



MINUTES

Wednesday, 16 March 2022

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 16 MARCH 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

Cr Lachlan (Locky) Bensted informed the meeting that he has a declarable conflict of interest in relation to *ITEM 8.8 TEMPORARY ENTERTAINMENT EVENT APPLICATION - KURANDA ROOTS FESTIVAL 15-17 JULY 2022*. Cr Bensted's mother is the owner of the adjoining property and as a result will leave the room whilst the matter is discussed and voted on.

5 CONFIRMATION OF MINUTES

RESOLUTION 2022/33

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That the minutes of Ordinary Council Meeting held on 16 February 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 CHANGE OF DEVELOPMENT APPROVAL - 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 2022/34

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That:

- In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	Sutariya Brothers Pty Ltd	ADDRESS	Malone Road, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	16 February 2022	RPD	Lot 15 on RP846956
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Service Station and Caretaker's Accommodation		

and in accordance with the Planning Act 2016, the following

- The approved plan/s of Council's Decision Notice issued on 18 November 2021 be amended as follows:

<i>Plan/Document Number</i>	<i>Plan/Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
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
<u>1532-PD-A-100 Issue P1</u>	<u>Cover Sheet</u>	<u>Clarke and Prince Architects</u>	<u>Dec 2021</u>
<u>1532-PD-A-101 Issue P1</u>	<u>Site Plan</u>	<u>Clarke and Prince Architects</u>	<u>Dec 2021</u>
<u>1532-PD-A-102 Issue P1</u>	<u>Service Station Floor Plan</u>	<u>Clarke and Prince Architects</u>	<u>Dec 2021</u>
<u>1532-PD-A-103 Issue P1</u>	<u>Fuelling Area Floor Plan</u>	<u>Clarke and Prince Architects</u>	<u>Dec 2021</u>
<u>1532-PD-A-104 Issue P1</u>	<u>Perspective Images</u>	<u>Clarke and Prince Architects</u>	<u>Dec 2021</u>
<u>1532-PD-A-105 Issue P1</u>	<u>Street Elevations</u>	<u>Clarke and Prince Architects</u>	<u>Dec 2021</u>

<u>1532-PD-A-106 Issue P1</u>	<u>Floor Plan - Caretakers Residence</u>	<u>Clarke and Prince Architects</u>	<u>Dec 2021</u>
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- (b) Condition 4.1 of Council’s Decision Notice issued on 18 November 2021 be amended as follows:

4.1 Access

Both access crossovers must be upgraded to a commercial crossover standard
~~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.

- (c) Condition 4.4 of Council’s Decision Notice issued on 18 November 2021 be amended as follows:

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 **easternmost ingress/egress** ~~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.

- 2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and the State Assessment and Referral Agency (SARA) via email CairnsSARA@dndip.gov.au (reference: 2107-23539 SRA) advising of Council’s decision.

CARRIED

8.2 CHANGE OF DEVELOPMENT APPROVAL - REEVER AND OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM, INCLUDING TOURIST AND VISITOR SHORT-TERM ACCOMMODATION PROVIDED IN TWO (2) STAGES - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/19/0018

RESOLUTION 2022/35

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

That:

1. In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	ADDRESS	112 Barnwell Road, Kuranda
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	27 January 2022	RPD	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Nature-based tourism, including tourist and visitor short-term accommodation provided in two (2) stages		

and in accordance with the Planning Act 2016, the following

- (a) The Type of Approval included in Council’s Decision Notice issued on 20 February 2020 be amended as follows:

*Development Permit for Material Change of Use - Nature-based Tourism, including tourist and visitor short-term accommodation provided in **three (3)** ~~two (2)~~ stages*

- (b) The approved plan/s of Council’s Decision Notice issued on 20 February 2020 be amended as follows:

