



# **MINUTES**

**Wednesday, 19 August 2020**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 19 AUGUST 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 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 2020/116**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 15 July 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 BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 39 LOTS IN 2 STAGES) - LOT 114 ON SP265014 - EMERALD END ROAD, MAREEBA - RAL/20/0006**

**RESOLUTION 2020/117**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Mareeba
<b>DATE LODGED</b>	16 July 2020	<b>RPD</b>	Lot 114 on SP265014
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 39 lots in 2 stages)		

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 Reconfiguring a Lot - Subdivision (1 into 39 lots in 2 stages)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8186 - Sheets 1 to 5	Development Plan - Plan of Lots 114, 213-216, 247-253, 332-359	Twine Surveys Pty Ltd	16.07.2020

(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, 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 of the development, or alternative documentation as approved by the Land Title Act, 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 or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act 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 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.
  - 3.6 The existing easement in favour of Lot 26 on SP265014 must be amended and reduced in size to that shown as Easement R on the approved plan.

The developer must relocate (in accordance with FNQROC standards) any services for Lot 26 on SP265014, such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the

proposed Easement R or Lot 26, where required by the relevant authority, unless approved otherwise by Council's delegated officer.

- 3.7 Proposed Lots 251, 252, 354 and 355 must each contain a building area of at least 400m<sup>2</sup> at a height of at least RL396. Each building area must be usable land that is less than 15% slope.

- 3.8 The following road names are approved:

- Dural Close - new cul-de-sac off Pontos Place; and
- Wandara Court - new cul-de-sac off Karobean Drive.

- 3.9 Charges

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

#### 4 Infrastructure Services and Standards

##### 4.1 Access

- (a) Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

- (b) An asphalt sealed, or concrete driveway shall be provided within the access handle of proposed Lot 213 to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum formation width of 3 metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

##### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to 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.

- (c) Prior to works commencing the applicant must submit a Stormwater Quality 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 Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) The easement covering the watercourse within proposed Lots 251, 252, 354 and 355 is to be defined by Survey to include:
  - a minimum of 10 metres in width;
  - a minimum offset of 5 metres from the IL; and
  - include all areas of Extreme Flood Hazard and High Flood Hazard as identified by the Flood Hazard Overlay mapping of the Mareeba Shire Council Planning Scheme 2016.
- (i) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (j) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

#### 4.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the easement/s required under Condition 4.2(h) and all road reserves.

Any earthworks within the waterway must be supported by appropriate modelling which demonstrates that there will be no adverse impact on the upstream drainage network and properties.

#### 4.4 Roadworks - Internal

- (a) Karobean Drive is to be extended to service Lots 253 and 332 and is to be constructed to Collector Road standard (of the same width as the existing section of Karobean Drive) in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) Pontos Place, Dural Close and Wandara Court are to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (c) Temporary turnaround areas, with a bitumen and/or gravel surface, must be provided at the northern end of Pontos Place and Karobean Drive to allow traffic manoeuvring.
- (d) The existing concrete footpath is to be extended along the eastern and northern sides of the proposed Karobean Drive extension in accordance with the FNQROC Development Manual.
- (e) A new concrete footpath is to be built linking the cul de sac heads of Dural Close and Wandara Court in accordance with the FNQROC Development Manual to the satisfaction of Council's delegated officer.

#### 4.5 Water Supply

- (a) 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).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.6 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).

#### 4.7 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of **underground** power reticulation.

#### 4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

#### 4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

### (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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

#### (d) 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.

#### (e) 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.

#### (f) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered access and services easement over Lot 114
- a registered drainage easement over Lots 251, 252, 355 and 354



(g) 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).

(h) 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) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 11 - Residential	\$19,280.00	14 Lots	\$269,920.00	Nil	\$269,920.00
Stage 12 - Residential	\$19,280.00	25 Lots	\$482,000.00	Nil	\$482,000.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$751,920.00</b>

**CARRIED**

## **8.2 MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 - REVIEW OF THE ENVIRONMENTAL SIGNIFICANCE OVERLAY**

### **RESOLUTION 2020/118**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council:

1. receive and note the Planz Town Planning Environmental Significance Overlay Review; and
2. that the Planz Town Planning Environmental Significance Overlay Review be further considered by Council at the next full general review of the Mareeba Shire Council Planning Scheme 2016.

