



# **MINUTES**

**Wednesday, 17 November 2021**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 17 NOVEMBER 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**

Nil

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2021/195**

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 20 October 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 SUTARIYA BROTHERS PTY LTD - MATERIAL CHANGE OF USE - SERVICE STATION AND CARETAKER'S ACCOMMODATION - LOT 15 ON RP846956 - MALONE ROAD, MAREEBA - MCU/21/0014

#### RESOLUTION 2021/196

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Sutariya Brothers Pty Ltd	ADDRESS	Malone Road, Mareeba
DATE LODGED	1 July 2021	RPD	Lot 15 on RP846956
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Service Station & Caretaker's Accommodation		

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 - Service Station and Caretaker's Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1532-PD-A-00 Issue - P3	Cover Sheet	Clarke and Prince Architects	May 2021
1532-PD-A-01 Issue - P6	Site Plan	Clarke and Prince Architects	May 2021
1532-PD-A-02 Issue - P3	Service Station Floor Plan	Clarke and Prince Architects	May 2021
1532-PD-A-03 Issue - P2	Fuelling Area - Floor Plan	Clarke and Prince Architects	May 2021
1532-PD-A-06 Issue - P1	Floor Plan - Caretakers Residence	Clarke and Prince Architects	May 2021
1532-PD-A-04 Issue - P2	Perspective Images	Clarke and Prince Architects	May 2021
1532-PD-A-05 Issue - P1	Street Elevations	Clarke and Prince Architects	May 2021

(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 except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, 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 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.
  - 3.5 Noise Nuisance
    - 3.5.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as

measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

- 3.5.2 The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.
- 3.6 The authorised operating hours for the service station and associated shop are limited to between 5am and 8.30pm, seven (7) days per week. No operations associated with the service station or shop are permitted on-site outside these hours, including commercial refuse disposal or the replenishing of underground fuel storage tanks.
- 3.7 Any fuel ventilation outlets must be located as far away as practically possible from the common boundary with Lot 16 on SP195707.
4. Infrastructure Services and Standards
  - 4.1 Access

A commercial access crossover must be upgraded/constructed (from the edge of Malone Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
  - 4.2 Stormwater Drainage/Water Quality
    - 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 building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
    - 4.2.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways and hardstand areas.
    - 4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.
    - 4.2.5 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.2.6 In addition to the Stormwater Management Plan, and prior to building works commencing, the applicant/developer must submit an Oily Water Management Plan, prepared and certified by a suitably qualified design engineer (RPEQ). The Plan must demonstrate how contaminants such as oil and/or fuel will be removed and stored prior to stormwater being discharged from the site.

#### 4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the service station and shop is provided with a minimum of 16 on-site car parking spaces as depicted on the approved plans (including 1 disabled parking space) as well as 1 RV parking space and 1 service vehicle parking space which are available solely for the parking of vehicles associated with the use of the premises. These parking spaces must be provided in addition to any fuel bowser parking spaces. The caretaker's accommodation must be provided with one (1) undercover parking space.

4.3.2 All car parking spaces and trafficable areas, including the truck turn around area and caretaker's accommodation driveway must be concrete sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.3.3 All car parking spaces and trafficable areas must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.3.4 The applicant/developer must ensure the development is provided with three (3) bicycle parking spaces in proximity to the shop building entrance/s.

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

#### 4.4 Traffic Impact Assessment - Roadworks External (Malone Road)

A traffic impact assessment must be prepared by a Registered Professional Engineer of Queensland (RPEQ) in order to estimate the proposed traffic likely to be generated by the development and identify any augmentations or improvements required to the existing road network (Malone Road) to provide safe and convenient access to the site.

The traffic impact assessment should specifically address external works required on Malone Road between the intersection of the Kennedy Highway to a point 10 metres past the access to the site. Malone Road is currently not constructed to standard, so augmentation works should include widening on both sides of the road, turn lanes, traffic islands (if necessary), line-marking, signage and asphalt overlays to minimise damage made by turning vehicles.

The traffic impact assessment must include detailed plans.