<i>Plan/Document Number</i>	<i>Plan/Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
<i>AA-GL00</i>	<i>Cover Sheet</i>	<i>Develop North</i>	<i>11/11/19</i>
<i>AA-GL00</i>	<i>Cover Sheet</i>	<i>Develop North</i>	<i>20/01/2022</i>
<i>AA-GL01</i>	<i>Tourism Accommodation Site Plan</i>	<i>Develop North</i>	<i>11/11/19</i>
<i>AA-GL01</i>	<i>Tourist Accommodation Site Plan</i>	<i>Develop North</i>	<i>20/01/2022</i>
<i>HRP16299-003-MP-28</i>	<i>Site Plan & Layout Plan - Stage 1 Nature-based Tourism (12 Pax)</i>	<i>Cardno</i>	<i>20/01/2022</i>
<i>AA-GL02</i>	<i>Tourism Accommodation Stage 1 & 2</i>	<i>Develop North</i>	<i>11/11/19</i>
<i>AA-GL02</i>	<i>Tourist Accommodation Stage 1, 2 & 3</i>	<i>Develop North</i>	<i>20/01/2022</i>
<i>AA-GL03</i>	<i>Typical 2 Bed Floor Plan & Elevation</i>	<i>Develop North</i>	<i>11/11/19</i>
<i>AA-GL04</i>	<i>Typical 1 Bed Floor Plan & Elevation</i>	<i>Develop North</i>	<i>11/11/19</i>

-	<u>Single Module Layout</u>	<u>Applicant</u>	-
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(c) Condition 3.5 of Council’s Decision Notice issued on 20 February 2020 be amended as follows:

3.5 *Guests residing in the **stage 1 accommodation buildings or stage 2 and 3 tents** are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle).*

Note - Condition 3.5 does not apply to guests arriving on-site via a passenger-car of 5.2 metres length (or lesser vehicle) where otherwise approved, including but not limited to MCU/20/0003.

(d) Condition 3.7 of Council’s Decision Notice issued on 20 February 2020 be amended as follows:

3.7 *No more than 54 persons are to be **accommodated** ~~accommodation~~ on-site ~~in the tents~~ at any time **and the stage 1 accommodation is limited to a maximum of 12 persons at any one time.***

(e) Condition 3.8 of Council’s Decision Notice issued on 20 February 2020 be amended as follows:

3.8 *No more than 150 tourists/visitors are permitted on-site (combination of **accommodation building/tent** ~~accommodation~~ guests and MCU/18/0006 Tourist Attraction visitors) unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is undertaken.*

(f) Condition 3.9 of Council’s Decision Notice issued on 20 February 2020 be amended as follows:

3.9 *Tourist Attraction facilities authorised under development approval MCU/18/0006, namely those facilities being used for the provision of food and drink for overnight guests (staying in **accommodation buildings/tents**) must not operate between the hours of 7pm and 7am to align with the operational conditions of development approval MCU/18/0006.*

*Convenience food (food hampers, mini-bar etc.) may be provided to guests at any time for their preparation and consumption within the accommodation **buildings/tents**.*

Food preparation at the communal BBQ area must also not occur between the hours of 10pm and 7am.

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council’s decision.

CARRIED

8.3 PROPOSED NAMING OF PEDESTRIAN WATER CROSSING BETWEEN AMAROO ESTATE STAGES 11 & 12 - LOT 500 ON SP325380 - DURAL CLOSE & WANDARA COURT, MAREEBA**RESOLUTION 2022/36**

Moved: Cr Kevin Davies

Seconded: Cr Mario Mlikota

That Council approve the use of either "Lance Dodds Crossing" or "Lance Dodds Way" as the name of the pedestrian water crossing between Stage 11 and 12 of Amaroo Estate and that all proposed signs be based on the standard street name signs to allow for ongoing ease of maintenance.

CARRIED

8.4 DISPOSAL VIA LEASE INTEREST OF A PORTION OF LOT 20 NR7137**RESOLUTION 2022/37**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council:

1. Determines under section 236(2) that the exception under section 236(1)(c)(iv) of the *Local Government Regulation 2012* (Qld) applies to the disposal of the Subject Land; and
2. Approves the disposal via lease interest of the Subject Land to Mareeba 232 Pty Ltd ACN 654 478 760; and
3. Authorises the CEO to finalise the disposal via lease interest of the Subject Land via contract arrangement to include any requirements for deed instrument for land exchange in accordance with the requirements for disposal of a valuable non-current asset as set out under the *Local Government Regulation 2012* (Qld).

