



# **MINUTES**

**Wednesday, 15 July 2020**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 15 JULY 2020 AT 09:00AM**

**1 MEMBERS IN ATTENDANCE**

Cr Kevin Davies, Cr Mary Graham, Cr Angela Toppin (Mayor), 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**

Cr Lachlan (Locky) Bensted declared a conflict of interest in relation to *ITEM 9.3 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 9.3 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 2020/133**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That the minutes of Special Council Meeting held on 17 June 2020 be confirmed.

**CARRIED**

**RESOLUTION 2020/134**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That the minutes of Ordinary Council Meeting held on 17 June 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 NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION - MATERIAL CHANGE OF USE - WAREHOUSE - LOT 707 ON NR7409 - 39 BARANG STREET, KURANDA - MCU/20/0008**

**RESOLUTION 2020/135**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Ngoonbi Community Services Indigenous Corporation	<b>ADDRESS</b>	39 Barang Street, Kuranda
<b>DATE LODGED</b>	7 May 2020	<b>RPD</b>	Lot 707 on NR7409
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Warehouse		

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 - Warehouse

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Proposed Warehouse	Applicant	1 June 2020
19195WJ S01	Slab and Footing Plan and Footing Details	Steve McKenzie Consulting Engineers	6/04/2020
19195WJ S03	Elevation (Sheet 1 of 2)	Steve McKenzie Consulting Engineers	6/04/2020
19195WJ S04	Elevation (Sheet 2 of 2)	Steve McKenzie Consulting Engineers	6/04/2020

(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 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 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

Any on-site refuse storage associated with the warehouse use must be limited to a residential scale and not exceed two standard sized wheelie bins. Commercial scale refuse storage (skip bins and the like) are not permitted to service the warehouse use.

### 3.5 Mechanical plant such as forklifts are not permitted to be used in association with the warehouse use. Any mechanical plant and equipment stored in the warehouse must not be run/operated or serviced on-site.

Refrigeration equipment, filter systems, compressors, mechanical ventilation systems, power tools or any other noise emitting devices must not be used in association with the warehouse use.

### 3.6 Hours of operation

The approved warehouse use is only permitted to be accessed between the hours of 7am to 6pm, Monday to Friday and 8am to 12pm Saturdays, no access is permitted outside these hours or on Sundays or public holidays.

### 3.7 The warehouse sheds external colour must be a neutral green colour in order to minimise visual impact.

## 4. Infrastructure Services and Standards

### 4.1 Access

A **commercial** access crossover must be constructed (from the edge of Barang Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Management

4.2.1 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.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

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

4.2.4 All stormwater drainage associated with the development must be collected from site and discharged to an approved legal point of discharge on Barang Street.

#### 4.3 Car Parking/Internal Driveways

The internal driveway shown on the approved site plan and any vehicle manoeuvring areas servicing the warehouse (up to the shed roller door openings) must be concrete or asphalt sealed (no bitumen) and provided with one-way crossfall so that stormwater runoff is contained within the site.

Grass pavers may be used as an alternative to a concrete or asphalt seal and must be maintained in good order with a well-maintained grass infill for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.4 Landscaping & Fencing

4.4.1 A 1 metre wide landscape strip must be provided along the full length of the Barang Street frontage (excluding access driveways and paths).

The landscape strip must include plantings no greater than 1 metre apart and must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4.2 A 1.8 metre high solid screen (no gaps) timber or Colorbond fence of neutral colour is to be erected along the entire length of the common boundaries between the site and Lot 706 on NR7409 and Lot 708 on NR7409. The 1.8m high fence height must be measured from the top of the bank between the site and Lot 706 on NR7409.

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.

#### 4.5 Lighting

Where lighting is installed, lighting used must be motion activated only and must be designed and located in order to prevent 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.

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

(e) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(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).

