



MINUTES

Wednesday, 21 April 2021

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 21 APRIL 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 Bensted informed the meeting that he has a declarable conflict of interest in relation to *ITEM 8.1 P KLARFELD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 498 ON SP189698 - 280 CLOHESY RIVER ROAD, KOAH - RAL/21/0003*. Cr Bensted is the leasee to the adjoining property and as a result will leave the room whilst the matter is discussed and voted on.

Cr Graham informed the meeting that she has a prescribed conflict of interest in relation to *ITEM 8.13 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2020/21 COMMUNITY GRANT APPLICATIONS*. Cr Graham is on the Board of the Mareeba Heritage Centre and they have lodged a RADF application. As a result Cr Graham will leave the room whilst the matter is discussed and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/59

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 17 March 2021 be confirmed, noting the removal of the wording "Material Personal Interests " in the Heading of ITEM 4.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

Nil

7 DEPUTATIONS AND DELEGATIONS

Nil

At 9:02 am, Cr Lachlan (Locky) Bensted left the meeting.

8 CORPORATE AND COMMUNITY SERVICES

8.1 P KLARFELD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 498 ON SP189698 - 280 CLOHESY RIVER ROAD, KOAH - RAL/21/0003

RESOLUTION 2021/60

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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

APPLICATION		PREMISES	
APPLICANT	P Klarfeld	ADDRESS	280 Clohesy River Road, Koah
DATE LODGED	19 February 2021	RPD	Lot 498 on SP189698
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

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 (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager **does** consider that the assessment manager’s decision conflicts with a relevant instrument/s.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
The application conflicts with 3.3.1 Strategic outcome (6) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2019) - proposed Lot 1 will have an area less than 60 ha.	The proposed subdivision will create two allotments, these being proposed Lots 1 and 2 with areas of 52.9 hectares and 68.1 hectares respectively. Clohesy River Road and Cedar Park Road traverse the subject site splitting it into 3 land parcels which somewhat dictated the proposed lot layout. Having a predevelopment area of 121 hectares, 2 x 60 hectare compliant allotments was technically achievable in this instance, however the applicants desire was to maintain the attachment between the southern parcel of land and the eastern parcel of land, having a total combined area of 68.1 hectares (proposed lot 2), leaving proposed Lot 1 (the northern parcel) with the remaining balance area of just 52.9 hectares.
The application conflicts with 3.3.11.1 Specific Outcomes (2) & (3) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2019) - proposed Lot 1 will have an area less than 60 ha.	
The application conflicts with 4.6.1 Strategic Outcome (6) of the Planning Schemes Strategic Framework (As amended by TLPI No. 01 of 2019) - proposed Lot 1 will have an area less than 60 ha.	

<p>The application conflicts with 6.2.9.2 Purpose (3)(a) of the Rural zone code - proposed Lot 1 will have an area less than 60 ha.</p>	<p>Instrument No. 01 of 2019 (Subdivision in Rural zone) enacted in December 2019.</p>
<p>The application conflicts with Performance outcome PO1.1 of the Reconfiguring a lot code - proposed Lot 1 will have an area less than 60 ha.</p>	<p>The overarching purpose of the TLPI as reflected in the Ministers Statement of Reasons (for imposing the TLPI) is to disallow subdivision in the Rural zone where creating lots less than 60 ha in order to:</p> <ul style="list-style-type: none"> - Minimise further fragmentation of agricultural land and maintain larger lot sizes to ensure the economic viability of rural land holdings; and - to protect important agricultural and rural land from incompatible development and encroachment by urban and rural residential development. <p>Council officers consider there to be reasonable town planning grounds to approve the application despite the identified conflicts as follows:</p> <ul style="list-style-type: none"> • The site has a pre-development area of 121.0002 hectares. 2 x 60 hectare allotments could have been achieved if the northern and eastern parcels were proposed to remain attached, however it was the desire of the applicant to keep the southern and eastern parcels together as a single allotment. In either case, one of proposed allotment would remain as a single title split into two parcels by a gazetted road. Council officers must assess the application and proposed lot layout as submitted with the application. • In consideration of the pre-development area of the site (121.0002 hectares), it could only ever be subdivided to create a maximum of 2 compliant 60 hectare allotments. If the current proposal is approved, no further subdivision of either proposed Lots 1 or 2 is likely to be supported by Council officers. Proposed Lot 1 is only 7.1 hectares shy of the desired 60 hectare lot size. • The subject land and all immediate surrounding properties are considered to be large rural lifestyle allotments and remain heavily vegetated with an undulating topography. For this reason, the land in the area is not suitable for cropping and is unable to support any viable livestock grazing activity. The development will not result in the further fragmentation of agricultural land to less than viable lot sizes or compromise any existing agricultural activity. • The proposed subdivision, albeit non-compliant, will not result in an <u>unanticipated</u> increase in dwelling density within the locality. The subdivision will create an opportunity for only 1 additional dwelling to be constructed on the subject land. This would be the case even if both lots met the required 60 hectare minimum lot size. Urban or rural residential development will not be introduced in the Rural zone. • Approval of the proposed application despite the conflicts would represent common sense town planning. <p>The proposed development is not considered to be in conflict with the overarching intent of TLPI No. 01 of 2019 and should be approved.</p>

