



MINUTES

Wednesday, 16 February 2022

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 16 FEBRUARY 2022 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 2022/19

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 19 January 2022 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 ANTONIO BRUNO DI MAGGIO - MATERIAL CHANGE OF USE - TRANSPORT DEPOT (TAXI DEPOT) - LOT 8 ON SP183708 - SUNRISE CLOSE, MAREEBA - MCU/21/0011

RESOLUTION 2022/20

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Antonio Bruno Di Maggio	ADDRESS	Sunrise Close, Mareeba
DATE LODGED	12 November 2021	RPD	Lot 8 on SP183708
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Transport Depot (Taxi Depot)		

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:

Refused by Council for reasons set out in (B).

(A) REFUSED DEVELOPMENT: Development Permit for Material Change of Use - Transport Depot (Taxi Depot)

(B) ASSESSMENT MANAGER’S REASONS FOR REFUSAL:

1. *The proposed development is in conflict with the following aspects of the Strategic Framework:*

- *3.3.8 Element - Urban expansion and investigation areas*

3.3.8.1 Specific outcomes

(1) *Urban expansion areas and investigation areas are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.*

3.3.8.2 Land use strategies

(1) *Investigation areas are to be investigated to accommodate future development beyond the life of the planning scheme. Investigation areas are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an investigation area should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of activity centres. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:*

- (a) need for land for the proposed land use;*

- (b) mitigation or avoidance of impacts on sensitive receiving environments;*
- (c) where involving good quality agricultural land:
 - (i) there is no alternative land available that is not good quality agricultural land; and*
 - (ii) the need for future development represents a public benefit.**
- (d) suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance*
- (e) consistency with the Strategic Framework.*
- (f) consistency with State and Regional Planning requirements.*

▪ **3.4.8 Element - Air and noise quality**

3.4.8.1 Specific outcomes

- (1)** *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*

2. *The proposed development conflicts with Overall outcome (h), Performance outcome PO7 and Performance outcome PO9 of the Emerging Community zone code:*

- (h)** *Non-residential development may be supported where such uses directly support the day to day needs of the immediate residential community or the precinct is identified for non-residential uses and is planned for as part of a structure plan.*

PO7

1. *Development occurs as outlined in a Structure Plan that:*

- (a) is prepared in accordance with Planning Scheme Policy 8 Structure Planning;*
- (b) takes into consideration land use need and the type, scale, density of proposed urban development;*
- (c) includes a road network that:
 - (i) is logically designed;*
 - (ii) can be delivered sequentially;*
 - (iii) includes an urban morphology that is consistent with the surrounding area;*
 - (iv) provides pedestrian links to centres and open space;**
- (d) locates any non-residential development:
 - (i) on major roads;*
 - (ii) where not introducing non-residential traffic to residential streets; and*
 - (iii) to provide the day to day needs of the immediate residential community;**
- (e) scales any non-residential development to:
 - (i) be consistent with the scale of surrounding residential development;*
 - (ii) not undermine the viability of nearby centres or the centres network; and*
 - (iii) not unduly detract from the amenity of nearby residences.**

Amenity

PO9

Development must not detract from the amenity of the local area, having regard to:

- (a) noise;*
- (b) hours of operation;*
- (c) traffic;*

- (d) *advertising devices;*
- (e) *visual amenity;*
- (f) *privacy;*
- (g) *lighting;*
- (h) *odour; and*
- (i) *emissions.*

3. *The proposed development conflicts with Performance outcome PO17 of the Mareeba local plan code:*

***If in the Northern investigation precinct
PO17***

Development does not compromise the long term future urban intent of this precinct.

4. *The proposed development conflicts with Performance outcome PO1 of the Industrial activities code:*

***Separation
PO1***

Industrial activities are appropriately separated from sensitive uses to ensure their amenity is maintained, having regard to:

- (a) *noise;*
- (b) *odour;*
- (c) *light; and*
- (d) *emissions*

5. *There are not sufficient town planning grounds to justify approval of the application despite these identified conflicts.*

CARRIED

8.2 RENEWAL OF COUNCIL SUB-LEASE TENURE INTEREST - LOT 44 SP136291 AND ASSOCIATED LICENCE FOR ACCESS OVER LOT 43 SP136291 AND PART OF LOT 44 SP136291 - DIMBULAH RAILWAY MUSEUM

RESOLUTION 2022/21

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. approves the renewal for a further 10-year term, sub-lease AA on SP256621, No 715337549, Title Reference 48004116 over 44 SP136291 Dimbulah to include associated Licence over the whole of Lot 43 SP136291 and access over part of Lot 44 SP136291 as held with Queensland Rail Limited; and
2. delegates the CEO to coordinate a new agreement with the Dimbulah & District Museum Association Inc. for the ongoing operation of the old railway station building improvements upon Lot 44 SP136291.