CARRIED

8.5 SUB-LEASING OF COUNCIL CONTROLLED FACILITIES - 156 NR2175 - MAREEBA TURF CLUB**RESOLUTION 2022/38**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mary Graham

That Council as Trustee, provide approval for a proposal by the current Trustee Lessee, Mareeba Turf Club Inc. to sublease portions of the Facility located on Lot 156 NR2175 to the Top End Western Horse Club and the NQ Show Jumping Club conditional upon:

- (a) securing by Mareeba Turf Club Inc. of Ministerial approval in accordance with section 11.1 of the Mandatory standard terms for a Trustee Lease; and
- (b) the terms of each sublease instrument being wholly consistent with the terms of the Trustee Lease; and

- (c) all costs associated with the bringing into effect of each sublease arrangement being borne by the parties to each sublease arrangement with no cost to Council; and
- (d) provision to Council of copies of the final sublease instruments relevant to each of the Top End Western Horse Club and the NQ Show Jumping Club.

CARRIED

8.6 CONTINUATION OF COMMERCIAL USE OF ROADS APPROVAL - SIGNATURE PIES SMOKO VAN - MAREEBA CENTENARY CAR PARK

RESOLUTION 2022/39

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That Council approve the Commercial Use of Roads permit under Council's Local Law for the applicant to continue to operate at the same location at Centenary Park upon receipt of an application from the new owner of the Signature Pies smoko van.

CARRIED

8.7 MANAGEMENT AGREEMENT - GERAGHTY PARK HALL

RESOLUTION 2022/40

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council approve the allocation of a Management Agreement to the Centre for Australasian Theatre for management of the Geraghty Park Hall facility on behalf of Council.

CARRIED

At 9:13 am, Cr Lachlan (Locky) Bensted left the meeting.

8.8 TEMPORARY ENTERTAINMENT EVENT APPLICATION - KURANDA ROOTS FESTIVAL 15-17 JULY 2022

RESOLUTION 2022/41

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council approves the Temporary Entertainment Event Application for Rudekat Records for the Kuranda Roots Festival on 545 Kay Road Mareeba, from 15 to 17 July 2022, subject to the following conditions:

1. the permissible noise level measured at the nearest occupied building must not exceed the following limits—
 - (i) before 7 am, if the use causes audible noise; or

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- (ii) from 7 am to 10 pm, if the use causes noise of more than 70dB(A); or
 - (iii) from 10 pm to midnight, if the use causes noise of more than the lesser of the following
 - i. 50dB(A);
 - ii. 10dB(A) above the background level;
2. if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;
 3. amplification equipment used for the prescribed activity shall be set up so as to minimise the noise impact on residential premises;
 4. a letter drop must be conducted to residents within 200 metres of the boundaries of the site where the prescribed activity is being held. The letter must detail the dates and operating times of the prescribed activity;
 5. during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by mobile phone. The approval holder, or any person acting on behalf of the approval holder, must be able to exercise control over the volume of the sound at the mixing console;
 6. the approval holder must maintain a defined access point for emergency vehicles at all times;
 7. the approval holder must provide a first aid station and qualified first aid officer/s;
 8. food shall be sold only from the temporary food stalls or mobile food vans approved by the local government. All food must be processed, prepared, and packed in accordance with the provisions of the Food Act 2006;
 9. an adequate number of toilets are to be provided to meet the needs of all attendants. All toilets are to be kept in a sanitary state at all times during the prescribed activity;
 10. for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy -
 - (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
 11. prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
 12. the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;

13. if the activity involves playing live or taped performances—the approval holder must obtain a casual licence from the Australasian Performing Rights Association;
14. the approval holder must comply with relevant workplace health and safety requirements.

Non Standard Conditions:

15. The approval is valid from 15 July to 17 July 2022;
16. Any documentation provided to the emergency services departments, assessed and approved by those departments, must be adhered to at all times;
17. Covid19 requirements must be adhered to at all times as per Queensland Health's Chief Health Officer directions at the time of the event;
18. Queuing of Vehicles along Emerald Creek Falls is not permitted, all vehicles must drive into the property for processing;
19. The applicant is responsible to ensure that Traffic Management Services are adequate for the duration of the event;
20. Contact must be made with the Mareeba Fire and Rescue duty officer prior to the event to co-ordinate a pre event inspection for fire safety and access and any concerns addressed in the interest of safety;
21. A properly made development application must be submitted to Council prior to the event;
22. Hazard Mitigation Plans in regard to the fire risk be supplied prior to the event for consultation and assistance with arrangement for a Permit to Light Fire will be provided if burning of excess fuel is required. These plans should include resources on scene to combat fire and fire breaks around camp areas completed. Hazard Mitigation plans to be supplied to QPWS also for consultation and approval as adjoining landholder and key stakeholder in the area; and
23. Helicopter Landing area to be inspected by Queensland Fire and Rescue Services and any concerns addressed prior to the event.
24. The event to cater for a maximum of 500 patrons plus a maximum of 200 staff, per last year's approval.

