



MINUTES

Wednesday, 19 May 2021

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 19 MAY 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 CONFLICTS OF INTEREST

Cr Bensted declared a prescribed conflict of interest in relation to *ITEM 9.3 T-MSC2021-04 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2021/22*. Cr Bensted has lodged an application to be included on the Register. Cr Bensted informed the meeting that he will leave the room when the matter is discussed and not vote.

Cr Wyatt declared a declarable conflict of interest in relation to *ITEM 9.3 T-MSC2021-04 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2021/22*. Cr Wyatt's brother -in-law has lodged an application for inclusion on the Register.

Cr Graham declared a declarable conflict of interest in relation to *ITEM 8.9 VISITOR INFORMATION CENTRE BROCHURE DISPLAY FEES 2021/22*. Cr Graham is on the Board of the Mareeba Heritage Centre that manages the Visitor Information Centre. Cr Graham informed the meeting that she will leave the room when the matter is discussed and not vote.

4.1 DECLARABLE CONFLICT

RESOLUTION 2021/59

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

It is the public interest that Cr Wyatt participates and votes on *ITEM 9.3 T-MSC2021-04 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2021/22*, as she would not benefit from his inclusion on the Register and therefore a reasonable person would trust that the final decision is made in the public interest.

**CARRIED
CR WYATT ABSTAINED FROM VOTING**

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/60

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That the minutes of both the Ordinary and Special Council Meetings held on 21 April 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 ADOPTED INFRASTRUCTURE CHARGES RESOLUTION (NO.1) 2021

RESOLUTION 2021/61

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council, under section 113 of the *Planning Act 2016*, adopts the *Adopted Infrastructure Charges Resolution (No.1) 2021* effective 1 July 2021.

CARRIED

8.2 RA FUNCTION SERVICES PTY LTD - OPERATIONAL WORKS (EXTERNAL ROADWORKS & ON-SITE CIVIL WORKS) ASSOCIATED WITH DEVELOPMENT PERMIT DA/16/0054 - LOT 1 ON RP745867 - FICHERA ROAD, MAREEBA - OPW/20/0003

RESOLUTION 2021/62

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	RA Function Services Pty Ltd	ADDRESS	Fichera Road, Mareeba
DATE LODGED	18 September 2020	RPD	Lot 1 on RP745867
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works (external roadworks & on-site civil works) associated with Development Permit DA/16/0054		

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 Operational Works (external roadworks & on-site civil works) associated with Development Permit DA/16/0054

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Internal Works			
260361-CIAL-DRG-101	Drawing Index and Locality Plan	ARUP	19/06/2019
260361-CIAL-DRG-102	General Notes	ARUP	12/03/2021
260361-CIAL-DRG-103	Roads and Paths Typical Sections and Details	ARUP	12/03/2021
260361-CIAL-DRG-104	Existing Features/PUP and Overall Site Layout	ARUP	19/06/2019
260361-CIAL-DRG-105	Roads and Paths General Arrangements Sheet 1 of 2	ARUP	11/07/2019
260361-CIAL-DRG-106	Roads and Paths General Arrangements Sheet 2 of 2	ARUP	19/06/2019