(B) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots)

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR148985-1	Proposal Plan - Plan of Lots 1 & 2 Cancelling Lot 498 on SP189698	RPS Australia East Pty Ltd	28/01/2021

(D) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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 endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions contained within the conditions of approval.

3.2 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.

3.3 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.

3.4 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.

3.5 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.

3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Bushfire Management

3.8.1 Any new dwelling erected on Lot 1 must:

(i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.

(ii) Include on-site water storage of not less than 5,000 litres, fitted with standard rural fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

3.8.2 A Bushfire Hazard Management Plan for Lot 1 must be prepared to the satisfaction of Council's delegated officer. The Management Plan must address, at minimum, Performance Outcomes PO3, PO4 and PO8 of the Bushfire Hazard Overlay Code. Any future use of Lot 1 must comply with the requirements of the Management Plan at all times.

3.9 Building Envelope Plan & Ecological Assessment

3.9.1 A building envelope plan must be provided to Council identifying a building envelope generally in accordance with the building envelope shown in "*Image - Potential location of future residence*" included in the development application.

Any future dwelling and outbuildings must be located within the identified building envelope area.

3.9.2 An Ecological Assessment must be carried out over the building envelope area demonstrating compliance with Performance Outcome PO5 of the

Environmental Significance Overlay Code, to the satisfaction of Council's delegated officer.

3.10 Charges

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

3.11 Amended Lot Layout

The proposed lot layout must be amended to ensure that proposed Lots 1 and 2 each achieve a minimum lot size of 60 hectares.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be upgraded/constructed to **each** lot (from the edge of the road to the property boundary) in accordance with FNQROC Development Manual Standards (as amended), to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.3 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

5. Additional Payment Condition/s

5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

5.2 The developer must pay a one-off payment of \$4,820.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport network servicing the land (\$4,820.00 per additional lot)

5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

5.5 If the developer elects to provide part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(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) Notation on Rates Record

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

- an approved building envelope area (Lot 1 only)
- conditions regarding bushfire management
- an approved bushfire management plan

(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

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

CARRIED

At 9:03 am, Cr Lachlan (Locky) Bensted returned to the meeting.

8.2 MISSION AUSTRALIA - MATERIAL CHANGE OF USE - ROOMING ACCOMMODATION (RESIDENTIAL REHABILITATION FACILITY) - LOT 2 ON RP747563 - 3338 KENNEDY HIGHWAY, MAREEBA - MCU/21/0002

RESOLUTION 2021/61

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

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

APPLICATION		PREMISES	
APPLICANT	Mission Australia	ADDRESS	3338 Kennedy Highway, Mareeba
DATE LODGED	5 February 2021	RPD	Lot 2 on RP747563
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Rooming Accommodation (Residential Rehabilitation Facility)		

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), referral 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.

