



MINUTES

Wednesday, 16 September 2020

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 16 SEPTEMBER 2020 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

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

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Cr Daniel (Danny) Bird was granted a leave of absence.

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 8.3 SOLE SUPPLIER REGISTER 2020/21*. Both AAB Office Equipment Pty Ltd and Ergon Energy were donors of the Cairns State High School Centenary and Cr Toppin was the Chair of the Committee organisation this event. Cr Toppin advised that she will leave the room whilst this matter is being considered and not vote in relation to this item.

5 CONFIRMATION OF MINUTES

RESOLUTION 2020/132

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 19 August 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 T SAMMUT - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 2 ON RP737779 AND LOT 254 ON NR6764 - 5985 KENNEDY HIGHWAY & 6 HENRY HANNAM DRIVE, MAREEBA - RAL/20/0004

RESOLUTION 2020/133

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

(A) That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	T Sammut	ADDRESS	5984 Kennedy Highway & 6 Henry Hannam Drive, Mareeba
DATE LODGED	24 June 2020	RPD	Lot 2 on RP737779 & Lot 254 on NR6764
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

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.

(B) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Boundary Realignment

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8316 - LL2	Proposed Reconfiguration of a Lot (2 Lots into 2 Lots)	Twine Surveys Pty Ltd	28/06/2019

(D) 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, and 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 endorsement of the plan of survey, 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 endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
 - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey
 - 3.6 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

(E) ASSESSMENT MANAGER'S ADVICE**(a) Endorsement Fees**

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable 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) 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.

(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

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect).

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.2 NON-CURRENT ASSET POLICY**RESOLUTION 2020/134**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council adopts the Non-Current Asset Policy.

CARRIED

Cr Angela Toppin left the meeting at 9:03am and Cr Kevin Davies assumed the role of Chair.

8.3 SOLE SUPPLIER REGISTER 2020/21**RESOLUTION 2020/135**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council empanels the contractors listed below for the purpose of providing a register of Sole Suppliers during the 2020/21 financial year.

CARRIED

Cr Angela Toppin returned to the meeting 9:04am and resumed the role of Chair

8.4 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2020**RESOLUTION 2020/136**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council:

1. Note the Financial Report for the period ending 31 August 2020; and
2. Approve the amended 2020/21 Capital Works Program to include carry overs from 2019/20 and additional capital projects.

CARRIED

8.5 LEASE OF LOT 888 NR7943**RESOLUTION 2020/137**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council requires Bartter Enterprises to execute its agreement in association to Lot 888 NR7943 by the 30 September 2020.

CARRIED

8.6 MAREEBA AND DISTRICT PONY CLUB INC PROPOSED MANAGEMENT AGREEMENT WITH NORTH QUEENSLAND WORKING HORSE ASSOCIATION INC.

RESOLUTION 2020/138

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council approves of Mareeba and District Pony Club Incorporated entering into a tenure arrangement, being a Licence Agreement, with North Queensland Working Horse Association Incorporated over part of the land currently leased known as Lease area J Lot 421 on SP254843.

CARRIED

8.7 DELEGATIONS UPDATE SEPTEMBER 2020

RESOLUTION 2020/139

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That:

1. Council delegates the exercise of the powers contained in the attached Instrument of Delegation, and Table of Delegable powers, with such powers to be exercised subject to any limitations and conditions; and
2. Any prior delegations of power relating to the same matters are revoked;
3. Council appoints the Director Corporate & Community Services as acting Chief Executive Officer for all periods when the Chief Executive Officer is absent from duty or can not, for another reason, perform the Chief Executive Officer's responsibilities per section 195 (b) *Local Government Act 2009*; and
4. Council delegates authority to the Mayor or Chief Executive Officer to appoint an acting Chief Executive Officer in the event that the Director Corporate & Community Services is absent from duty or can not, for another reason, perform the Chief Executive Officer's responsibilities per section 195 (b) *Local Government Act 2009* .

CARRIED

8.8 COMMUNITY HOUSING SERVICE

RESOLUTION 2020/140

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council:

1. Repeals the Community Housing for Seniors Policy adopted on 20 September 2017; and
2. Adopts the Community Housing for Seniors Policy (*the Policy*); and

3. Ceases the collection of garden waste from common sites in Mareeba and removal of the sign on the fence behind the unit at 7 Close Avenue.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - AUGUST 2020

RESOLUTION 2020/141

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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

CARRIED

9.2 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - AUGUST 2020

RESOLUTION 2020/142

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

CARRIED

9.3 TMSC2020-17 CHILLAGOE RESERVOIR UPGRADE

RESOLUTION 2020/143

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council

1. Awards the tender for Contract TMSC2020-17 Chillagoe Reservoir Upgrade to King Concreting Pty Ltd T/A Civform for the sum of \$1,097,577.47 (including GST); and
2. Acknowledges the funding received from the following bodies;
 - \$450,000 through the Queensland Government's Building Our Regions (BOR) Program;
 - \$600,000 through the Australian Government's Building Better Regions Fund (BBRF).

CARRIED

9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - AUGUST 2020**RESOLUTION 2020/144**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2020**RESOLUTION 2020/145**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

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

CARRIED

10 OFFICE OF THE CEO**10.1 ENDORSEMENT OF MAREEBA LOCAL DISASTER MANAGEMENT PLAN****RESOLUTION 2020/146**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council endorses the Mareeba Local Disaster Management Plan.

CARRIED

10.2 BEQUEST FROM LAURENCE JOHN TRACONA TO COUNCIL**RESOLUTION 2020/147**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council applies the generous bequest from the late Mr Laurence John Tracona to enhance the experience of youth in the Mareeba Library.

CARRIED

10.3 COREO'S CIRCULAR ECONOMY MASTERCLASS

RESOLUTION 2020/148

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council approves Cr Wyatt's participation in Circular Economy Masterclass by Coreo scheduled for 29 October and 5 November 2020.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

Nil

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 14 October 2020.

There being no further business, the meeting closed at 9:27am.

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Cr Angela Toppin

Chairperson