



# **MINUTES**

**Wednesday, 14 October 2020**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 14 OCTOBER 2020 AT 9:04AM**

**1 MEMBERS IN ATTENDANCE**

Cr Angela Toppin (Mayor), Cr Kevin Davies, 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 Angela Toppin informed the meeting that she has a perceived declarable conflict of interest in relation to *ITEM 9.9 2020-21 BITUMEN RESEAL PROGRAM* as a result of her relationship with FGF as they provide sponsorship to the Business Liaison Association which she is Chair. Cr Angela Toppin did not believe that a reasonable person could have a perception of bias because she played no role in soliciting the donation and therefore chooses to remain in the meeting.

Cr Kevin Davies assumed the role of Chair.

**4.1 CONFLICT OF INTEREST**

**RESOLUTION 2020/149**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

It is in the public interest that Cr Toppin participates and votes on ITEM 9.9 2020-21 Bitumen Reseal Program because as Chair of the Business Liaison Association there is no direct relationship with the donors to that committee.

**CARRIED**

Cr Angela Toppin resumed the role of Chair.

Cr Kevin Davies informed the meeting that he has a perceived declarable conflict of interest in relation to *ITEM 9.9 2020-21 BITUMEN RESEAL PROGRAM* as a result of the relationship his employer, Remondis, has with FGF as they operate in a joint venture for Springmount landfill. Cr Kevin Davies did not believe that a reasonable person could have a perception of bias because he has no role in the FGF civil construction business.

**4.2 CONFLICT OF INTEREST**

**RESOLUTION 2020/150**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

It is in the public interest that Cr Kevin Davies participates and votes on ITEM 9.9 2020-21 Bitumen Reseal Program because he is employed by Remondis and has no relationship with FGF's civil construction business.

**CARRIED**

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2020/151**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That the minutes of Ordinary Council Meeting held on 16 September 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 CHANGE OF DEVELOPMENT APPROVAL - COMARAY PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 9 LOTS) & SUBDIVISION (1 INTO 64 LOTS IN 5 STAGES) - LOT 100 ON SP188083 & LOT 200 ON SP298320 - EMERALD END ROAD, COUNTRY ROAD & ANNIE COURT, MAREEBA - RC2006/27 & REC/08/0096**

**RESOLUTION 2020/152**

Moved: Cr Lenore Wyatt  
 Seconded: Cr Daniel (Danny) Bird

**For Development Approval RC2006/27 (Stage 2)**

It is recommended that:

1. "In relation to the application to change the following development approval:

APPLICATION		PREMISES	
<b>APPLICANT:</b>	Comaray Pty Ltd	<b>ADDRESS:</b>	Country Road & Annie Court, Mareeba
<b>TYPE OF APPROVAL</b>	Development Permit	<b>RPD:</b>	Lot 200 on SP298320
<b>APPROVED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 9 Lots)		

and in accordance with the Planning Act 2016, the following:

- (a) The applicant/developers request to reduce the length of Emerald End Road required to be widened by Condition 2 External Works - Emerald End Road of Council's Amended Decision Notice issued on 25 August 2009 be refused and the condition remain unchanged; but
- (b) Condition 2 External Works - Emerald End Road of Council's Amended Decision Notice issued on 25 August 2009 be deleted and deferred to the next stage of Country Road Estate by adding the condition to Development Permit REC/08/0096.

And

**For Development Approval REC/08/0096 (Stages 3 - 6 & 8)**

It is recommended that:

2. "In relation to the application to change the following development approval:

APPLICATION		PREMISES	
<b>APPLICANT:</b>	Comarary Pty Ltd	<b>ADDRESS:</b>	Emerald End Road, Country Road & Annie Court, Mareeba
<b>TYPE OF APPROVAL</b>	Development Permit	<b>RPD:</b>	Lot 100 on SP188083 & Lot 200 on SP298320
<b>APPROVED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 in 64 Lots in 5 Stages)		

and in accordance with the Planning Act 2016, the following:

- (c) Condition 4.14 be included on Council's Negotiated Decision Notice issued on 28 March 2012 as follows:

#### **4.14 External Works - Emerald End Road**

*Prior to Council endorsing a plan of survey creating any new lot under Development Approval REC/08/0096 (excluding Lot 26 of Stage 3), the following works must be completed to the satisfaction of Council's delegated officer:*

- (i) (a) *The applicant is to construct kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) *The applicant is to widen and extend the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (ii) *Alternatively, in lieu of constructing the works required by Conditions 2(i)(a) and 2(i)(b), the applicant is to contribute to Council an amount equivalent to the construction cost of the following works:*
- (a) *The construction of kerb and channel on Emerald End Road for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*
- (b) *The widening and extension of the existing bitumen on Emerald End Road by two (2) metres for the complete frontage of the subject land and also between the subject land and the intersection of Emerald End Road and Country Road.*

*The applicable contribution shall be calculated based on the actual construction cost at the time of payment, to the satisfaction of Council's delegated officer. The construction cost shall be adjusted on 30 June each year in accordance with the Road Industry Construction Index.*

- (iii) *The Intersection of Emerald End Road and Country Road is to be designed and constructed in accordance with the FNQROC Development Manual, as amended.*

*The main points to note from the manual are that the finished surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.*

*(iv) Prior to works commencing, plans for the abovementioned works must be approved as part of a subsequent application for operational works.*

3. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and the Queensland Treasury, State Assessment and Referral Agency (SARA) via email [CairnsSARA@dsmip.gov.au](mailto:CairnsSARA@dsmip.gov.au) (reference: 2008/007471) advising of Council's decision".

**CARRIED**

## **8.2 PLANNING SCHEME POLICY 4 - REVIEW OF SUBMISSIONS AND ADOPTION OF AMENDMENTS TO FNQROC REGIONAL DEVELOPMENT MANUAL - VERSION 11/19 (ISSUE 8)**

### **RESOLUTION 2020/153**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council:

1. Adopts Planning Scheme Policy 4 - FNQROC Regional Development Manual Version 11/19 (Issue 8), as modified, having regard to the submissions received 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. Places a notice in a local newspaper, and on Council's website advising of Council's decision to adopt the amendments of Version 11/19 (Issue 8) with an effective date of 21 October 2020.

**CARRIED**

## **8.3 ADOPTION OF PROPOSED PLANNING SCHEME POLICY 10 - ADVERTISING DEVICES WITH AN ELECTRONIC DISPLAY COMPONENT**

### **RESOLUTION 2020/154**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. Adopts 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.
2. Places a notice in a local newspaper, and on Council's website advising of Council's decision to adopt Planning Scheme Policy 10 - Advertising Devices with an Electronic Display Component with an effective date of 21 October 2020.

**CARRIED**

**8.4 APPLICATION FOR RENEWAL OF SPECIAL LEASE 9/52064, OR CONVERSION TO FREEHOLD, OVER LOT 862 ON NR4212, 9 BARRETT STREET, MAREEBA**

**RESOLUTION 2020/155**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council advises the Department of Natural Resources, Mines and Energy that Council has no objection to either the renewal of Special Lease 9/52064 over Lot 862 on NR4212, situated at 9 Barrett Street, Mareeba, or the conversion of Lot 862 on NR4212 to freehold.

**CARRIED**

**8.5 APPLICATION FOR COMMERCIAL OTHER - SUBSIDIARY OFF PREMISES LICENCE - SKYBURY CAFE & ROASTERY - LOT 4 ON SP243995, 136 IVICEVIC ROAD, MAREEBA**

**RESOLUTION 2020/156**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That Council advises the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the granting of a Commercial other subsidiary off premises licence to Skybury Coffee Pty Ltd over the Skybury Café & Roastery on land described as Lot 4 on SP243995, situated at 136 Ivicovic Road, Mareeba, subject to the standard trading conditions.

**CARRIED**

**8.6 KURANDA INFRASTRUCTURE AGREEMENT - ANNUAL REPORTING**

**RESOLUTION 2020/157**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council endorses the submission of the attached annual report on the operation of the Kuranda Fund for 2019/20 to the Department of Local Government, Racing and Multicultural Affairs.