(B) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Rooming Accommodation (Residential Rehabilitation Facility)

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
21011 SK00	Cover Sheet & Site Plan	Bau Design Architects	17/01/2021
21011 SK01	Carparking	Bau Design Architects	17/01/2021
21011 SK10	Plans Accommodation	Bau Design Architects	17/01/2021
21011 SK11	Plans Administration	Bau Design Architects	17/01/2021
21011 SK40	Elevations Accommodation	Bau Design Architects	17/01/2021
21011 SK41	Elevations Administration	Bau Design Architects	17/01/2021
21011 SK70	Elevations 3D Images	Bau Design Architects	17/01/2021

(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, 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 except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of use, the applicant must demonstrate to 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 external 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.

3.3 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.

3.4 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.

3.5 Waste Management

The applicant/developer/operator shall ensure there is no on-site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) On site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.6 Bushfire Management

3.6.1 The development must be provided with a minimum 5,000 litres of water storage for firefighting purposes. The water storage can comprise of:

- (i) a separate tank; or
- (ii) a reserve section in the bottom part of the main water supply tank; or
- (iii) a dam; or
- (iv) a swimming pool.

Where a tank is provided, it must be fitted with standard rural fire brigade fittings and an adjacent hardstand area for heavy vehicles.

3.6.2 A Bushfire Management Plan, incorporating evacuation procedures for patients and staff, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.7 Signage

No advertising material associated with the approved use is permitted on-site (where visible from the Kennedy Highway) or along any part of the frontage of the site. Address signage in addition to the standard rural address post is permitted.

3.8 Staff must be present on-site 24 hours a day, seven (7) days per week to supervise patients. The direct contact phone number of facility staff must be made available to all neighbouring property owners within a one (1) kilometre radius of the site in order to assist with the reporting of any antisocial behavior.

3.9 The use of amplified music or PA systems are not permitted on-site at any time.

4. Infrastructure Services and Standards

4.1 Stormwater Drainage/Water Quality

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 concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.2 Car Parking/Internal Driveways

A designated car parking area must be provided on-site and be of a size that can accommodate 16 vehicles, including one (1) designated disabled parking space. Individual parking bays are not required to be line marked.

The designated car parking area and internal driveway network servicing the development (as shown on the approved plans) must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.3 Landscaping

Prior to the commencement of the use, the applicant / developer must prepare and submit a landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's delegated officer. The landscape plan must include the following:

- (i) A minimum two (2) metre wide landscape buffer along the Kennedy Highway frontage of the site extending from the south-east corner of the site for a length of 165m (excluding the access driveway); and
- (ii) A minimum two (2) metre wide landscape buffer along the southern boundary of the site extending from the south-east corner of the site for a length of 90 metres.

Landscaping associated with points (i) and (ii) should include ground cover, shrubs and trees that will grow to form an effective visual buffer of no less than three (3) metres in height.

All landscaping should be established at the commencement of building works in order to be substantially established at the commencement of the use. All landscape buffers must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

4.4 Lighting

Where outdoor lighting is proposed to be installed, it must be designed and installed so as to not cause nuisance to any neighbouring property or Kennedy Highway user.

Illumination resulting from direct, reflected or other incidental light emanating from the subject site does not exceed eight (8) lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.5 Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 6, 2011 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.6 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.

(E) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

(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) 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.

(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) REFERRAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 10 March 2021.

(G) 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);

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

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

(I) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

CR BENSTED RECORDED HIS VOTE AGAINST THE MOTION

8.3 ARMBRIDGE PTY LTD - MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 FOR USE RIGHTS ASSOCIATED WITH THE PROPOSED 'ANZAC AVENUE COMMERCIAL ZONE' - LOT 53 ON SP204554 - 47 ANZAC AVENUE, MAREEBA - MCU/20/0017

This item has been withdrawn at the request of the applicant.

