



MINUTES

Wednesday, 19 January 2022

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 19 JANUARY 2022 AT 9:00AM**

1 MEMBERS IN ATTENDANCE

Cr Kevin Davies, Cr Mary Graham, Cr Angela Toppin (Mayor), 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 2022/1

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That the minutes of Ordinary Council Meeting held on 15 December 2021 be confirmed.

CARRIED

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

6.1 AMENDED WASTE FEES AND CHARGES 2021/22

RESOLUTION 2022/2

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That in addition to the deemed waste charges an additional deemed weight of \$5 per bag (max 60 litres) is adopted with effect 1 February 2022.

CARRIED

7 DEPUTATIONS AND DELEGATIONS

Nil

8 CORPORATE AND COMMUNITY SERVICES

8.1 MAREEBA ISLAMIC SOCIETY - MATERIAL CHANGE OF USE - EDUCATIONAL ESTABLISHMENT (EXTENSION TO EXISTING EDUCATIONAL & CULTURAL USES BUILDING) - LOT 311 ON M3563 - 108 WALSH STREET, MAREEBA - MCU/21/0023

RESOLUTION 2022/3

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Mareeba Islamic Society	ADDRESS	108 Walsh Street, Mareeba
DATE LODGED	6 December 2021	RPD	Lot 311 on M3563
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Educational Establishment (Extension to Existing Educational & Cultural Uses Building)		

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

A partial application fee refund of the of **\$1,579.00** be applied to the application and refunded to the applicants;

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 - Educational Establishment (Extension to Existing Educational & Cultural Uses Building)

(B) APPROVED PLANS

Plan/Document Number	Plan/Document Title	Prepared by	Dated
SA - 100V - 21 - 24 Sheet No. 01	Site Plan	SA Architectural Services	28/04/2021
SA - 100V - 21 - 24 Sheet No. 02	Existing Ground Floor	SA Architectural Services	28/04/2021
SA - 100V - 21 - 24 Sheet No. 03	Proposed Top Floor	SA Architectural Services	28/04/2021
SA - 100V - 21 - 24 Sheet No. 04	Elevations 1	SA Architectural Services	28/04/2021
SA - 100V - 21 - 24 Sheet No. 05	Elevations 2	SA Architectural Services	28/04/2021
SA - 100V - 21 - 24 Sheet No. 06	Cross Section A-A	SA Architectural Services	28/04/2021
SA - 100V - 21 - 24 Sheet No. 07	Cross Section B-B	SA Architectural Services	28/04/2021

(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 Student Enrolments

The total number of enrolled students shall not exceed 35. Upon request by Council, the applicant/operators must provide enrolment evidence to Council verifying school enrolment numbers.

3.5 Student drop-off/pick-up

Generally, students should be dropped off and picked up from the site via mini-bus to decrease the risk of traffic congestion, unless in case of emergency or other unplanned circumstance.

Should the need for alternate pick-up and drop-off arrangements be required for individual students, approval from Council's delegated officer must be sought.

3.6 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.

3.7 All windows on the southern side of the second storey must be fitted with opaque glass or fitted with external screening to stop overlooking into the southern adjoining property.

3.8 Noise Nuisance

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.

3.9 Air Conditioner & Building Plant Screening

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.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

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

4.2 Water Supply

The developer must connect the proposed development to Council's reticulated water supply network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.3 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

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).

4.4 Lighting

Where outdoor lighting is installed, illumination resulting from direct, reflected or other incidental light emanating from the subject land 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.

(D) ASSESSMENT MANAGER'S ADVICE

(a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(c) Food Premises (restaurants/bed & breakfasts etc.)

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

(d) 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.

(e) 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.

(f) 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

(g) 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)

- 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 Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per GFA	m2	GFA (m2)		
Educational Establishment	\$98	160	\$15,680.00	Nil	\$15,680.00
TOTAL CURRENT AMOUNT OF CHARGE					\$15,680.00

CARRIED

8.2 FREEHOLD ACQUISITION OF LOT 1 D81514 RESERVE FOR AGED PERSONS - STEPHENS STREET DIMBULAH

RESOLUTION 2022/4

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council approve continued discussions with the Department of Resources toward acquisition in freehold interest of the entirety of Lot 1 D81514 with findings to be presented to Council for further consideration and action.