260361-CIAL-DRG-107	MC01 Longitudinal Section	ARUP	19/06/2019
260361-CIAL-DRG-108	Annotated Cross Section Sheet 1 of 3	ARUP	19/06/2019
260361-CIAL-DRG-109	Annotated Cross Section Sheet 2 of 3	ARUP	19/06/2019
260361-CIAL-DRG-110	Annotated Cross Section Sheet 3 of 3	ARUP	19/06/2019
260361-CIAL-DRG-111	Internal Pathways Longitudinal Sections Sheet 1 of 2	ARUP	19/06/2019
260361-CIAL-DRG-112	Internal Pathways Longitudinal Sections Sheet 2 of 2	ARUP	19/06/2019
260361-CIAL-DRG-113	Internal Pathways Cross Sections Sheet 1 of 6	ARUP	19/06/2019
260361-CIAL-DRG-114	Internal Pathways Cross Sections Sheet 2 of 6	ARUP	19/06/2019
260361-CIAL-DRG-115	Internal Pathways Cross Sections Sheet 3 of 6	ARUP	19/06/2019
260361-CIAL-DRG-116	Internal Pathways Cross Sections Sheet 4 of 6	ARUP	19/06/2019
260361-CIAL-DRG-117	Internal Pathways Cross Sections Sheet 5 of 6	ARUP	19/06/2019
260361-CIAL-DRG-118	Internal Pathways Cross Sections Sheet 6 of 6	ARUP	19/06/2019
260361-CIAL-DRG-119	Stormwater Drainage General Arrangement Sheet 1 of 2	ARUP	2/03/2020
260361-CIAL-DRG-120	Stormwater Drainage General Arrangement Sheet 2 of 2	ARUP	12/03/2021
260361-CIAL-DRG-121	Stormwater Drainage Longitudinal Sections	ARUP	2/03/2020
260361-CIAL-DRG-122	Stormwater Catchment Plan	ARUP	19/06/2019
260361-CIAL-DRG-123	Stormwater Calculations Table	ARUP	2/03/2020
260361-CIAL-DRG-124	Water and Sewer Reticulation Plan 1 of 4	ARUP	19/06/2019
260361-CIAL-DRG-125	Water and Sewer Reticulation Plan 2 of 4	ARUP	19/06/2019
260361-CIAL-DRG-126	Water and Sewer Reticulation Plan 3 of 4	ARUP	19/06/2019
260361-CIAL-DRG-127	Water and Sewer Reticulation Plan 4 of 4	ARUP	19/06/2019
260361-CIAL-DRG-128	Water and Sewer Reticulation Details	ARUP	19/06/2019
260361-CIAL-DRG-129	Sewer Longitudinal Sections Sheet 1 of 3	ARUP	19/06/2019
260361-CIAL-DRG-130	Sewer Longitudinal Sections Sheet 2 of 3	ARUP	19/06/2019
260361-CIAL-DRG-131	Sewer Longitudinal Sections Sheet 3 of 3	ARUP	19/06/2019
260361-CIAL-DRG-132	Erosion and Sediment Control Strategy	ARUP	19/06/2019
260361-CIAL-DRG-133	Drainage Longitudinal Sections	ARUP	12/03/2021

External Works			
260361-CIAL-DRG-201	Drawing Index and Locality Plan	ARUP	19/07/2019
260361-CIAL-DRG-202	General Notes and Pavement Tables	ARUP	12/03/2021
260361-CIAL-DRG-211	Site A Typical Sections and Details	ARUP	12/03/2021
260361-CIAL-DRG-221	Site A General Arrangement	ARUP	19/07/2019
260361-CIAL-DRG-222	Site B General Arrangement and Typical Sections	ARUP	12/03/2021
260361-CIAL-DRG-223	Site C General Arrangement	ARUP	12/03/2021
260361-CIAL-DRG-224	Site B & C Alignment Tables	ARUP	12/03/2021
260361-CIAL-DRG-225	Drainage Longitudinal Sections	ARUP	12/03/2021
260361-CIAL-DRG-231	Site A Pavement Markings	ARUP	19/07/2019
260361-CIAL-DRG-301	Site A Cross Sections Sheet 1 of 2	ARUP	19/07/2019
260361-CIAL-DRG-302	Site A Cross Sections Sheet 2 of 2	ARUP	19/07/2019
260361-CIAL-DRG-303	Site B Cross Sections Sheet 1 of 3	ARUP	3/12/2021
260361-CIAL-DRG-304	Site B Cross Sections Sheet 2 of 3	ARUP	3/12/2021
260361-CIAL-DRG-305	Site B Cross Sections Sheet 3 of 3	ARUP	3/12/2021
260361-CIAL-DRG-306	Site C Cross Sections Sheet 1 of 4	ARUP	19/07/2019
260361-CIAL-DRG-307	Site C Cross Sections Sheet 2 of 4	ARUP	19/07/2019
260361-CIAL-DRG-308	Site C Cross Sections Sheet 3 of 4	ARUP	19/07/2019
260361-CIAL-DRG-309	Site C Cross Sections Sheet 4 of 4	ARUP	19/07/2019