**CARRIED**

**8.2 NEGOTIATED DECISION NOTICE - GAG CRYSTALBROOK STATION PTY LTD - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - LOT 738 ON CP892331 & LOT 2 ON LD157 - CRYSTALBROOK ROAD, CRYSTALBROOK - MCU/20/0004**

**RESOLUTION 2020/136**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

It is recommended that:

1. "In relation to the written representations made by Urban Sync on behalf of GAG Crystalbrook Station Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
<b>APPLICANT</b>	GAG Crystalbrook Station Pty Ltd	<b>ADDRESS</b>	Crystalbrook Road, Crystalbrook
<b>DATE REQUEST FOR NDN LODGED</b>	15 June 2020	<b>RPD</b>	Lot 738 on CP892331 & Lot 2 on LD157
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Short-term Accommodation		

and in accordance with the Planning Act 2016,

- (a) Condition 4.2 of Council’s Decision Notice issued on 21 May 2020 be amended as follows:

4.2 Car Parking/Internal Driveways

The designated car parking area and internal driveways servicing the development (to the extent shown on Drawing DD-1004 Issue L) must be constructed to a dirt standard, be appropriately drained prior to the commencement of the use, and maintained to a reasonable standard for the life of the development, to the satisfaction of Council's delegated officer.

2. A Negotiated Decision Notice be issued to the applicant, referral agency and submitter advising of Council’s decision.”

**CARRIED**



**8.3 PROPOSED MAJOR AMENDMENT NO.1 OF 2020 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016****RESOLUTION 2020/137**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council in accordance with section 20 of the *Planning Act 2016* and Chapter 2, Part 4 of the Minister's Guidelines and Rules make Major Amendment No.1 to the Mareeba Shire Council Planning Scheme 2016.

**CARRIED****8.4 PROPOSED PLANNING SCHEME POLICY 10 - ADVERTISING DEVICES WITH AN ELECTRONIC DISPLAY COMPONENT****RESOLUTION 2020/138**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council:

1. Make Planning Scheme Policy 10 - Advertising Devices with an Electronic Display Component in accordance with Section 22 of the *Planning Act 2016* and Chapter 3 Minister's rules for making and amending a planning scheme policy; and
2. Proceed to public consultation of the proposed planning scheme policy as required under Chapter 3 Minister's rules for making and amending a planning scheme policy.

**CARRIED**

**8.5 CROFT DEVELOPMENTS PTY LTD - MATERIAL CHANGE OF USE - RESIDENTIAL CARE FACILITY (120 BEDS) - LOT 1 ON SP298397 - 2-18 HAREN STREET, MAREEBA - MCU/19/0019**

**RESOLUTION 2020/139**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Croft Developments Pty Ltd	<b>ADDRESS</b>	2-18 Haren Street, Mareeba
<b>DATE LODGED</b>	7 January 2020	<b>RPD</b>	Lot 1 on SP298397
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Residential Care Facility (120 beds)		

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), referral 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.

APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Residential Care Facility (120 beds)(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA00	Cover Page & Development Summary	Croft Developments Pty Ltd	12/12/2019
DA01	Site Analysis	Croft Developments Pty Ltd	12/12/2019
DA02	Proposed Site Plan	Croft Developments Pty Ltd	12/12/2019
DA03	Proposed Ground Floor Plan	Croft Developments Pty Ltd	12/12/2019
DA04	Proposed Elevations & Sections	Croft Developments Pty Ltd	12/12/2019
DA05	Shadow Diagrams	Croft Developments Pty Ltd	12/12/2019
1907-038-SD-L1.01_Rev2	Mareeba Aged Care - Design Development	Landplan Architecture	Landscape
1907-038-SD-L2.01_Rev2	Mareeba Aged Care - Design Development	Landplan Architecture	Landscape

(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 demonstrate to 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 payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the commencement of the use, and at the rate applicable at the time of payment.
  - 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 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 and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
  - 3.5 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.

### 3.6 Waste Management

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

### 3.7 Hours of Operation

Operation of trucks and commercial vehicles (excluding waste collection vehicles) during the operational phase of the development must only occur between 7am - 7pm Monday to Saturday and 9am to 5pm on Sundays.

