



Ordinary Meeting

Council Chambers

Date: 19/07/2017

Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

Members Present: Cr T Gilmore (Mayor), Crs, E Brown, K Davies, M Graham, A Pedersen, A Toppin and L Wyatt.

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month.

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

Cr Davies informed the meeting that he has conflict of interest, in relation to *ITEM 19 QMSC2017-11 ROB VEIVERS DRIVE WATER MAIN*. Cr Davies advised that he would leave the meeting room while the matter is being discussed *and not vote in relation to ITEM 19*.

CONFIRMATION OF MINUTES

Moved by Cr Wyatt

Seconded by Cr Pedersen

"That the Minutes of the Special Council Meeting held on 21 June 2017 be confirmed as true and correct."

CARRIED

Moved by Cr Toppin

Seconded by Cr Brown

"That the Minutes of the Ordinary Council Meeting held on 21 June 2017 be confirmed as true and correct."

CARRIED

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

Nil

CORPORATE AND COMMUNITY SERVICES**REGIONAL LAND USE PLANNING****ITEM-1 APPLICATION FOR DIVERSIFICATION OF PASTORAL HOLDING NO. 9/5559 - LOT 5112 ON HG843453**

Moved by Cr Pedersen

Seconded by Cr Toppin

"That Council offer no objection to the inclusion of the additional purpose of low key tourism on Pastoral Holding No. 9/5559 over land described as Lot 5112 on HG843453 and advise the Department of Natural Resources and Mines that the Mount Mulligan rock formation, Township and mine is listed as a Local Heritage Area under the Mareeba Shire Council Planning Scheme - July 2016.

Further, the lessee should be advised that low key tourism may require development approval under the Mareeba Shire Council Planning Scheme."

CARRIED**ITEM-2 APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD - LOT 154 ON HG378, DIMBULAH**

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council offer no objection to the conversion to freehold of the term lease over land described as Lot 154 on HG378, subject to its amalgamation with an adjoining freehold allotment, due to Lot 154 on HG378 having no road frontage."

CARRIED**ITEM-3 SURRENDER OF PERMIT TO OCCUPY AND MOST APPROPRIATE USE OF UNALLOCATED STATE LAND - LOT 1 ON PER6931**

Moved by Cr Brown

Seconded by Cr Pedersen

"That Council offer no objection to the surrender of the Permit to Occupy over Lot 1 on PER6931 (2017/002824) and advise the Department of Natural Resources and Mines that Council will accept Trusteeship of the land once the surrender is completed as a short term measure until other arrangements can be made.

Further, Council advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

CARRIED

ITEM-4 **PROPOSED AMENDMENT TO PLANNING SCHEME POLICY 4 - FNQROC REGIONAL DEVELOPMENT MANUAL**

Moved by Cr Graham

Seconded by Cr Davies

"That Council:

1. Amend Planning Scheme Policy 4 - FNQROC Regional Development Manual in accordance with Section 22 of the *Planning Act 2016* and Chapter 3 Minister's rules for making and amending a planning scheme policy.
2. Proceed to public consultation of the proposed amendments as required under Chapter 3 Minister's rules for making and amending a planning scheme policy.

CARRIED

ITEM-5 **A & A SALINOVIC - REQUEST TO ASSESS AND DECIDE A PROPOSED DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS - CLEARING OF VEGETATION UNDER THE SUPERSEDED MAREEBA SHIRE PLANNING SCHEME 2004 (AMENDMENT NO 01/11) - PREENQ/17/0026**

Moved by Cr Pedersen

Seconded by Cr Brown

"That Council approve the request for the proposed development application for Operational Works – Clearing of Vegetation (code assessable) over land described as Lot 101-104 on SP202702, situated at Mason Road, Kuranda to be assessed under the Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11), noting that a code assessable application has been lodged."

CARRIED

ITEM-6 **M & G CASEY - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 201 ON RP843530 - 182 KANERVO ROAD, KOAH - DA/17/0022**

Moved by Cr Pedersen

Seconded by Cr Graham

"That Council defers consideration of this application to the next meeting and requests that officers prepare a report outlining possible conditions for approval as Council considers the following sufficient grounds exist to approve the application despite the identified conflict with the Mareeba Shire Council Planning Scheme 2016:

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
1. The proposed development is in conflict with Performance Outcome	The subject site and surrounding allotments are not mapped as Good Quality Agricultural Land (GQAL).