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) General

- (i) All operational works must be designed and constructed in accordance with the standards and procedures as set out in the FNQROC Development Manual.
- (ii) 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, 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;

- to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- (iv) All driveways (retained and reinstated) must include bitumen or asphalt sealed flares in order to protect the road edge at driveway locations.
- (v) The landowners of all properties whose accesses will be affected by the operational works should be notified at least one (1) month in advance of works commencing. Plans should be made available to them upon request.
- (vi) **Prior to the pre-start meeting occurring**, the applicant/developer provide a cross-section drawing and swept path diagrams of the winery access demonstrating compliance with Condition 4.1 of the Decision Notice Approval for MCU/16/0054, to the satisfaction of Council's delegated officer. All works must be carried out in accordance with any plan amendments that may result from compliance with this condition.

(b) Pre-start Meeting

- (i) Prior to the pre-start meeting occurring, the applicant/developer must ensure that Condition (a) (vi) has been complied with.
- (ii) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a pre-start meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** pre-start meeting pro-forma is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

(c) Inspections

- (i) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

(d) Construction Security Bond and Defects Liability Bond

- (i) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$1000 and Bank Guarantees shall have no termination date.

- (ii) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The bond will be returned on satisfactory correction of any defective work and after expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the bond to have the work completed.

(e) Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - 7.00am to 6.00pm, Monday to Friday;
 - 7.00am to 1.00pm Saturdays;
 - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

(f) Transportation of Soil

- (i) All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

(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) 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.

(c) 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) RELEVANT PERIOD

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

- Two (2) years (starting the day the approval takes effect).

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.3 EXPRESSION OF INTEREST FOR THE OPERATION AND MANAGEMENT OF THE SHIRE'S NEW ANIMAL FACILITY

RESOLUTION 2021/63

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council seeks Expressions of Interest to manage and operate the Shire's new animal facility under Section 228(3) of the Local Government Regulation 2012, before considering whether to invite written tenders from short-listed tenderers under Section 228(6) and Section 228 (7).

CARRIED

8.4 REQUEST FOR CONSENT FROM COUNCIL (AS LANDOWNERS) FOR ACCESS PURPOSES TO ACCOMPANY FUTURE DEVELOPMENT APPLICATION - LOT 412 ON SP103859 - 4-12 THOOREE STREET, KURANDA

RESOLUTION 2021/64

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

That Council, as owner of Lot 412 on SP103859, situated at 4-12 Thoree Street, Kuranda,

1. provides landowners consent to the applicant for the purpose of access to allow the making of a Development Application for Material Change of Use (Food and Drink Outlet) over Lot 407 on NR7409, situated at 5 Coondoo Street, Kuranda and Lot 412 on SP103859;

2. advises that this consent be granted on the understanding that it may be revoked at any time in the future by Council provided reasonable notice is granted; and
3. advises that this approval does not pre-empt Council's decision on the development application

CARRIED

8.5 COUNCIL POLICY REVIEW

RESOLUTION 2021/65

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council:

1. Repeals the Water Restrictions Policy - adopted 25 October 2017; and
2. Adopts the Water Restrictions Policy .

CARRIED

8.6 FINANCIAL STATEMENTS PERIOD ENDING 30 APRIL 2021

RESOLUTION 2021/66

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Financial Report for the period ending 30 April 2021.

CARRIED

8.7 AUDITOR-GENERAL'S 2021 INTERIM REPORT

RESOLUTION 2021/67

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council receives and notes the attached report.

CARRIED

8.8 GENERAL AND FINANCE FEES AND CHARGES 2021/22**RESOLUTION 2021/68**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council adopts the General and Finance Fees and Charges for 2021/22.

CARRIED

At 9:14 am, Cr Mary Graham left the meeting.

8.9 VISITOR INFORMATION CENTRE BROCHURE DISPLAY FEES 2021/22**RESOLUTION 2021/69**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council adopts the Visitor Information Centre Tourism Brochure Fees and Charges 2021/22.