Plans for the abovementioned works must be submitted to Council as part of a subsequent application for operational works.

#### 4.5 Landscaping

4.5.1 Prior to building works commencing, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the submitted plan/s (Site Plan).

4.5.2 The landscape plan should include a three (3) metre wide landscape buffer along the southeast boundary for a length consistent with that shown on the submitted site plan. This southeast boundary landscape buffer must include shrubs, plants and trees that will grow to form an effective visual buffer of no less than four (4) metres in height at maturity and should include at least 25% larger more advanced plant stock.

4.5.3 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

4.5.4 The landscaping of the site must be carried out prior to the commencement of the use and in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

#### 4.6 Acoustic Fencing

Prior to the commencement of the use, the applicant/developer must erect a solid 1.8m high, acoustic fence of neutral colour (timber fencing not permitted) along the southeast boundary (common with Lot 16 on SP195707) for a length of no less than 110 metres from the southern corner of the site.

All fencing on-site must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.7 Lighting

The developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 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.

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

#### 4.8 Signage

Advertising signage locations are limited to the fuelling canopy fascia, shop building fascia, walls and windows and the pylon sign. The pylon sign must be used to advertise fuel prices only. Advertising signage must not move, revolve, strobe or flash (can be illuminated).

Any advertising signage must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.9 Non-Reticulated Water Supply

The service station and caretaker's accommodation must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (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.

#### 4.10 Sewerage Connection

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

### (D) 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](http://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](http://www.datsip.qld.gov.au)

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 3 September 2021.

(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 PERMITS

- Development Permit for Building Work
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

**CARRIED**

**8.2 HOCKEY MACHINERY SALES PTY LTD - ACCESS AND DRAINAGE WORKS FOR LOT 56 KENNEALLY ESTATE AND ASSOCIATED INFRASTRUCTURE CHARGE CREDIT - LOT 100 ON SP325396 - KENNEALLY ROAD, MAREEBA**

**RESOLUTION 2021/197**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council agree to credit an amount of \$56,022.45 towards the remaining infrastructure charges payable on the balance lots of Kenneally Estate, with the credit/s applied at time of endorsement of a plan of survey and the credit amount divided evenly by the number of allotments remaining in the Estate only after the following has been completed:

1. The full extent of the works included on the quote and the rock lining of the full length of the drain (as it exists on the property), to the satisfaction of Council's delegated officer; and

2. The establishment of a drainage easement in favour of Council over the full extent of the drain as it exists on the property, with all costs associated with the establishment of the easement to be paid for by the applicant/developer.

**CARRIED**

**8.3 GIULIANO & GINA CORDENOS AND STEPHEN CORDENOS - MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 TO ALTER THE LEVEL OF ASSESSMENT FOR 'CHILDCARE CENTRE' FROM IMPACT ASSESSMENT TO CODE ASSESSMENT - LOT 53 ON SP204554 - 47 ANZAC AVENUE, MAREEBA - MCU/20/0017**

**MOTION**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Giuliano & Gina Cordenos and Stephen Cordenos	<b>ADDRESS</b>	47 Anzac Avenue, Mareeba
<b>DATE OF CHANGED APPLICATION:</b>	28 July 2021	<b>RPD</b>	Lot 53 on SP204554
<b>TYPE OF APPROVAL</b>	Preliminary Approval		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a preliminary approval for the development specified in (A) is:

Approved by Council subject to assessment manager conditions in (B), assessment manager's advice in (C), concurrence agency conditions 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:** Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment

(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. The assessment manager has approved a variation to an applicable local planning instrument, being the Mareeba Shire Council Planning Scheme 2016.

The variation approved is **code assessable** development with respect to material change of use - childcare centre on Lot 53 on SP204554.

The following codes apply to material change of use - childcare centre development on Lot 53 on SP204554 resulting from this preliminary approval -

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.3 Community activities code
- 9.4.1 Advertising devices code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

2. Water Supply

- (a) The developer must connect any future childcare centre on Lot 53 on SP204554 to Council's reticulated water supply system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

3. Sewerage Connection

- (a) The developer must connect any future childcare centre to Council's reticulated sewerage system in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

(C) 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](http://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](http://www.datsip.qld.gov.au).