CARRIED

At 9:15 am, Cr Lachlan (Locky) Bensted returned to the meeting.

8.9 DEVELOPMENT & GOVERNANCE FEES AND CHARGES 2022/23

RESOLUTION 2022/42

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council adopt the attached proposed Development and Governance 2022/23 fees.

CARRIED

8.10 FINANCIAL STATEMENTS PERIOD ENDING 28 FEBRUARY 2022**RESOLUTION 2022/43**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council:

1. Receives the Financial Report for the period ending 28 February 2022; and
2. Endorses the two (2) emergency purchase orders

CARRIED

8.11 CEDRIC DAVIES COMMUNITY HUB FUNCTIONS CENTRE HIRE FEES AND CHARGES**RESOLUTION 2022/44**

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Council approves the amended fees to the Cedric Davies Community Hub Function Centre hire fees as outlined in the Report, effective from 17 March 2022.

CARRIED

9 INFRASTRUCTURE SERVICES**9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - FEBRUARY 2022****RESOLUTION 2022/45**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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

CARRIED

9.2 PARKS AND OPEN SPACES ACTION PLAN MONTHLY PROGRESS REPORT - FEBRUARY 2022**RESOLUTION 2022/46**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council receives the Parks and Open Spaces Action Plan Monthly Progress Report for the month of February 2022.

CARRIED

9.3 KURANDA CEMETERY**RESOLUTION 2022/47**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council undertakes detailed design and cost estimates for the new Kuranda Cemetery for consideration in the 2022/23 Capital Works Budget and progresses with a development application for the reconfiguration.

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - FEBRUARY 2022**RESOLUTION 2022/48**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council receives the Infrastructure Services, Technical Services Operations Report for February 2022.

CARRIED

9.5 TENDER AWARD - T-MSC2021-19 CHILLAGOE MAINTENANCE CONTRACT**RESOLUTION 2022/49**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council awards Tender T-MSC2021-19 Chillagoe Maintenance to JF & DA Burton for the amount of \$114,840 (excluding GST) for a one (1) year contract, with option for one (1) year extension.

CARRIED

9.6 APPLICATION FOR PERMANENT ROAD CLOSURE - LAND ABUTTING LOTS 10 & 11 ON HG72 & LOT 139 ON HG120 - RA 336, 366 & 396 WOLFRAM ROAD DIMBULAH

RESOLUTION 2022/50

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

That Council as the Road Manager, advise the applicant and the Department of Resources that it offers no objection to the proposed road closure on the basis that:

1. The proponent is wholly responsible for all costs associated with finalising the process;
2. The easement instrument for 'Right of Way and Water (Pipeline) Purposes', burdening Lot 10 on HG72 and benefiting Lot 139 on HG120 is to be extended to the proposed new boundary of Lot 139 on HG120; and
3. The subject parcel must be amalgamated by either of the below options;
 - i. Amalgamate the entire width and length of the subject 'road' parcel into Lot 139 on HG120, or
 - ii. Amalgamate half the width and respective length of the subject 'road' parcel into Lots 10 & 11 on HG72 and Lot 139 on HG120.

CARRIED

9.7 AMEND WASTE FEES AND CHARGES 2021-2022

RESOLUTION 2022/51

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council endorses the amendment to the waste fees which changes the \$5/bag (60l max) deemed weight charge to \$5/Wheelie Bin (or smaller) for Municipal (Residential) Solid Waste.

CARRIED

9.8 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - FEBRUARY 2022

RESOLUTION 2022/52

Moved: Cr Kevin Davies

Seconded: Cr Lachlan (Locky) Bensted

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

CARRIED

9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - FEBRUARY 2022

RESOLUTION 2022/53

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

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

CARRIED

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

11.1 LAWMAC MEETING

RESOLUTION 2022/54

Moved: Cr Lenore Wyatt

Seconded: Cr Mary Graham

That Cr Mlikota attend the next LAWMAC meeting and workshop to be held at Townsville on 21 and 22 April 2022.

CARRIED

12 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 20 April 2022.

There being no further business, the meeting closed at 9:54am.

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Cr Angela Toppin

Chairperson