



MINUTES

Wednesday, 17 February 2021

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 17 FEBRUARY 2021 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Cr Kevin Davies, Cr Mary Graham, 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 2021/25

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 20 January 2021 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 ADOPTION OF MAJOR AMENDMENT NO.1 OF 2020 TO THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 - NULLINGA DAM DEVELOPMENT AREA

RESOLUTION 2021/26

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council, as instructed by the Minister:

1. Adopts Major Amendment No.1 of 2020 to the Mareeba Shire Council Planning Scheme 2016, as outlined in Attachment 1, to take effect on 26 February 2021;
2. Gives notice of the amendment by placing a public notice in a local newspaper, government gazette and the Mareeba Shire Council website; and
3. Provides the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning a copy of the public notice and a copy of the amendment.

CARRIED

8.2 THE PRODUCT MAKERS (AUSTRALIA) PTY LTD - MATERIAL CHANGE OF USE - SPECIAL INDUSTRY (PRODUCTION PLANT) - LOT 2 & 3 ON SP298325 - 3276 & 3278 MULLIGAN HIGHWAY, MOUNT MOLLOY - MCU/20/0007

RESOLUTION 2021/27

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	The Product Makers (Australia) Pty Ltd	ADDRESS	3276 & 3278 Mulligan Highway, Mount Molloy
DATE LODGED	23 April 2020	RPD	Lot 2 & 3 on SP298325
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Special Industry (Production Plant)		

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), concurrence 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.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Special Industry (Production Plant)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
20044 Sheet No: 01A	Locality Plan	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 02A	Site Plan 2	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 03	Site Plan 2	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 04	Shed 1 Plan & Elevation	FNQ Design & Drafting	Feb 2020
20044 Sheet No: 05	Shed 2 Plan & Elevation	FNQ Design & Drafting	Feb 2020
JW201299	Irrigation Area Layout	Wild Environmental Consultants	Feb 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 of each stage of the development except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use of each stage, 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 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 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 Bushfire Management

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

3.5 Product Sale

All products/by-products produced on site are to be sold off-site only with no individual sales/transactions permitted from the subject site.

3.6 Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.

3.7 Environmental Management Plan

The applicant/developer shall provide Council with an environmental management plan prepared by a suitably qualified professional which addresses (at a minimum):

- All environmental impacts of the proposal and measures proposed to mitigate the impacts as included in the Environmental Impact Assessment produced by Wild Environmental Consultants (Project Ref.: JW191299 dated May 2020);
- Emergency management procedures;
- Refuse collection and disposal; and
- Management and supervision procedures.

The environmental management plan must address all three (3) stages of the development and must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.

The applicant/developer or on-site manager must ensure the approved use is operated in accordance with the environmental management plan at all times and for the life of the development.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

4.1.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.2 Erosion and Sediment Control Plan

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

4.2.2 Prior to the development commencing, the applicant must develop an Erosion and Sediment Control Plan that addresses each stage of the development. The plan must detail what measures/procedures will be implemented on-site to prevent erosion and sediment run-off during construction and operation.

4.2.3 The applicant/developer must ensure that the Erosion and Sediment Control Plan is complied with at all times.

4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be constructed to at least compacted gravel standard, clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

(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.

(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.

(E) REFFERAL AGENCY CONDITIONS

Queensland Treasury conditions dated 10 December 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 PERMIT

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

CARRIED

8.3 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2020

RESOLUTION 2021/28

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

CARRIED

8.4 EMERGENCY DECLARATION OF LOCAL PEST (AMAZON FROGBIT)**RESOLUTION 2021/29**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council:

1. makes an emergency declaration that *Limnobium Laevigatum* (Amazon Frogbit) is a local pest per the *Mareeba Shire Council Local Law No.3 (Community and Environmental Management) 2018* Division 2 Section 7 and amend the Subordinate Local accordingly; and
2. writes to the Minister for Environment Great Barrier Reef and Science and request that Amazon Frogbit be declared a noxious weed by the State thereby forbidding the sale and propagation of the weed in Queensland.