**CARRIED**

**8.7 FINANCIAL STATEMENTS PERIOD ENDING 30 SEPTEMBER 2020****RESOLUTION 2020/158**

Moved: Cr Kevin Davies  
Seconded: Cr Lenore Wyatt

That Council receives the Financial Report for the period ending 30 September 2020.

**CARRIED**

**8.8 ENTERPRISE RISK MANAGEMENT****RESOLUTION 2020/159**

Moved: Cr Lenore Wyatt  
Seconded: Cr Mary Graham

That Council receives the Risk Treatment Plans as endorsed by the Audit Committee on 11 August 2020.

**CARRIED**

**8.9 ASSIGNMENT OF LEASE INTEREST - OPTUS MOBILE PTY LTD****RESOLUTION 2020/160**

Moved: Cr Kevin Davies  
Seconded: Cr Mary Graham

That Council approves the assignment of the current Lease for the Myola Road Water Reservoir Kuranda currently held by Optus Mobile Pty Ltd to Australia Tower Network Pty Ltd.

**CARRIED**

**8.10 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JULY TO SEPTEMBER 2020****RESOLUTION 2020/161**

Moved: Cr Kevin Davies  
Seconded: Cr Lenore Wyatt

That Council receives the quarterly report of the Development and Governance Group for the July to September 2020 quarter.

**CARRIED**



**8.11 DELEGATION UPDATE OCTOBER 2020****RESOLUTION 2020/162**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council authorises financial delegation up to \$1,000,000.00 to the Chief Executive Officer to acquire land for Council services after consultation with Councillors.

**CARRIED**

**9 INFRASTRUCTURE SERVICES****9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - SEPTEMBER 2020****RESOLUTION 2020/163**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

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

**CARRIED**

**9.2 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 15 SEPTEMBER 2020****RESOLUTION 2020/164**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 15 September 2020.

**CARRIED**

**9.3 REPLACEMENT FLEET - GRADER****RESOLUTION 2020/165**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council endorse the procurement of the Hastings Deering Caterpillar 140, with 3D level Control (earthworks) at a combined price of \$420,279 (excl GST).

**CARRIED**

**9.4 REPLACEMENT FLEET - PRIME MOVER****RESOLUTION 2020/166**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council awards the tender for the supply and delivery of one (1), 6 x 4 tandem drive prime mover to Western Truck Group for the UD Quon 460, at a cost of \$198,516.05 (ex GST)

**.CARRIED**

The decision was made based on price.

**9.5 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - SEPTEMBER 2020****RESOLUTION 2020/167**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

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

**CARRIED**

**9.6 MAREEBA SHIRE COMMUNITY BIOSECURITY PLAN 2020-2025****RESOLUTION 2020/168**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council adopt the amended Biosecurity Plan 2020-2025 as attached to this report.

**CARRIED**

**9.7 MAREEBA SHIRE DECLARED WATER SERVICE AREAS****RESOLUTION 2020/169**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council declares the water service areas as identified in the maps.

**CARRIED**

**9.8 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - SEPTEMBER 2020**

**RESOLUTION 2020/170**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**

**9.9 2020-21 BITUMEN RESEAL PROGRAM**

**RESOLUTION 2020/171**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council engage FGF Bitumen Pty Ltd to undertake the 2020/21 Bitumen Reseal Program at an estimated contract amount of \$363,128.90 exclusive of GST.

**CARRIED**

**CR TOPPIN AND CR DAVIES VOTED IN FAVOUR OF THE MOTION**

**9.10 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - SEPTEMBER 2020**

**RESOLUTION 2020/172**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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

**CARRIED**

**10 OFFICE OF THE CEO**

**10.1 ANNUAL REPORT 2019/20**

**RESOLUTION 2020/173**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council adopts the Annual Report for the 2019/20 Financial Year.

**CARRIED**

**10.2 GREAT WHEELBARROW RACE ADVISORY COMMITTEE CHARTER**

**RESOLUTION 2020/174**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council adopts the Great Wheelbarrow Race Advisory Committee Charter.

**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 18 November 2020.

There being no further business, the meeting closed at 9:49am.

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Cr Angela Toppin

Chairperson