**8.4 A GROOT - CONCURRENCE AGENCY REFERRAL FOR BUILDING WORKS (CLASS 10A SHED)
- LOT 4 ON SP218658 - 9 CATERINA CLOSE, MAREEBA - CAR/20/0016**

RESOLUTION 2021/62

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICATION NO:	CAR/20/0016		
RPD:	Lot 4 on SP218658	ADDRESS:	9 Caterina Close, Mareeba
APPLICANT:	A Groot C/- Northern Building Approvals 3B Margherita Close Mareeba QLD 4880	OWNER:	Norcrete Pty Ltd
ASSESSMENT MANAGER	Request for referral agency response before application	DATE REFERRAL RECEIVED	5 April 2021
TYPE OF REFERRAL:	Concurrence agency referral (request for response before application) 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 sections 56 and 57 of the Planning Act 2016, the applicant and future 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 refuse the development application for building works as outlined in the submitted material in (A) for the reasons set out in (B):

(A) SUBMITTED MATERIAL:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Amended Planning Report 9 Caterina Close	Northern Building Approvals	-
0634 Issue A	Site Plan	Gregory G Terzi	Jan 2021
RSCL-453961 01 Rev 1	Elevations	Rapid Sheds & Construction	03-Mar-2021
RSCL-453961 02 Rev 1	Floor Plan	Rapid Sheds & Construction	03-Mar-2021

(B) REASONS FOR REFUSAL:

1. The size of the proposed shed is in conflict with Performance Outcome PO2 and Acceptable Outcome AO2.1 of the Residential Dwelling House and Outbuilding Overlay Code.

PO2

Domestic outbuildings:

- (a) *do not dominate the lot on which they are located; and*
- (b) *are consistent with the scale and character of development in the zone in which the land is located.*

AO2.1

Where located in the Low density residential zone or the Medium density residential zone, domestic outbuildings do not exceed:

- (a) *100m² in gross floor area; and*
- (b) *5.5 metres in height above natural ground level.*

Reasons for conflict

Under PO2, the requirement for this domestic outbuilding is that it not dominate the lot on which it is located; and that it be consistent with the scale and character of development in the Low density residential zone.

Apart from a small shed, which is likely to be removed to make way for the proposed shed, the subject land is currently vacant. The shed will be oriented with its 20.188 metre long, 6.058 high southern side generally presenting to Caterina Close. The length of this wall, its height and the sheds location within the subject land will dominate the subject lot.

Any potential mitigating screening that could be offered by a future dwelling house is removed by the applicant's choice to site the proposed shed in front of the future dwelling.

In the opinion of Council officers, there is no situation in which the proposed shed can be considered as being consistent with the scale and character of development in the Low density residential zone, whilst it remains both over height and over size.

It is recommended that a referral agency response be issued to the Assessment Manager directing that this application for building works be refused.

2. The proposed shed will have an extremely adverse effect on the amenity, or likely amenity, of the locality; and will be in extreme conflict with the character of the locality.

CARRIED

8.5 DISPOSAL OF LOT 516 W2631 - JAMES AND EMILY STREETS WATSONVILLE

RESOLUTION 2021/63

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council:

1. Approves the disposal of Lot 516 W2631, James and Emily Streets Watsonville; and
2. Authorises the CEO to finalise the disposal of Lot 516 W2631 via contract arrangement in accordance with the requirements for disposal of a valuable non-current as set out in the *Local Government Regulation 2012* (Qld).

CARRIED

8.6 MANAGEMENT OF ABATTOIR SWAMP LOT 37 RP892266 MOSSMAN TO MT MOLLOY ROAD

RESOLUTION 2021/64

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council authorises the Chief Executive Officer to finalise a Management Agreement for non-exclusive use of the land by the Mitchell River Watershed Group Inc. for ongoing management of Lot 37 RP892266, after consultation with the Councillors.

CARRIED

8.7 SELECTIVE APPROVED ANIMAL INSPECTION PROGRAM**RESOLUTION 2021/65**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council:

1. Approves a selective Approved Inspection Program (as attached in the Agenda) to be carried out to ensure compliance with the registration and microchipping requirements of the Animal Management (Cats & Dogs) Act 2008; and
2. Approves a selective Approved Inspection Program (as attached in the Agenda) to be carried out to ensure compliance with section 14 of Local Law No. 2 Animal Management 2011 - duty to provide proper enclosure and prevent the animal from wandering.