CARRIED

8.3 M JENSEN - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 73 ON RP903071 & LOT 10 ON SP323246 - 1575 & 1593 KENNEDY HIGHWAY, KURANDA - RAL/21/0022

RESOLUTION 2022/22

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Jensen	ADDRESS	1575 & 1593 Kennedy Highway, Kuranda
DATE LODGED	1 December 2021	RPD	Lot 73 on RP903071 & Lot 10 on SP323246
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Boundary Realignment

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
ARO0115-SK04	Proposed Boundary Realignment	ARO	22 November 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

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 Charges

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

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(d) 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.

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) 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

8.4 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2022

RESOLUTION 2022/23

Moved: Cr Mario Mlikota

Seconded: Cr Lenore Wyatt

That Council receives the Financial Report for the period ending 31 January 2022.

CARRIED

8.5 OPERATIONAL PLAN 2021/22 PROGRESS REPORT OCTOBER TO DECEMBER 2021

RESOLUTION 2022/24

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Council receives and notes the progress report on implementation of the 2021/22 Operational Plan for the period October 2021 to December 2021.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - JANUARY 2022****RESOLUTION 2022/25**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of January 2022.

CARRIED

9.2 PARKS AND OPEN SPACES STRATEGY**RESOLUTION 2022/26**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council adopts the Parks and Open Spaces Strategy and 3 Year Action Plan.

CARRIED

9.3 MAREEBA CBD TOILET FACILITIES**RESOLUTION 2022/27**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

That Council undertakes detailed design and cost estimates for two (2) toilets in the Mareeba CBD for consideration in the 2022/23 Capital Works Budget.

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - JANUARY 2022**RESOLUTION 2022/28**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. receives the Infrastructure Services, Technical Services Operations Report for January 2022; and

2. endorses the procurement of a Toolbox Trailer and a Grader Display Screen with funding to be sourced from savings in the current Fleet Renewal Program.

CARRIED

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - JANUARY 2022

RESOLUTION 2022/29

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council receives the Infrastructure Services, Water and Waste Operations Report for January 2022.

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - JANUARY 2022

RESOLUTION 2022/30

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Works Progress Report for the month of January 2022.

CARRIED

10 OFFICE OF THE CEO

10.1 COUNCILLOR ATTENDANCE AT LGAQ WASTE FORUM

The Mayor advised that this item has been withdrawn.

11 CONFIDENTIAL REPORTS

Council did not go into confidential session.

11.1 SALE OF LAND DUE TO RATES AND CHARGES IN ARREARS**RESOLUTION 2022/31**

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That Council:

- 1 Sell the land listed below due to the rates and charges which have accrued on the rateable lands remaining unpaid for three (3) years or longer, in accordance with section 140 of the Local Government Regulation 2012; and

Property No	Property Description
11126	Lot 22 M 35673
12285	Lot 2 RP 712283
19550	Lot 3 SP 145479
20081	Lot 22 SP 154001
20294	Lot 29 SP 162380
20527	Lot 45 SP 167408

- 2 Delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12 Division 3 of the Local Government Regulation 2012 to effect sale of land (including, for avoidance of doubt, the power to end sale procedures including the authority to remove a property where circumstances arise whereby the continuation of this action is considered unwarranted or inappropriate).

CARRIED

12 BUSINESS WITHOUT NOTICE**12.1 KURANDA RANGE ROAD****RESOLUTION 2022/32**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Kevin Davies

That Council seeks an urgent appointment regarding the Kuranda Range Road with the Federal Minister for Transport ideally in Mareeba but if that is not possible for a delegation to Canberra.

CARRIED

13 NEXT MEETING OF COUNCIL

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

There being no further business, the meeting closed at 9:38am.

.....

Cr Angela Toppin

Chairperson