CARRIED

At 9:15 am, Cr Mary Graham returned to the meeting.

8.10 LIBRARY SERVICES FEES AND CHARGES 2021/22**RESOLUTION 2021/70**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council adopts the Library Service Fees and Charges 2021/22.

CARRIED**8.11 COMMUNITY HOUSING RENT REVIEW****RESOLUTION 2021/71**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council adopts and implements the reviewed rents for eligible community housing tenants from 2 August 2021 in accordance with the Queensland Government policy guidelines.

CARRIED

8.12 REGIONAL ARTS DEVELOPMENT FUND (RADF) 2021/22 PROGRAM**RESOLUTION 2021/72**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. Adopts the 2021/22 Regional Arts Development Fund Strategy; and
2. Endorses the submission of the Expression of Interest to Arts Queensland for a \$32,500 Regional Arts Development Fund grant for 2021/22; and
3. Contributes \$14,500 to the 2021/22 Regional Arts Development Fund Program.

CARRIED

8.13 MAREEBA WATER TOWER PUBLIC MURAL PROJECT**RESOLUTION 2021/73**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council notes the report and does not proceed with this project.

CARRIED

8.14 CEMETERIES FEES AND CHARGES 2021/22**RESOLUTION 2021/74**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council adopts the attached Cemeteries Fees and Charges 2021/22.

CARRIED

9 INFRASTRUCTURE SERVICES

At 9:24 am, Cr Kevin Davies left the meeting.

9.1 TECHNICAL SERVICES FEES AND CHARGES 2021/22**RESOLUTION 2021/75**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council adopts the Technical Services Fees and Charges for 2021/22.

CARRIED

9.2 EXPRESSION OF INTEREST FOR THE OPERATION AND MANAGEMENT OF COUNCIL'S AQUATIC FACILITIES AND THE DIMBULAH CARAVAN PARK**RESOLUTION 2021/76**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council seeks Expressions of Interest to manage and operate Council's aquatic facilities at Mareeba, Kuranda and Dimbulah, and the Dimbulah Caravan Park before considering whether to invite written tenders from short-listed respondents.

CARRIED

At 9:27 am, Cr Lachlan (Locky) Bensted left the meeting.

At 9:27 am, Cr Kevin Davies returned to the meeting.

9.3 T-MSC2021-04 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2021/22**RESOLUTION 2021/77**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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 Occasional Plant Hire during the 2021/22 financial year.

CARRIED

CR WYATT VOTED IN FAVOUR OF THE MOTION

At 9:28 am, Cr Lachlan (Locky) Bensted returned to the meeting.

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - APRIL 2021**RESOLUTION 2021/78**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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

CARRIED**9.5 WATER WASTEWATER AND WASTE FEES AND CHARGES 2021/22****RESOLUTION 2021/79**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

That Council adopts the Water Wastewater and Waste Fees and Charges for 2021/22.

CARRIED**9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - APRIL 2021****RESOLUTION 2021/80**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

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

CARRIED**9.7 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - APRIL 2021****RESOLUTION 2021/81**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

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

CARRIED

9.8 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - APRIL 2021**RESOLUTION 2021/82**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

CARRIED

9.9 T-MS2021-06 CHILLAGOE BORE AND PIPELINE PROJECT**RESOLUTION 2021/83**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council awards the contract for T-MS2021-06 Chillagoe Bore and Pipeline Project to Pensar Water for the value of \$1,483,593 (ex. GST)

CARRIED

10 OFFICE OF THE CEO**10.1 SMALL BUSINESS FRIENDLY COUNCIL CHARTER****RESOLUTION 2021/84**

Moved: Cr Mario Mlikota

Seconded: Cr Daniel (Danny) Bird

That Council:

1. Agrees to join the Queensland Government's Small Business Friendly Council initiative; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to deal with any matters arising from the implementation of the Charter.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

Nil

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 16 June 2021.

There being no further business, the meeting closed at 9:44am.

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Cr Angela Toppin

Chairperson