<p>PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:</p> <p>PO1 <i>Lots include an area and frontage that:</i></p> <ul style="list-style-type: none"> (a) <i>is consistent with the design of lots in the surrounding area;</i> (b) <i>allows the desired amenity of the zone to be achieved;</i> (c) <i>is able to accommodate all buildings, structures and works associated with the intended land use;</i> (d) <i>allow the site to be provided with sufficient access;</i> (e) <i>considers the proximity of the land to:</i> <ul style="list-style-type: none"> (i) <i>centres;</i> (ii) <i>public transport services; and</i> (iii) <i>open space; and</i> (f) <i>allows for the protection of environmental features; and</i> (g) <i>accommodates site constraints.</i> <p>AO1.1 <i>Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B.</i></p>	<p>Council considers that the subject land is not suitable for sustainable agricultural production and further, it is improbable that adjoining allotments will be developed for significant agriculture purposes in the future.</p> <p>In assessing the potential for intensive animal husbandry, Council has applied the S-Factor methodology developed for the assessment of meat poultry farms. The typical meat poultry farm established within the Mareeba Shire accommodates up to 200,000 birds. A buffer distance of 845m is calculated for this farm size. Applying this buffer from the centre of the subject land would cover in excess of 30 surrounding rural and rural residential allotments.</p> <p>This demonstrates that it is not possible for intensive animal husbandry to achieve this separation distance. Separation distances for the establishment of a piggery or feedlot are expected to be no less than that required for a meat poultry farm.</p> <p>The subject land is located within the Mareeba Shire Planning Scheme 2004's Preferred Area No 3 - Clohesy River Area.</p> <p>Council at its Ordinary Meeting held on 15 June 2016 requested that Council officers progress an investigation into a potential rural precinct area centred around Koah Road and to encompass all land within Preferred Area No 3 - Clohesy River Area.</p> <p>Whilst this investigation is still ongoing, the proposed development is considered to be consistent with this long term planning intent and represents the highest and best use of the subject land.</p>
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CARRIED

ITEM-7 **A EASTON - REQUEST TO ASSESS AND DECIDE A PROPOSED DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 48 LOTS) UNDER THE SUPERSEDED MAREEBA SHIRE PLANNING SCHEME 2004 (AMENDMENT NO 01/11) - PREENQ/17/0028**

Moved by Cr Pedersen

Seconded by Cr Brown

"That Council:

- (a) Approve the request for the proposed development application for Reconfiguring a Lot – Subdivision (1 into 48 lots) over land described as over land described as Lot 16 on N157227, situated at 77 Barnwell Road, Kuranda to be assessed under the Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)."
- (b) Notify the applicant, as per Section 99 of the *Sustainable Planning Act 2009*, that a development application for the proposed development must be received by Council within six (6) months of the date of Council's decision to approve the request to accept the proposed Development Application under the Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)."

CARRIED

ITEM-8 **REEVER AND OCEAN PTY LTD - REQUEST TO ASSESS AND DECIDE A PROPOSED DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT - SUBDIVISION (12 INTO 186 LOTS) UNDER THE SUPERSEDED MAREEBA SHIRE PLANNING SCHEME 2004 (AMENDMENT NO 01/11) - PREENQ/17/0029**

Moved by Cr Graham

Seconded by Cr Pedersen

"That Council:

1. Approve the request for the proposed development application for Reconfiguring a Lot – Subdivision (12 into 186 lots) over land described as over land described as Lots 17 & 18 on N157227, Lots 1 & 2 on RP703984, Lot 22 on N157227, Lot 20 on N157423, Lots 19 & 95 on N157452, Lot 43 on N157359, Lot 129 on NR456, Lot 290 on N157480 and Lot 131 on N157491, situated at 112 Barnwell Road and 301 Boyles Road, Kuranda to be assessed under the Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)."
2. Notify the applicant, as per Section 99 of the *Sustainable Planning Act 2009*, that a development application for the proposed development must be received by Council within six (6) months of the date of Council's decision to approve the request to accept the proposed Development Application under the Superseded Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)."

CARRIED

GOVERNANCE AND COMPLIANCE

ITEM-9 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT MARCH TO JUNE 2017

Moved by Cr Brown

Seconded by Cr Toppin

"That Council receive and note the quarterly reports of the Development and Governance Group for April to June 2017."

CARRIED

ITEM-10 DELEGATIONS UPDATE

Moved by Cr Graham

Seconded by Cr Davies

"That:

1. Council delegates the exercise of the powers contained in the attached Instrument of Delegation to the Chief Executive Officer, with such powers to be exercised subject to any limitations contained in Schedule 1 of the Instrument of Delegation.

2. Any prior delegations of power relating to the same matters contained in the attached Instrument of Delegation are revoked."

CARRIED

ITEM-11 OPERATIONAL PLAN 2016-17 QUARTERLY PROGRESS REPORT

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council receive and note the progress report on implementation of the 2016/17 Operational Plan for the April to June 2017 quarter."

