



# **MINUTES**

**Wednesday, 17 June 2020**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 17 JUNE 2020 AT 09:11AM**

**1 MEMBERS IN ATTENDANCE**

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

**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 Lachlan (Locky) Bensted declared a conflict of interest in relation to *ITEM 9.2 T-MSC2020-03 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2020/21*. Cr Bensted advised that he is one of the contractors to be empanelled. Cr Bensted advised that he will leave the room whilst the matter is discussed and not vote.

Cr Lenore Wyatt declared a conflict of interest in relation to *ITEM 9.2 T-MSC2020-03 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2020/21*. Cr Wyatt advised that her brother-in-law is one of the contractors to be empanelled. Cr Wyatt advised that she will leave the room whilst the matter is discussed and not vote.

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2020/114**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 20 May 2020 be confirmed.

**CARRIED**

**6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**

Nil

**7 DEPUTATIONS AND DELEGATIONS**

Nil

**11 BUSINESS WITHOUT NOTICE**

The Mayor congratulated the previous Mayor, Tom Gilmore on being awarded the Order of Australia Medal in the Queen's Birthday Honours List. He was awarded this for his service to Local Government and the Mareeba Shire community.

**8 CORPORATE AND COMMUNITY SERVICES**

**8.1 GREEK ORTHODOX ARCHDIOCESE OF AUSTRALIA CONSOLIDATED TRUST - MATERIAL CHANGE OF USE - MULTIPLE DWELLING - LOT 3 ON RP865105 - 41-43 BYRNES STREET, MAREEBA - MCU/20/0005**

**RESOLUTION 2020/115**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Greek Orthodox Archdiocese of Australia Consolidated Trust	<b>ADDRESS</b>	41-43 Byrnes Street, Mareeba
<b>DATE LODGED</b>	1 April 2020	<b>RPD</b>	Lot 3 on RP865105
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Multiple Dwelling		

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 - Multiple Dwelling

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2400 Sheet S1	Ground Floor & Site Plan	PD Designs	December 2019
2400 Sheet S2	First Floor Plan	PD Designs	December 2019
2400 Sheet S3	Elevations	PD Designs	December 2019
-	Fence Details	-	-

(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.
  - 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 Noise Nuisance
 

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a

maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

### 3.6 Air Conditioner & Building Plant Screening

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

### 3.7 Waste Management

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

### 3.8 Letterbox

Each unit is to be provided with an individual letter box.

### 3.9 Clothes Drying Facilities

Clothes drying facilities are to be provided in accordance with Drawing No 2400 Sheet S1 of 3.

## 4. Infrastructure Services and Standards

### 4.1 Access

The proposed access crossover must be upgraded/constructed to a commercial access crossover standard (from the edge of Byrnes/Herberton Street pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Any redundant vehicle crossovers must be removed and kerb and channel and any footpaths reinstated, 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 Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.2.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.

4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

4.2.5 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.2.6 In addition to the Stormwater Management Plan, and prior to building works commencing, the applicant/developer must submit an Oily Water Management Plan, prepared and certified by a suitably qualified design engineer (RPEQ). The Plan must demonstrate how contaminants such as oil and/or fuel will be removed and stored prior to stormwater being discharged from the site.

#### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in accordance with Drawing No. 2400 Sheet S1 of 3 (excluding the community residence car parking spaces), which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, 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.

#### 4.4 Landscaping & Fencing

4.4.1 Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the submitted plan/s.

4.4.2 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

4.4.3 The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.4.4 Prior to the commencement of the use, the applicant/developer must erect a 1.8 metre high solid screen fence constructed of colorbond (of neutral colour) or other suitable material approved by Council, along the entire length of the side and rear boundaries of Lot 3 on RP865105.

Where a building wall with a height of 1.8 metres or above is already established on part of the side or rear boundary, a screen fence will not be required for that same part of the side or rear boundary.

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

#### 4.5 Lighting

Where outdoor 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.

#### 4.6 Water Supply

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

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.7 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 or upgrade 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) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(c) 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.

(d) 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.

(e) 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](http://www.environment.gov.au).

(f) 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](http://www.datsip.qld.gov.au).



(E) REFFERAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 1 May 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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

2. That Council deny the request to waive the \$1,570.00 application fee for development application MCU/20/0005.

**CARRIED**

**8.2 APPLICATION FOR LEASE OVER PART OF LOT 619 ON OL72, SHOWN AS LOT A ON DRAWING TSV20003, LOCALITY OF WATSONVILLE**

**RESOLUTION 2020/116**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council offer no objection to the issue of a lease over land shown as Lot A on Drawing TSV20003, being part of Lot 619 on OL72, for the purpose of an electrical network communications facility/tower 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**

**8.3 ADOPTED INFRASTRUCTURE CHARGES RESOLUTION (NO.1) 2020**

**RESOLUTION 2020/117**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council, under section 113 of the *Planning Act 2016*, adopt *Adopted Infrastructure Charges Resolution (No.1) 2020* effective 1 July 2020.