CARRIED

8.3 AMENDMENT TO FEES AND CHARGES - REGULATORY SERVICES

RESOLUTION 2022/5

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council adopts the new proposed fees as follows:

- a) Release of miscellaneous impounded item: \$72.00 plus cost; and
- b) Regulated dogs:
 - Initial Registration fee for regulated dogs: \$455.00
 - Replacement cost - Small Regulated Dog Collar: \$35.00
 - Replacement cost - Medium Regulated Dog Collar: \$39.00
 - Replacement cost - Large Regulated Dog Collar: \$43.00
 - Replacement cost - Extra-large Regulated Dog Collar: \$47.00

CARRIED

8.4 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2021

RESOLUTION 2022/6

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Lenore Wyatt

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

CARRIED

8.5 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2021**RESOLUTION 2022/7**

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

8.6 REGIONAL ARTS DEVELOPMENT FUND (RADF) ADVISORY COMMITTEE**RESOLUTION 2022/8**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council appoints the following:

1. Kristy Braes
2. Rhonda Dooley
3. Merrilee Frankish
4. Kylie Lambert
5. Angela Musumeci
6. Sandy Ryan

as members of the Regional Arts Development Fund (RADF) Advisory Committee.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 7 DECEMBER 2021****RESOLUTION 2022/9**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 7 December 2021.

CARRIED

9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - DECEMBER 2021**RESOLUTION 2022/10**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

9.3 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - DECEMBER 2021**RESOLUTION 2022/11**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

CARRIED

9.4 MT MOLLOY HALL SEPTIC REPLACEMENT**RESOLUTION 2022/12**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

That Council endorse the replacement of the Mount Molloy Hall wastewater treatment system with a septic system at a project value of \$30,000, with funding to be allocated from savings in the current Capital Works Program.

CARRIED

9.5 TMSC2021-25 RIVERSIDE CARAVAN PARK AMENITIES - AWARD TENDER**RESOLUTION 2022/13**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council awards Tender TMSC2021-25 Riverside Caravan Park Amenities Block Upgrade to Mindil Pty Ltd for the amount of \$208,223.00 excluding GST.

CARRIED

9.6 BUY BACK SHOP OPERATIONS EXPRESSION OF INTEREST**RESOLUTION 2022/14**

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council seeks Expressions of Interest to manage and operate the Buy Back Shop at Council's Mareeba Waste Facility Site under Section 228(3) of the *Local Government Regulation 2012*, before considering whether to invite written tenders from short-listed respondents under Section 228(6) and Section 228 (7).

CARRIED

9.7 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - DECEMBER 2021**RESOLUTION 2022/15**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

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

CARRIED

9.8 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2021**RESOLUTION 2022/16**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

10 OFFICE OF THE CEO

10.1 PETITION TO MAREEBA SHIRE COUNCIL AGAINST VACCINE MANDATES

RESOLUTION 2022/17

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council receives the petition, however takes no further action as it has no legislative power to take the action requested.

And further forward the petition to the Premier of Queensland.

CARRIED

10.2 REPORT ON COUNCIL ACTIONS TO ADDRESS CRIME

RESOLUTION 2022/18

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council receives the report and continues with the activities, as outlined in this report, addressing the issues of crime and anti-social behaviour in the community.

That Council write to the Liquor Licensing Commission requesting the restriction of the sale of cask wine until 4pm in Mareeba.

CARRIED

11 CONFIDENTIAL REPORTS

Nil

12 BUSINESS WITHOUT NOTICE

Cr Davies thanked the members of the community who had presented a copy of the book , 'The Real Anthony Fauci' by Robert F. Kennedy Jr. to him which he had accepted on behalf of Council.

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 16 February 2022.

There being no further business, the meeting closed at 9:57am.

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Cr Angela Toppin

Chairperson