## 4. Infrastructure Services and Standards

### 4.1 Access

A **Commercial** access crossover to Constance Street must be constructed (from the edge of the road pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Access between the development and the Mareeba Connection Road must be constructed to the requirements of the State Assessment and Referral Agency.

### 4.2 Stormwater Drainage/Water Quality

4.2.1 Carry out all stormwater drainage work in accordance with the Site Based Stormwater Management Plan prepared by Morgan Consulting Engineers, dated 12 December 2019, document reference 19157 - SBSMP/1.

4.2.2 Prior to the commencement of the use, submit to Council certification from a Registered Professional Engineer Queensland, that all the treatments and measures recommended in the approved Site Based Stormwater Management Plan have been implemented and constructed into the development.

### 4.3 Erosion and Sediment Control

Implement and maintain an Erosion and sediment control (ESC) management plan on-site for the duration of the operational and/or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydromulched, concrete, landscaped).

### 4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in generally in accordance with Drawing DA02 Revision 1, 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.

#### 4.5 Landscaping & Fencing

4.5.1 Complete landscaping of the development as shown on the approved Mareeba Aged Care - Design Development (1907-038-SD-L1.01\_Rev2 & 1907-038-SD-L2.01\_Rev2), prepared by Landplan Landscape Architecture, dated 13 December 2019.

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

4.5.3 Boundary fencing, in accordance with Drawing DA02 Revision 1, must be erected prior to the commencement of the use.

4.5.4 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.

#### 4.6 Lighting

Design and install all external lighting in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

#### 4.7 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.

#### 4.8 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) 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) 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.

- (d) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

- (e) 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.

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

- (g) 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.

- (h) 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.

- (i) 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).

- (j) 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

State Assessment and Referral Agency conditions dated 26 June 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
- Access approval arising from condition number 4.1

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Charge Rate	Measure	Charge	Credit	Balance
		per m <sup>2</sup> GFA	\$	\$	\$
Essential Services (residential care facility)	\$96.35	4,126m <sup>2</sup>	\$397,540.00	\$19,280.00	\$378,260.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$378,260.00</b>

**CARRIED**

**8.6 APPLICATION FOR RENEWAL OF TERM LEASE 234597 OVER LOT 153 ON HG529, LOCALITY OF DIMBULAH****RESOLUTION 2020/140**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council advises:

1. the Department of Natural Resources, Mines and Energy that Council does not wish to purchase Lot 153 on HG529, situated at Walsh Street, Dimbulah; and
2. should the Department proceed with an offer of freehold over Lot 153 on HG529, it should be conditional upon Lot 153 on HG539 being amalgamated with Lot 446 on SP213803, as Lot 153 on HG529 is entirely within the Potential Flood Hazard Area of the Flood Hazard Overlay of the Mareeba Shire Council Planning Scheme 2016.

**CARRIED**

**8.7 KINGSBOROUGH LAND PURCHASE REQUEST****RESOLUTION 2020/141**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. Reject the disposal of Lots 405 to 410 K2351, Main Street Kingsborough in accordance with the objectives of Council's Historical Town Policy; and
2. Approve the lease of Lots 405 to 410 K2351, Main Street Kingsborough to the applicant should he so wish, with all surveying, legal and administrative costs payable by the lessee.

**CARRIED**

**8.8 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - APRIL TO JUNE 2020****RESOLUTION 2020/142**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council:

1. receives and notes the quarterly report of the Development and Governance Group for the April to June 2020 quarter; and
2. requires Bartter Enterprises to execute it's agreement in association to Lot 888 NR7943 by the 31 August, 2020.

**CARRIED**



**8.9 TRAFFIC ADVISORY COMMITTEE TERMS OF REFERENCE****RESOLUTION 2020/143**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council approves the attached Traffic Advisory Committee Terms of Reference.

**CARRIED**

**8.10 CEO DELEGATIONS - ANNUAL REVIEW****RESOLUTION 2020/144**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council acknowledge that an annual review of Council delegations made to the CEO under section 257 of the *Local Government Act 2009* has been undertaken in accordance with section 257(5) of the Act.