**CARRIED**

**8.4 MAREEBA INDUSTRIAL PARK ENTRANCE SIGN FEES AND CHARGES 2020/21****RESOLUTION 2020/118**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

That Council adopt the following fees relevant to advertising signage contained within the Mareeba Industrial Park Entrance Sign located at Bowers Street, Mareeba for the period 1 July 2020 to 30 June 2021:

- \$60.00 (incl GST) - supply of blank sign panel (one-off fee);
- \$60.00 (incl GST) - one (1) year rental on signage space;
- \$220.00 (incl GST) - charge for removal of a sign panel by a Council-authorized contractor;
- \$300.00 (incl GST) - bond payable for new applications for a sign panel.

**CARRIED**

**8.5 FINANCIAL STATEMENTS PERIOD ENDING 31 MAY 2020****RESOLUTION 2020/119**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

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

**CARRIED**

**8.6 COMMUNITY HOUSING RENT REVIEW****RESOLUTION 2020/120**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council adopts the revised rents, following the annual rent review, for eligible community housing tenants from 5 October 2020, in accordance with the Queensland Government's Community Housing Rent Policy.

**CARRIED**

**9 INFRASTRUCTURE SERVICES****9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MAY 2020****RESOLUTION 2020/121**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

**CARRIED**

At 9:24 am, Cr Lachlan (Locky) Bensted left the meeting.

At 9:24 am, Cr Lenore Wyatt left the meeting.

**9.2 T-MSC2020-03 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2020/21****RESOLUTION 2020/122**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council empanels the contractors listed in the documentation attached to this report for the purpose of providing a Register of Pre-qualified Suppliers for Occasional Plant Hire during the 2020/21 financial year.

**CARRIED**

At 9:25 am, Cr Lenore Wyatt returned to the meeting.

At 9:25 am, Cr Lachlan (Locky) Bensted returned to the meeting.

**9.3 QUOTATION AWARD - VP183001 REPLACEMENT OF PLANT - MAINTENANCE TRUCK****RESOLUTION 2020/123**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council:

1. endorses the purchase of one (1) new Hino FC1124 through Pacific Hino (Cairns) under VP183001 at a value of \$68,824.05 (excluding GST); and
2. authorises the disposal by auction of Asset 625 Mitsubishi FK Series 4x2 single cab truck.

**CARRIED**

**9.4 QUOTATION AWARD - VP178912 REPLACEMENT OF PLANT - TIPPING TRUCK****RESOLUTION 2020/124**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. endorses the purchase of one (1) new Hino 921, 300 Series through Pacific Hino (Cairns) under VP178912 at a value of \$64,693.73 (excluding GST); and
2. authorises the disposal by auction of Asset 620 Mitsubishi Canter Crew Cab 4x2 Tip Truck.

**CARRIED**

**9.5 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MAY 2020****RESOLUTION 2020/125**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

**CARRIED**

**9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MAY 2020****RESOLUTION 2020/126**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

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

**CARRIED**

**9.7 WATER WASTEWATER WASTE FEES AND CHARGES 2020/21****RESOLUTION 2020/127**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

1. That Council adopt the attached Waste Fees and Charges for 2020/21 in two (2) parts:

- a) Waste Fees and Charges 2020/21 (effective 01 July 2020 – 31 December 2020); and
- b) Waste Fees and Charges 2020/21 (effective 01 January 2021 – 30 June 2021) to reflect the deferment of the \$5 Queensland State Waste Levy for six (6) months as required by the Qld State Government due to Covid-19.

**CARRIED**

**9.8 T-MSC2020-09 SUPPLY & DELIVERY OF TYPE 2.4 ROAD BASE - PICKFORD ROAD BIBOEHRA****RESOLUTION 2020/128**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council endorses the award of Tender T-MSC2020-09 for the supply and delivery of approximately 10,400 tonnes of Type 2.4 Road Base for the Pickford Road Upgrade to Conmat Pty Ltd for \$11.00 per tonne (including GST) amounting to a total value of \$114,400.00 (including GST).

**CARRIED**

**9.9 T-MSC2020-08 SUPPLY & DELIVERY OF TYPE 2.1 ROAD BASE - PICKFORD ROAD BIBOEHRA****RESOLUTION 2020/129**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council endorses the award of Tender T-MSC2020-08 for the supply and delivery of approximately 6,700 tonnes of Type 2.1 Road Base for the Pickford Road Upgrade to Conmat Pty Ltd for \$16.50 per tonne (including GST) amounting to a total value of \$110,550 (including GST).

**CARRIED**

**9.10 T-MSC2020-10 SUPPLY & DELIVERY OF TYPE 4.3 ROAD BASE - BURKE DEVELOPMENTAL ROAD RE-SHEETING****RESOLUTION 2020/130**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

"That Council delegate authority to the Mayor and Chief Executive Officer to award the contract for tender T-MSC2020-10, Supply and Delivery of Type 4.3 Road Base, after consultation with the Councillors."

**CARRIED**

**9.11 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MAY 2020****RESOLUTION 2020/131**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

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

**CARRIED**

**10 CONFIDENTIAL REPORTS**

Council determined that the meeting did not need to be closed to discuss the confidential report prior to making the resolution.

**10.1 ORGANISATIONAL DEVELOPMENT PROGRESS AND INFORMATION REPORT****RESOLUTION 2020/132**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council receives the Organisational Development progress and information report.

**CARRIED**

**11 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 15 July 2020.

There being no further business, the meeting closed at 9:43am.

.....

Cr Angela Toppin

Chairperson