CARRIED

8.5 COUNCIL POLICY REVIEW**RESOLUTION 2021/30**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council:

1. Repeals the following policy:
 - a. Handbook for Advisory Committees - adopted 15 November 2017;
 - b. Gifts and Benefits Policy - adopted 15 February 2018; and
 - c. Meeting Agenda (Availability to Public and Press) - adopted 1 January 2017.
2. Adopts the following policies:
 - a. Guidelines for Provision of Administrative Support to Councillors;
 - b. Handbook for Advisory Committees; and
 - c. Gifts and Benefits Policy.

CARRIED

8.6 OPERATIONAL PLAN 2020/21 PROGRESS REPORT OCTOBER 2020 TO DECEMBER 2020**RESOLUTION 2021/31**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council receives and notes the progress report on implementation of the 2020/21 Operational Plan for the period October 2020 to December 2020.

CARRIED

8.7 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2021**RESOLUTION 2021/32**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council:

1. receives the Financial Report for the period ending 31 January 2021;
2. empanels the new contractor Roger Henshaw Consultancy Services to the Sole Supplier Register;
3. Retain Type B community groups as Type A until 30 June 2021.

CARRIED

8.8 DIGITAL MARKETING OF KEY DESTINATIONS IN THE MAREEBA SHIRE**RESOLUTION 2021/33**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council engages Bang Media to conduct a digital marketing campaign for key destinations in the Mareeba Shire from March 2021 for three (3) years as per the applicant's proposal and quotation of \$25,000 (excl GST) per annum.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JANUARY 2021

RESOLUTION 2021/34

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of January 2021.

CARRIED

9.2 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 1 DECEMBER 2020

RESOLUTION 2021/35

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 1 December 2020.

CARRIED

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JANUARY 2021

RESOLUTION 2021/36

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council receives the Infrastructure Services, Technical Services Operations Report for January 2021.

CARRIED

9.4 APPLICATION FOR PROPOSED ROAD OPENING IN LOT 26 ON SP276723 TO ACCOMMODATE THE INSTALLATION OF A SEWER GRAVITY MAIN**RESOLUTION 2021/37**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. Accepts the Department of Natural Resources, Mines and Energy 's Offer and proceed with the road opening proposal; and
2. complies with the conditions outlined in the Offer.

CARRIED**9.5 T-MSC2020-24 KANERVO ROAD, DAVIES CREEK BRIDGE REPLACEMENT - TENDER AWARD****RESOLUTION 2021/38**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council:

1. not award Tender T-MSC2020-24 Kanervo Road Davies Creek Bridge Replacement Project due to budget shortfall; and
2. seeks an extension of time under the Australian Government's Bridges Renewal Program funding.

CARRIED**9.6 T-MSC2020-20 HALES SIDING ROAD, CHINAMAN CREEK BRIDGE REPLACEMENT - TENDER AWARD****RESOLUTION 2021/39**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council:

1. not award Tender T-MSC2020-20 Hales Siding Road Chinaman Creek Bridge Replacement due to budget shortfall; and
2. seeks an extension of time under the Australian Government's Bridges Renewal funding.

CARRIED

9.7 T-MSC-2020-22 SHANTY CREEK ROAD AND CLACHERTY ROAD CAUSEWAY CONSTRUCTION - TENDER AWARD**RESOLUTION 2021/40**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council delegates authority to the Chief Executive Officer to enter into, negotiate, and finalise the contract for T-MSC2020-22 Shanty Creek Road and Clacherty Road Causeway Constructions, after consultation with Councillors.

CARRIED

9.8 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JANUARY 2021**RESOLUTION 2021/41**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services, Water and Waste Operations Report for January 2021.

CARRIED

9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2021**RESOLUTION 2021/42**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2021.

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 17 March 2021.

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

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Cr Angela Toppin

Chairperson