CARRIED

ITEM-12 ADOPTION OF PROCESS FOR MAKING LOCAL LAWS

Moved by Cr Toppin

Seconded by Cr Brown

"That Council in accordance with section 29 of the Local Government Act 2009 adopt the Process for Making Local Laws as attached."

CARRIED

FINANCE

ITEM-13 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2017

Moved by Cr Toppin

Seconded by Cr Brown

"That Council note the financial report for the period ending 30 June 2017."

CARRIED

INFRASTRUCTURE SERVICES

ITEM-14 INFRASTRUCTURE SERVICES - MONTHLY REPORT - JUNE 2017

Moved by Cr Davies

Seconded by Cr Graham

"That Council receive and note the Infrastructure Services, Monthly Activities report for the month of June 2017."

CARRIED

TECHNICAL SERVICES

ITEM-15 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 20 JUNE 2017

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council notes the minutes of the Traffic Advisory Committee Meeting held 20 June 2017 and resolves to:

1. In respect to Item 16.12-12, Council consider having the Department of Transport and Main Roads relocate the 60kph speed limit sign on the Kennedy Highway (Atherton-Mareeba Road) approximately 200m south of the Mclver Road intersection."

CARRIED

ITEM-16 PROPOSED ROAD NAMING OF UNNAMED ROAD RESERVES; LOCALITY OF ARRIGA, CHILLAGOE, IRVINEBANK, MAREEBA, MT CARBINE AND MT MOLLOY

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council:

1. select the following road names from the approved list in accordance with Council's Road Naming Policy where no objections were received.
 - Galloway and Genocchio Roads
 - Volkman Road
 - Bryce Street
 - Dow Road
 - Weston Road
2. review the use of the approved list of proposed road names or select an alternative from the list provided by the residents."
3. that a Report be presented regarding the closure of Bethel Road at Mary Farms.

CARRIED

ITEM-17 ROAD NAME REQUEST - LUIGI BRUNO

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council note the request from Michael and Kathy Bruno and include for consideration in the current list of no names road being considered before Council or in accordance with Section 3.1.3 of the Road Naming Policy, add the name **Luigi Bruno** to the list of approved road names."

CARRIED

WORKS

ITEM-18 TENDER EVALUATION TMSC2017-17 TATE RIVER CROSSING (BOLWARRA ROAD) UPGRADE

Moved by Cr Pedersen

Seconded by Cr Toppin

"That Council delegate authority to the Chief Executive Officer to negotiate, finalise and formally enter into a contract with one of the tenderers after consultation with Councillors regarding TMSC2017-17 for Tate River Crossing (Bolwarra Road) Upgrade."

CARRIED

WATER & WASTE

Cr Davies left the meeting at 9:26am.

ITEM-19 QMSC2017-11 ROB VEIVERS DRIVE WATER MAIN

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council note the project QMSC2017-11 Rob Veivers Drive Water Main Upgrade and approve \$70,000 (exclusive of GST) from the water reserves to adequately complete the project."

CARRIED

Cr Davies returned to the meeting at 9:28am.

ITEM-20 TENDER EVALUATION TMSC2017-05 KENNEALLY ROAD SEWER RISING MAIN

Moved by Cr Graham

Seconded by Cr Davies

"That Council award Tender TMSC2017-05 Kenneally Road Sewer Rising Main to Koppen Construction for a total value of \$683,767 (exclusive of GST)."

CARRIED

CHIEF EXECUTIVE OFFICER

MEDIA AND EVENTS

ITEM-21 MSC SHOW HOLIDAY 2018

Moved by Cr Toppin

Seconded by Cr Pedersen

"That Council request the Treasurer to declare the following show holidays within the Mareeba Shire for 2018:

10 July 2018 for the parishes of Irvinebank, Myosotis and Western, which links to the Atherton Annual Show;

20 July 2018 for the Mareeba Shire Council area excluding the parishes of Irvinebank, Myosotis, Western, Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Cairns Annual Show;

23 July 2018 for the parishes of Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Mossman Annual Show."

CARRIED

BUSINESS WITHOUT NOTICE

ADHOC-1

WATER RESTRICTIONS

Moved by Cr Davies

Seconded by Cr Brown

"That with immediate effect Level 1 water restrictions will be imposed for all ratepayers connected to the Council water supply network. Level 1 water restrictions limit the use of irrigation to between the hours of 6pm and 8am, hand held hoses may be used at any time."

CARRIED

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 16 August 2017

There being no further business, the meeting closed at 9:31 am.

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Cr Tom Gilmore
Mayor