



MINUTES

Wednesday, 17 March 2021

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 17 MARCH 2021 AT 09:00AM**

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 CONFLICTS OF INTEREST

Cr Davies informed the meeting that he has a declarable conflict of interest in relation to *ITEM 8.4 TONY BROWN - CONCURRENCE AGENCY REFERRAL FOR BUILDING WORKS (CLASS 10A SHED) - LOT 22 ON M356222 - 18 SALIHE AVENUE, MAREEBA* as a result of his son's employment with the applicant's builder.

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/43

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 17 February 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 APPLICATION FOR RENEWAL OF TERM LEASE 0/236763 OVER LOT 51 ON SP160328, MULLIGAN HIGHWAY, MOUNT MOLLOY****RESOLUTION 2021/44**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council advise the Department of Resources that Council has no objection to the renewal of Term Lease 0/236763 over Lot 51 on SP160328, situated on the Mulligan Highway, Mount Molloy.

CARRIED

8.2 APPLICATION TO ENTER MAREEBA UNITING CHURCH IN THE QUEENSLAND HERITAGE REGISTER - 189 WALSH STREET, MAREEBA**RESOLUTION 2021/45**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council:

1. offers no objection to the application to enter the Mareeba Uniting Church building on Lots 5 and 6 on RP708296 at 189 Walsh Street, Mareeba, in the Queensland Heritage Register, subject to the owners not objecting;
2. sees no value in the listing of the church hall and house on Lots 4, 5 and 6 on RP708296 at 189 Walsh Street, Mareeba, in the Queensland Heritage Register; and
3. objects to any listing of the Walsh Street and Rankin Street road reserves, as these reserves do not meet any cultural heritage criteria.

CARRIED

8.3 S SPENA - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 145 & LOT 10 ON SP163445 - 98 & 114 SPENA ROAD, MAREEBA - RAL/21/0002**RESOLUTION 2021/46**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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

APPLICATION		PREMISES	
APPLICANT	S Spena	ADDRESS	98 & 114 Spena Road, Mareeba
DATE LODGED	5 January 2021	RPD	Lot 145 & 10 on SP163445
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
-	Plan of Development - Boundary Realignment & Easement (Water)	U&i Town Plan	-

(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) 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.

(b) 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.

(c) 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.

(d) 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 easement (Lot 145 only)

(e) 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

(f) 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

At 9:05 am, Cr Kevin Davies left the meeting.

8.4 TONY BROWN - CONCURRENCE AGENCY REFERRAL FOR BUILDING WORKS (CLASS 10A SHED) - LOT 22 ON M356222 - 18 SALIHE AVENUE, MAREEBA**RESOLUTION 2021/47**

The Councillors did not adopt the officers recommendation for the following reasons:

1. The reasons and information used in the setting of the conditions detailed above include the relevant Codes of the Mareeba Shire Council Planning Scheme 2016.
2. The subject land has an area of 4,342m² which is well in excess of the typical Low Density Residential zone lot size. All adjoining allotments have similar areas.
3. The subject land contains an established dwelling house.
4. The proposed shed is sited behind the established dwelling house, thereby screening the proposed shed and maintaining the residential streetscape.
5. The height of the proposed shed does not exceed Acceptable Outcome AO2.1(b) of the Residential Dwelling House and Outbuilding Overlay Code.
6. Three (3) letters of non-objection have been provided in support of the proposed shed.

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICATION NO:	CAR/21/0007		
RPD:	Lot 22 on M356222	ADDRESS:	18 Salihe Avenue, Mareeba
APPLICANT:	Tony Brown C/- Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	OWNER:	Tony Brown
ASSESSMENT MANAGER	Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	DATE OF REFERRAL CONFIRMATION NOTICE	22 February 2021
TYPE OF REFERRAL:	Concurrence agency referral for building works (Class 10A Shed) assessable against the Residential Dwelling House and Outbuilding Overlay Code of the Mareeba Shire Council Planning Scheme 2016		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Low Density Residential		

and in accordance with section 56 of the Planning Act 2016, the Assessment Manager be notified that the Mareeba Shire Council, as a Referral Agency for building work assessable against the Mareeba Shire Council Planning Scheme 2016, requires the Assessment Manager to include in the development permit for building works the conditions and advisory notes in (A) provided that the proposed development is in accordance with the following submitted material in (B) and for reasons set out in (C);

(A) Conditions

1. The proposed shed must be constructed generally in accordance with the position and orientation shown on the site plan accompanying the application.
2. The dimensions of the shed must not exceed those shown on the submitted Plan/s, specifically 20.27m x 12m x 4.1m high (at sidewall) and 5.15m high (at ridgeline).
3. The shed colours used must be consistent with those colorbond colours outlined in the application, specifically a wall colour of "Mangrove" and a roof colour of "Evening Haze". No reflective/metallic colours are to be used.