**CARRIED**

## **8.3 ROAD OPENING WITHIN LOT 101 SP273695 OFF RAILWAY AVENUE MAREEBA**

### **RESOLUTION 2020/119**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council approves the opening of a section of the NE corner of Lot 101 SP273695 as an extension of the existing road area at the southern extent of the public carparking area south of the Post Office Centre, Mareeba, subject to the following conditions:

1. The area to be opened as road will be determined by survey and will abutt the western boundary of Lot 1 SP186129 (old Post Office site) and extend south to the lease area occupied by the Telstra telecommunications tower;
2. All costs, reasonably incurred as a consequence of the road opening process including, but not limited to, land acquisition, survey fees, plan preparation, lodgment fees and legal fees incurred by Council, will be recoupable from the owners of Lot 1 SP186129.

**CARRIED**

## **8.4 FINANCIAL STATEMENTS PERIOD ENDING 31 JULY 2020**

### **RESOLUTION 2020/120**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

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

**CARRIED**

**9 INFRASTRUCTURE SERVICES****9.1 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JULY 2020****RESOLUTION 2020/121**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

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

**CARRIED**

**9.2 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JULY 2020****RESOLUTION 2020/122**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

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

**CARRIED**

**9.3 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JULY 2020****RESOLUTION 2020/123**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

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

**CARRIED**

**9.4 DRAFT MAREEBA SHIRE COUNCIL BIOSECURITY PLAN 2020-2025****RESOLUTION 2020/124**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council adopts the Draft Mareeba Shire Council Biosecurity Plan 2020-2025 for the purpose of public consultation.

**CARRIED**

**9.5 KIAC - TMSC2020-14 JUM RUM & JUNGLE WALKING TRAILS REFURBISHMENT****RESOLUTION 2020/125**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That Council awards contract TMSC2020-14 Jum Rum and Jungle Walking Trails Refurbishment to Contour Works Pty Ltd for the sum of \$365,655.00 (excl GST).

**CARRIED**

**9.6 TMSC2020-06 REFURBISHMENT OF CEDRIC DAVIES COMMUNITY HUB****RESOLUTION 2020/126**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council delegates authority to the Chief Executive Officer to enter into, negotiate, and finalise the contract for TMSC2020-06 Refurbishment of Cedric Davies Community Hub Design, after consultation with Councillors.

**CARRIED**

**9.7 TMSC2020-10 SUPPLY & DELIVERY OF TYPE 4.3 ROAD BASE - BURKE DEVELOPMENTAL ROAD RE-SHEETING****RESOLUTION 2020/127**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council endorses the award of Tender TMSC2020-10 for the supply and delivery of approximately 49,000 tonnes of Type 4.3 Road Base for the Burke Developmental Road Re-Sheeting to Kidner Contracting amounting to a total value of \$1,207,400.00 (incl GST).

**CARRIED**

**9.8 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JULY 2020****RESOLUTION 2020/128**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**

**10 OFFICE OF THE CEO****10.1 MSC SHOW HOLIDAYS 2021****RESOLUTION 2020/129**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council request the Office of Industrial Relations to declare the following show holidays within the Mareeba Shire for 2021:

6 July 2021 for the parishes of Irvinebank, Myosotis and Western, which links to the Atherton Annual Show;

16 July 2021 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;

19 July 2021 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**

**10.2 CHRISTMAS SHUTDOWN AND OFFICE CLOSURE FOR STAFF FUNCTION****RESOLUTION 2020/130**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council approves:

1. the 2020/21 Christmas/New Year closure from midday on Thursday 24 December 2020 and reopen Monday 4 January 2021, and;

2. the closure of all Council offices and libraries from 1pm - 5pm on Friday 18 December 2020.

**CARRIED**

**10.3 COUNCILLOR ATTENDANCE AT LGAQ ANNUAL CONFERENCE****RESOLUTION 2020/131**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council approves the attendance of Crs Bensted, Mlikota and Wyatt at the LGAQ Annual Conference on the Gold Coast 19 - 21 October 2020.

**CARRIED**

**11 CONFIDENTIAL REPORTS**

Nil

**12 BUSINESS WITHOUT NOTICE**

**13 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9am on 16 September 2020.

There being no further business, the meeting closed at 9:29am.

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Cr Angela Toppin

Chairperson