(D) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency response dated 1 February 2021

(E) 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);

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

- Development Permit for Material Change of Use

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

**LOST**

**CRS MLIKOTA, GRAHAM, BENSTED AND DAVIES VOTED AGAINST THE MOTION**

The meeting was adjourned at 9:16am.

The meeting resumed at 9:24am

**MOTION****RESOLUTION 2021/198**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

The basis for the Council's decision to refuse item 8.3, is that the effect of the variations would remove submission rights for later development applications, particularly considering the amount and detail of information included is insufficient to enable submitters to exercise their submission rights at this time.

**CARRIED**

**8.4 SURRENDER AND REISSUE FOR PERMIT TO OCCUPY 0/240339 OVER LOT A ON AP23157, LOCALITY OF DIMBULAH**

**RESOLUTION 2021/199**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council advise the Department of Resources that Council has no objection to the reissue of a permit to occupy for water facility purposes over land described as Lot A on AP23157, Locality of Dimbulah.

**CARRIED**

**8.5 SURRENDER AND REISSUE FOR PERMIT TO OCCUPY 0/236627 OVER LOT A ON AP20062, LOCALITY OF BIBOOHRA**

**RESOLUTION 2021/200**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council advise the Department of Resources that Council has no objection to the reissue of a permit to occupy for water facility purposes over land described as Lot A on AP20062, Locality of Biboohra.

**CARRIED**

## 8.6 COUNCIL POLICY REVIEW

### RESOLUTION 2021/201

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. repeals the following policies:
  - a. Administration Action Complaint Policy adopted 20 December 2017;
  - b. Competitive Neutrality Complaint Management Policy adopted 20 December 2017;
  - c. Signing of Correspondence and Documents Policy adopted 20 September 2016; and
  - d. Closed-Circuit Television (CCTV) System Policy adopted 18 March 2020.
2. adopts the following policies:
  - a. Administration Action Complaint Policy;
  - b. Competitive Neutrality Complaint Management Policy;
  - c. Signing of Correspondence and Documents Policy; and
  - d. Closed-Circuit Television (CCTV) System Policy

**CARRIED**

## 8.7 ASSIGNMENT OF INTEREST - LEASE M - JRM BRAES ROAD, MAREEBA AERODROME

### RESOLUTION 2021/202

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council consents to the assignment of all interests in Lease M located at Mareeba Aerodrome held by GBR Helicopters Pty Ltd, as assignor, Dealing Number 710791538 being Lease M in Lot 20 RP748320 on SP171528, to Daniel Graham Cook and Rona Marie Cook as Trustees for the Heli Services NQ Property Trust, as assignees, conditional upon:

- a) Full payment of all amounts of lease rental and rates, fees and charges due as at the date of the assignment being effected, including any outstanding amounts;
- b) Cost of all legal fees associated with lease interest assignment and lodgement of necessary legal instruments with Titles Queensland to effect the assignment being borne by the assignor. This includes any legal fees, reasonably incurred by Council, to achieve this outcome; and
- c) Full adherence by the assignor and assignee to the conditions contained in Clause 2.08.1 and all sub-clauses relevant thereto, as contained in the Lease.

**CARRIED**

**8.8 MOUNT MOLLOY RSL SUB BRANCH TO MANAGE THE MEMORIAL HALL****RESOLUTION 2021/203**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council approve the issue of a Management Agreement to the Mount Molloy RSL Sub Branch for non-exclusive use of the Mount Molloy Memorial Hall facility located upon Lot 1 MPH34385, 29 Main Street Mount Molloy.

**CARRIED**

**8.9 FREW STREET - LOT 67 SP136294****RESOLUTION 2021/204**

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council delegates the Chief Executive Officer to negotiate and execute a tenure arrangement for 5 Frew Street, Lot 67 SP136294 to Campervan & Motorhome Club of Australia Limited.

