law Activities effective 1 April 2020.

CARRIED

8.5 COUNCIL POLICY REVIEW

RESOLUTION 2020/44

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council:

1. Repeal the following policies and procedures:
 - (i) Use of Council Land for Agistment Purposes Policy adopted December 2019;
 - (ii) Code of Conduct for Councillors adopted 21 November 2018;
 - (iii) Closed-Circuit Television (CCTV) System Policy adopted 21 March 2013;
 - (iv) Standing Orders (Meeting Procedures) for Council Meetings adopted 18 September 2019; and
2. Adopt the following policies and procedures:
 - (i) Use of Council Land for Agistment Purposes Policy (revised);
 - (ii) Code of Conduct for Councillors (reviewed);
 - (iii) Closed-Circuit Television (CCTV) System Policy (reviewed) and associated Procedure (new);
 - (iv) Standing Orders (Meeting Procedures) for Council Meetings (reviewed).

CARRIED

8.6 DELEGATIONS UPDATE MARCH 2020

RESOLUTION 2020/45

Moved: Cr Mary Graham

Seconded: Cr Edward (Nipper) Brown

That:

1. Council delegates the exercise of the powers contained in the attached Instrument 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 FINANCIAL STATEMENTS PERIOD ENDING 29 FEBRUARY 2020

RESOLUTION 2020/46

Moved: Cr Alan Pedersen

Seconded: Cr Edward (Nipper) Brown

That Council:

1. Note the financial report for the period ending 29 February 2020; and
2. Authorise the write off for outstanding rates and charges on the following two (2) properties, Lot 1 ML20388 and Lot 135 C5041.

CARRIED

8.8 RADF 2018/19 COMMUNITY GRANT OUTCOMES

RESOLUTION 2020/47

Moved: Cr Angela Toppin

Seconded: Cr Kevin Davies

That Council receives and notes the outcomes from seven (7) community projects funded through the RADF 2018/19 Community Grant Round.

CARRIED

8.9 TOURISM PROMOTION ACTIVITIES

RESOLUTION 2020/48

Moved: Cr Lenore Wyatt

Seconded: Cr Edward (Nipper) Brown

That Council provide \$2,500 to Tropical Tablelands Tourism in addition to the annual donation of \$25,000, to participate in the 'Drive North' campaign conducted by Tropical North Queensland Tourism to enable further marketing and promotion of Mareeba Shire.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 JOHN DOYLE BRIDGE UPGRADE

RESOLUTION 2020/49

Moved: Cr Kevin Davies

Seconded: Cr Angela Toppin

That Council:

1. Approves the provision of a temporary pedestrian footbridge across the Barron River downstream of the existing John Doyle Bridge; and
2. Receives the report and notes the implications for the 2020/21 budget.

CARRIED

9.2 APPLICATION FOR PERMIT TO OCCUPY OVER PART OF ROAD BEING LOT A AND LOT B ON PLAN AP19775, KOAH ROAD, KOAH**RESOLUTION 2020/50**

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That Council as the Road Manager, advise the Department of Natural Resources, Mines and Energy that Council has no objection to the Permit to Occupy over Lot A and B being granted and attached to Lot 1 on RP747562, with consideration to the following conditions:

1. Surrender of the current Permit to Occupy over Lots A and B on AP19775 by the relevant landowners is undertaken prior to granting the new Permit to Occupy.
2. Adequate fencing of the Koah Road boundary to secure the proposed area for grazing purposes, including the installation of a gate suitable for vehicle access should the need arise.
3. No permanent structures are to be built within the Lot A and B areas.
4. If the proposed Permit to Occupy application is not granted and the current Permit to Occupies are surrendered, any and all structures are to be removed by the relevant occupant/s at their cost and to the satisfaction of Council prior to surrender.
5. If the proposed Permit to Occupy is surrendered in the future, any and all structures are to be removed by the occupant at their cost and to the satisfaction of Council prior to surrender.
6. Any and all costs involved are borne by the relevant permit holder.

CARRIED

9.3 PERMANENT ROAD CLOSURE APPLICATION, STOCK ROUTE AND ROAD RESERVE, LOT 5154 ON PH713, RA 2933 ALMADEN-GINGERELLA ROAD (OOTANN ROAD), ALMADEN, LOCALITY OF BARWIDGI**RESOLUTION 2020/51**

Moved: Cr Alan Pedersen

Seconded: Cr Kevin Davies

That Council advises DNRME that;

1. Council objects to the closure of the existing stock route.
2. Council has no objection to the permanent closure of the road reserves that traverse Lot 5154 on PH713 with the following conditions;
 - a. Almaden-Gingerella Road (Ootann Road), Section One:
 - i. To enable any future realignment of Ootann Road, approximately 138,756 m² be added to the existing road reserve as per Council drawing: 'OOTANN-01'.
 - b. Almaden-Gingerella Road (Ootann Road), Section Two:
 - i. Simultaneously open approximately 70,542 m² of road reserve, 30 metres either side of the Ootann Road centre line as per Council drawing 'OOTANN-02'.

- ii. Close approximately 65,654 m² of the existing road reserve as per Council drawing 'OOTANN-02'.
 - c. Gravel Pits:
 - i. The road reserve be reconfigured by approximately 187,096 m² to adequately cover the three (3) existing gravel pits to enable continued access for Council as per Council drawing 'GRAVEL-01'.
3. The proponent is wholly responsible for all costs associated with finalising the process.

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - FEBRUARY 2020

RESOLUTION 2020/52

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of February 2020.

CARRIED

9.5 RAILWAY AVENUE CAR PARK LAYOUT

RESOLUTION 2020/53

Moved: Cr Alan Pedersen

Seconded: Cr Kevin Davies

That Council receives the report and endorses the proposed layout for the Railway Avenue Carpark, Mareeba.

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - FEBRUARY 2020

RESOLUTION 2020/54

Moved: Cr Kevin Davies

Seconded: Cr Angela Toppin

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

CARRIED

9.7 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - FEBRUARY 2020

RESOLUTION 2020/55

Moved: Cr Edward (Nipper) Brown

Seconded: Cr Mary Graham

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

CARRIED

9.8 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - FEBRUARY 2020

RESOLUTION 2020/56

Moved: Cr Angela Toppin

Seconded: Cr Lenore Wyatt

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

CARRIED

10 OFFICE OF THE CEO

10.1 CHANGE IN COUNCIL MEETING DATE - APRIL 2020

RESOLUTION 2020/57

Moved: Cr Angela Toppin

Seconded: Cr Alan Pedersen

That Council hold its April 2020 Ordinary Council meeting on Wednesday 22 April 2020.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

12.1 COUNCIL EVENTS

RESOLUTION 2020/58

Moved: Cr Alan Pedersen

Seconded: Cr Angela Toppin

That Council:

1. cancels both the April Kuranda Festival and the 2020 Great Wheelbarrow Race; and
2. implements the proposed change service levels in the libraries and the Kuranda Visitor Information Centre to ensure community safety.

CARRIED

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be the post-election meeting to be held at 9:00am on 15 April 2020. This will be followed by an Ordinary Meeting scheduled for 9am on 22 April 2020.

There being no further business, the meeting closed at 9:59am.

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Chairperson