CARRIED

8.8 AMENDING SUBORDINATE LOCAL LAW NO.3 (COMMUNITY AND ENVIRONMENTAL MANAGEMENT) 2018**RESOLUTION 2021/66**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council:

1. accepts the report on the assessment of anti-competitive provisions relevant to amending a local law pursuant to section 38 of the *Local Government Act 2009* (Qld) and section 15 of the *Local Government Regulation 2012* (Qld);
2. adopts the "*Amending Local Law*"; and
3. adopts the consolidated version of Subordinate Local Law No.3 (Community and Environmental Management) 2018.

CARRIED

8.9 COUNCIL POLICY REVIEW**RESOLUTION 2021/67**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. repeals the following policies:
 - a. Mareeba Shire Library Service Information Privacy Policy - derived from a Tablelands Regional Council instrument - original adoption date cannot be established;

- b. Investigation Policy, adopted 21 November 2018;
 - c. Revenue Policy, adopted on 17 June 2020; and
 - d. Waste Management Kerbside Collection Policy, adopted 20 December 2017.
2. adopts the following policies:
- a. Investigation Policy;
 - b. Revenue Policy; and
 - c. Waste Management Kerbside Collection Policy;
 - d. Public Art Policy.

CARRIED

8.10 OPERATIONAL PLAN 2020/21 PROGRESS REPORT JANUARY 2021 TO MARCH 2021

RESOLUTION 2021/68

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council receives and notes the progress report on implementation of the 2020/21 Operational Plan for the period January 2021 to March 2021.

CARRIED

8.11 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JANUARY TO MARCH 2021

RESOLUTION 2021/69

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council receives the quarterly report of the Development and Governance Group for the January to March 2021 quarter.

CARRIED

8.12 FINANCIAL STATEMENTS PERIOD ENDING 31 MARCH 2021

RESOLUTION 2021/70

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Financial Report for the period ending 31 March 2021.

CARRIED

At 9:17 am, Cr Mary Graham left the meeting.

8.13 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2020/21 COMMUNITY GRANT APPLICATIONS

RESOLUTION 2021/71

Moved: Cr Mario Mlikota

Seconded: Cr Daniel (Danny) Bird

That Council:

1. Approves for funding 12 community grant applications outlined in this report with a total value of \$37,870 under the 2020/2021 RADF Program.
2. Approves the Queensland Ballet proposal as a Council-led initiative for the 2021/22 RADF Program.

CARRIED

At 9:22 am, Cr Mary Graham returned to the meeting.

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MARCH 2021

RESOLUTION 2021/72

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

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

CARRIED

9.2 T-MS2021-03 REGISTER OF PRE-QUALIFIED SUPPLIERS LIST - INFRASTRUCTURE MAINTENANCE SERVICES - 1 JULY 2021 TO 30 JUNE 2023

RESOLUTION 2021/73

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council empanels the contractors listed in the documentation attached to this report for the purpose of providing a Register of Pre-qualified Suppliers for the period from 1 July 2021 to 30 June 2023.

CARRIED

9.3 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 16 MARCH 2021**RESOLUTION 2021/74**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 16 March 2021.

CARRIED**9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MARCH 2021****RESOLUTION 2021/75**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

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

CARRIED**9.5 T-MSC2021-05 MAREEBA SEWER MANHOLE REMEDIATION UPGRADE****RESOLUTION 2021/76**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council awards T-MSC2021-05 Mareeba Sewer Manhole Remediation Upgrade Project to NQ Waste Trans Pty Ltd for \$643,467 (including GST).

CARRIED**9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MARCH 2021****RESOLUTION 2021/77**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

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

CARRIED

9.7 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MARCH 2021

RESOLUTION 2021/78

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

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

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

11.1 MAREEBA INDUSTRIAL PARK

RESOLUTION 2021/79

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council accepts the proposed offer from Brettndi Pty Ltd as received on the 20 April 2021 of \$60.00/square metre (excl GST) for the purchase of Lot 2 and 5 SP298322 at the Mareeba Industrial Park and delegate authority to the Chief Executive Officer to finalise a contract of sale.

CARRIED

12 NEXT MEETING OF COUNCIL

The next ordinary meeting of Council will be held at 9:00am on 19 May 2021.

There being no further business, the meeting closed at 9:43am.

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Cr Angela Toppin

Chairperson