**CARRIED**

**8.10 ISSUE OF LICENCE TO WYLANDRA HOLDINGS PTY LTD OVER PART OF LOT 211 SP129906****RESOLUTION 2021/205**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council approve the issue of a licence instrument to Wylandra Holdings Pty Ltd for use of part of Lot 211 SP129906 for existing structures conditional upon:

1. Council securing necessary consent from the State as head lease holder; and
2. All costs of effecting the licence instrument payable by Wylandra Holdings Pty Ltd.

**CARRIED**

**8.11 VALUELESS LAND TO ACQUIRE****RESOLUTION 2021/206**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council:

1. acquires the lands in the Schedule below in accordance with Section 149(1) of the *Local Government Regulation 2012* as it considers that the value of the lands if they were sold would in each case be less than the total amount of the overdue rates [and charges];
2. delegates authority to the Chief Executive Officer to sign a notice of intention to acquire the lands to be given to all interested parties and to take all further steps necessary to complete the acquisition process in accordance with Sections 150 and 151 of the *Local Government Regulation 2012*.

**CARRIED**

**8.12 FINANCIAL STATEMENTS PERIOD ENDING 31 OCTOBER 2021****RESOLUTION 2021/207**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

**CARRIED**

**9 INFRASTRUCTURE SERVICES****9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - OCTOBER 2021****RESOLUTION 2021/208**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**



**9.2 REPORT REGARDING RESIDENT PETITION - POOL SHADE AT KURANDA AQUATIC CENTRE****RESOLUTION 2021/209**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council does not install a shade cover at the Kuranda Aquatic Facility at this point in time, however:

1. Lists a project being a 'Retractable Shade Cover', within the Project Prioritisation Tool at a value of \$180,000, for consideration in future capital budget; and
2. If requested, provide in-principle support for community groups to source grant funding for the supply, installation and certification of a retractable shade cover at the Kuranda Aquatic Facility.

**CARRIED**

**9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - OCTOBER 2021****RESOLUTION 2021/210**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

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

**CARRIED**

**9.4 60 BARRON FALLS ROAD KURANDA - REMOVAL FROM WATER BENEFITTED AREA****RESOLUTION 2021/211**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council excludes 60 Barron Falls Road, Kuranda from the Water Benefitted Area.

**CARRIED**

## **9.5 T-MSC2021-17 MAREEBA WATER MAIN UPGRADE - AC PIPE RENEWAL PROGRAM**

### **RESOLUTION 2021/212**

Moved: Cr Mario Mlikota

Seconded: Cr Daniel (Danny) Bird

That Council awards Tender T-MSC2021-17 Mareeba Water Main Upgrade – AC Pipe Renewal Tender to Terranovus Civil T/A Northern Civil Earthworks Pty Ltd for the amount of \$895,323.00 excluding GST.

**CARRIED**

## **9.6 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - OCTOBER 2021**

### **RESOLUTION 2021/213**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**

## **9.7 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - OCTOBER 2021**

### **RESOLUTION 2021/214**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

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

**CARRIED**

## **10 OFFICE OF THE CEO**

### **S.1 KURANDA INFRASTRUCTURE AGREEMENT**

### **RESOLUTION 2021/215**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council delegates authority to the Mayor to execute a new Kuranda Infrastructure Agreement following discussions with the State Government and subsequent consultation with Councillors.

**CARRIED**

## **11 CONFIDENTIAL REPORTS**

Council did not close the meeting as there was no need to discuss Item 10.1

## **10.1 ORGANISATIONAL DEVELOPMENT PROGRESS AND INFORMATION REPORT**

### **RESOLUTION 2021/216**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Organisational Development Progress and Information Report.

**CARRIED**

## **12 BUSINESS WITHOUT NOTICE**

### **12.1 YOUTH CRIME**

### **RESOLUTION 2021/217**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council insists that the Premier

1. takes urgent action on the issue of youth crime, anti-social behaviour and vandalism in Mareeba; and
2. immediately restores the Queensland Police Service contingent in Mareeba to full strength and ideally seconds additional staff to assist.

**CARRIED**

## **13 NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00AM on 15 December 2021.

There being no further business, the meeting closed at 10:01am.

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Cr Angela Toppin

Chairperson