



MINUTES

Wednesday, 22 April 2020

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 22 APRIL 2020 AT 9.00AM**

1 MEMBERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Cr Kevin Davies (Deputy Mayor), Cr Mary Graham, Cr Lenore Wyatt, Cr Lachlan (Locky) Bensted, Cr Daniel (Danny) Bird, Cr Mario Mlikota

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 2020/66

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 18 March 2020 be confirmed.

CARRIED

RESOLUTION 2020/67

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That the minutes of Special Council Meeting held on 15 April 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 EASEMENT OVER PART OF TERM LEASE 217093 DESCRIBED AS LOT 78 ON CP903629, LOCALITY OF ARRIGA

RESOLUTION 2020/68

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council advises the Department of Natural Resources, Mines and Energy that Council has no objection to the establishment of an easement in gross for drainage purposes over part of Term Lease 217093, described as Lot 78 on CP903629 as shown as Proposed Easement F on plan DP311017.

Further, Council has no knowledge of any local non-indigenous cultural heritage values associated with the land.

CARRIED

8.2 J & M PETERS - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY - LOT 692 ON SP311025 - FISHER ROAD, BIBOOHRA - MCU/20/0001

RESOLUTION 2020/69

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	J & M Peters	ADDRESS	Fisher Road & Pickford Road, Biboohra
DATE LODGED	20 January 2020	RPD	Lot 692 on SP311025
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), 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 - Extractive Industry

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Appendix E - Sheet 1	Proposed Extraction/Disturbance Area and Haul Route	-	15 January 2020
Appendix E - Sheet 2	Proposed Extraction/Disturbance Area and Haul Route	-	15 January 2020
Appendix E - Sheet 3	Proposed Extraction/Disturbance Area and Haul Route	-	15 January 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 5,000 tonnes per annum.

3.10 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 from Fisher Road, 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 \$4,480.00 for each 167 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 Fisher Road and Peters Road to rural road 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) 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.

(b) 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.

(c) 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.

(d) 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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

CARRIED

8.3 LEASE OF COUNCIL FREEHOLD LOT 309 W2631 JAMES STREET WATSONVILLE**RESOLUTION 2020/70**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council:

1. Pursuant to section 236(1)(b)(i) of the *Local Government Regulation 2012*, approve the disposal of Council freehold interest in Lot 309 W2631 James Street Watsonville for the purpose of granting a lease interest to Watsonville Rural Fire Brigade conditional upon all costs of any lease establishment, any existing lease alteration, any surveying of land and any amalgamation of lots being borne by the Public Safety Business Agency (PSBA).

CARRIED

8.4 COUNCIL POLICY REVIEW**RESOLUTION 2020/71**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council:

1. Repeals the Procedure and Delegation for Building Over Sewer adopted 3 March 2010; and
2. Adopts the Building Over or Near Sewerage Infrastructure Policy.

CARRIED

8.5 FOOD LICENCE RENEWALS**RESOLUTION 2020/72**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That all food licences issued under the *Food Act 2006* are extended at no charge until 30 September 2020.

CARRIED

8.6 OPERATIONAL PLAN 2019/20 PROGRESS REPORT JULY 2019 TO MARCH 2020**RESOLUTION 2020/73**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council receives and notes the progress report on implementation of the 2019/20 Operational Plan for the period July 2019 to March 2020.

CARRIED

8.7 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JANUARY TO MARCH 2020**RESOLUTION 2020/74**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council receives and notes the quarterly report of the Development and Governance Group for the January to March 2020 quarter.

CARRIED

8.8 MAF INTERNATIONAL INCREMENTAL LEASE RENTAL PROPOSAL**RESOLUTION 2020/75**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council approve an incremental increase, over a 10 year period, to the applicable market value at that time for rental payments due and payable by MAF International for their lease area described as unimproved Sites B4, B5, B6, B7 and B8 located at Mareeba Airport Aviation Industrial Park, subject to the following conditions:

1. The first year of rental shall be waived on the basis of Council's previous resolution 2019/64 at its Ordinary Meeting held on 17 July 2019; and
2. Annual Consumer Price Index (Brisbane) increases to the rental amounts will continue during incremental increase period as well as scheduled Review to Market Value processes as defined in any lease document to be executed.

CARRIED

8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 MARCH 2020**RESOLUTION 2020/76**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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

CARRIED

8.10 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2020/21 STRATEGY**RESOLUTION 2020/77**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. Adopts the 2020/21 Regional Arts Development Fund Strategy; and
2. Endorses the submission of the Expression of Interest to Arts Queensland for a \$35,000 Regional Arts Development Fund grant for 2020/21; and
3. Co-contributes \$13,000 to the 2020/21 Regional Arts Development Fund Strategy as outlined in this report.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MARCH 2020****RESOLUTION 2020/78**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Technical Services Operations Report for March 2020.

CARRIED

9.2 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MARCH 2020

RESOLUTION 2020/79

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council receives the Infrastructure Services, Water and Waste Operations Report for March 2020.

CARRIED

9.3 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MARCH 2020

RESOLUTION 2020/80

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

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

CARRIED

9.4 INFRASTRUCTURE SERVICES CAPITAL WORKS MONTHLY REPORT

RESOLUTION 2020/81

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of March 2020.

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

Nil

11.1 MULTICULTURAL FESTIVAL

RESOLUTION 2020/82

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council postpone the Multicultural Festival until 2021.

CARRIED

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9am on 20 May 2020.

There being no further business, the meeting closed at 9:35am.

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Cr Angela Toppin

Chairperson