**CARRIED**

**8.11 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2020****RESOLUTION 2020/145**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council note the financial report for the period ending 30 June 2020.

**CARRIED**

**8.12 COVID-19 RESPONSE PACKAGE UPDATE****RESOLUTION 2020/146**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council revoke number 1 of recommendation 3 of Resolution 2020/96 adopted at the Ordinary Council Meeting held on Wednesday, 20 May 2020 to the effect that "Council does not commence any legal action for the non-payment of rates until after 31 December 2020".

**CARRIED**

**8.13 FEES AND CHARGES 2020/21****RESOLUTION 2020/147**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council adopts the attached Register of Fees and Charges for 2020/21.

**CARRIED**

**8.14 Q-MSC2020-14 - MARKETING THE KURANDA DESTINATION 2020/21****RESOLUTION 2020/148**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council engages Bang Media/TTNQ to market the Kuranda destination for 12 months from 1 July 2020 as per their proposal and quotation of \$59,081 (excl GST).

**CARRIED**

**9 INFRASTRUCTURE SERVICES****9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JUNE 2020****RESOLUTION 2020/149**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**

**9.2 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 30 JUNE 2020****RESOLUTION 2020/150**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 30 June 2020.

**CARRIED**

At 9:19 am, Cr Lenore Wyatt left the meeting.

At 9:19 am, Cr Lachlan (Locky) Bensted left the meeting.

**9.3 T-MSC2020-03 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2020/21**

**RESOLUTION 2020/151**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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 9:20 am, Cr Lachlan (Locky) Bensted returned to the meeting.

At 9:20 am, Cr Lenore Wyatt returned to the meeting.

**9.4 KURANDA CEMETERY**

**RESOLUTION 2020/152**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council seek submissions from the community for consideration at a future Meeting of Council before a final decision is made.

Noting that the officer's recommendation to Council is to;

(a) Endorse the Koah Site as the future Cemetery for the internment of residents of Kuranda and surrounding area; and

(b) Approve development of the Koah Cemetery Masterplan for consideration at future Council Meeting.

**CARRIED**

**9.5 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JUNE 2020**

**RESOLUTION 2020/153**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**

**9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JUNE 2020****RESOLUTION 2020/154**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

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

**CARRIED**

**9.7 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JUNE 2020****RESOLUTION 2020/155**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

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

**CARRIED**

**9.8 T-MSC2020-12 REGIONAL SEWER RELINING PROGRAM 2020/21****RESOLUTION 2020/156**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. Awards Contract T-MSC2020-12 Regional Sewer Relining 2020/21 to Relining Solutions Pty Ltd based on the indicative works program and pricing the annual contract value is estimated to be in the vicinity of \$1,833,847.10 (excl GST); and
2. Notes that the contract may be extended, by agreement of both parties, to include relining in the 2021/22 and 2022/23 financial years.

**CARRIED**

**10 CONFIDENTIAL REPORTS****RESOLUTION 2020/157**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

**10.1 Planning & Environment Court Appeal No. 184 of 2019 - Horner v Mareeba Shire Council**

This matter is considered to be confidential under Section 275 - f of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving the local government.

**CARRIED**

**RESOLUTION 2020/158**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council moves out of Closed Council into Open Council.

**CARRIED**

**10.1 PLANNING & ENVIRONMENT COURT APPEAL NO. 184 OF 2019 - HORNER V MAREEBA SHIRE COUNCIL****RESOLUTION 2020/159**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council:

1. Agrees to support the finalisation of Planning & Environment Court Appeal No. 184 of 2019 on the basis of an approval subject to the conditions in Attachment 1 (modified 14/07/2020) and Equine Management Plan in Attachment 2; and
2. Delegates authority to the Chief Executive Officer to take all necessary actions to finalise the appeal.

**CARRIED**

**CR GRAHAM AND CR MLIKOTA VOTED AGAINST THE MOTION**

**11 BUSINESS WITHOUT NOTICE**

Nil

**12 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00am on 19 August 2020.

There being no further business, the meeting closed at 9.42am.

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Cr Angela Toppin

Chairperson