Advisory Notes

1. The shed is a Class 10a structure only and should remain in use as a "domestic outbuilding" only and should not be used for any commercial storage or any other purpose made assessable by the Mareeba Shire Council Planning Scheme 2016.

(B) Submitted Material

Plan / Document Number	Plan / Document Name	Date
-	Site Plan	18/02/2021
-	Plan 1	2/02/2021

CARRIED

At 9:08 am, Cr Kevin Davies returned to the meeting.

8.5 AGREEMENT BETWEEN MAREEBA SHIRE COUNCIL AND HOT AIR BALLOON OPERATORS FOR LANDING AND TAKING OFF UPON COUNCIL CONTROLLED LAND

RESOLUTION 2021/48

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council:

1. Authorises Council's Chief Executive Officer to negotiate and finalise an appropriate land tenure instruments permitting Hot Air Ballooning Companies to land and take-off from Council controlled land conditional upon adherence with all Civil Aviation Safety Authority (CASA) Rules and Regulations and any relevant Council policies.
2. Waives the balloon landing and take-off fees payable for the financial year 01 July 2020 to 30 June 2021.

CARRIED

8.6 DELEGATION UPDATE MARCH 2021

RESOLUTION 2021/49

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. acknowledges that an annual review of Council delegations made to the CEO under section 257 of the *Local Government Act 2009* has been undertaken in accordance with section 257(5) of the Act;
2. delegates authority to the CEO to negotiate management arrangements regarding Council's housing assets; and
3. repeals resolution ITEM 28 made on the 24 January 2018 regarding the old Barnwell property.

CARRIED

8.7 REGULATORY FEES AND CHARGES 2021/2022

RESOLUTION 2021/50

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council adopt the attached proposed 2021/22 fees as listed for:

1. Animal Management, Environmental Health, and Local Law Activities effective 1 April 2021; and
2. Planning - Urban and Regional, Gates & Grids, Plumbing, Building, and Trade Waste effective 1 July 2021.

CARRIED

8.8 FINANCIAL STATEMENTS PERIOD ENDING 28 FEBRUARY 2021

RESOLUTION 2021/51

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Financial Report for the period ending 28 February 2021.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - FEBRUARY 2021

RESOLUTION 2021/52

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

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

CARRIED

9.2 T-MSC2020-22 SHANTY CREEK ROAD AND T MSC2019-28 CLACHERTY ROAD CAUSEWAY CONSTRUCTION

RESOLUTION 2021/53

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council endorses the awarding of Contracts made under delegation, being;

1. Tender T-MSC2020-22 the Shanty Creek Road Causeway Construction component only, to Durack Civil Pty Ltd for the amount of \$162,966.72 (ex. GST); and
2. Clacherty Road Causeway Construction component to Gregg Construction Pty Ltd for the amount of \$41,354.24 (ex. GST) as a variation to Tender TMSC2019-28 DRFA Eastern Roads Package.

CARRIED

9.3 EASEMENT APPLICATION OVER LOT 469 ON HG509 FOR ACCESS PURPOSES

RESOLUTION 2021/54

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That Council advise the applicant and the Department of Resources of no objection to the establishment of an easement through Lot 469 on HG509 to enable access to Lot 92 on HG79, subject to the following conditions;

1. The easement should be aligned with the existing road; and
2. The proponent is wholly responsible for all costs associated with the process.

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - FEBRUARY 2021

RESOLUTION 2021/55

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - FEBRUARY 2021

RESOLUTION 2021/56

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

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

CARRIED

9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - FEBRUARY 2021

RESOLUTION 2021/57

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

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

CARRIED

9.7 T-MSC2021-02 MASON STREET SEWER MAIN DUPLICATION PROJECT

RESOLUTION 2021/58

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council:

1. awards the contract for T-MSC2021-02 Mason Street Sewer Main Duplication Project to fgf Developments for the value of \$1,628,966.54 (ex. GST); and
2. approves the sum of \$200,000 from Wastewater Fund reserves as Council's co-contribution to the project to meet grant funding requirements.

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

Mayor advised that Father Chris Wright is extremely appreciative of Council's efforts in obtaining additional land for the Kuranda cemetery and extends his personal thanks to everyone involved.

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 21 April 2021.

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

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Cr Angela Toppin

Chairperson