



MINUTES

Wednesday, 20 April 2022

Ordinary Council Meeting

**MINUTES OF MAREEBA SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS
ON WEDNESDAY, 20 APRIL 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 2022/55

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

That the minutes of Ordinary Council Meeting held on 16 March 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 R & B TERRANOVA - RECONFIGURING A LOT - BOUNDARY REALIGNMENT & ACCESS EASEMENT - LOTS 1 & 2 ON RP745859 - 1506 MAREEBA DIMBULAH ROAD, ARRIGA - RAL/21/0021

RESOLUTION 2022/56

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|------------------------------------|
| APPLICANT | R & B Terranova | ADDRESS | 1506 Mareeba Dimbulah Road, Arriga |
| DATE LODGED | 26 November 2021 | RPD | Lots 1 & 2 on RP745859 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Reconfiguring a Lot - Boundary Realignment and Access Easement | | |

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 Reconfiguring a Lot - Boundary Realignment and Access Easement

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|---|-----------------------|------------|
| 8555 Rev B | Plan of Lots 11 & 12 Cancelling Lot 1 & 2 on RP745859 | Twine Surveys Pty Ltd | 11.11.2021 |

(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 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.

- 3.7 Charges

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

4. Infrastructure Services and Standards

- 4.1 Access

The access handle for proposed Lot 12 must be constructed to minimum 150mm thickness compacted gravel standard, suitable for all weather, from the Mareeba

Dimbulah Road access to the main body of proposed Lot 12, in accordance with the FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

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 and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.2 All stormwater drainage must be discharged to an approved legal point of discharge.

4.3 On-site Wastewater Disposal

At the time of construction of a new dwelling on Lot 12, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.4 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to proposed Lot 11 in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

4.5 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

(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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(c) 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.

(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) 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.

(f) 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) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 24 January 2022.

(F) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect).

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

CARRIED

8.2 NEGOTIATED ADOPTED INFRASTRUCTURE CHARGES NOTICE - 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 2022/57

Moved: Cr Mary Graham

Seconded: Cr Lachlan (Locky) Bensted

It is recommended that:

1. “In relation to the written representations made by Freshwater Planning Pty Ltd on behalf of the Mareeba Islamic Society regarding the Adopted Infrastructure Charges Notice of the following development approval:

| APPLICATION | | PREMISES | |
|--------------------------------------|---|----------------|---------------------------|
| APPLICANT | Mareeba Islamic Society | ADDRESS | 108 Walsh Street, Mareeba |
| DATE REQUEST FOR NAICN LODGED | 10 March 2022 | 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 following

- (a) The request for a negotiated adopted infrastructure charges notice be refused and the Adopted Infrastructure Charges Notice issued on 20 January 2022 be maintained.

Reasons for refusal

Providing a reduction or waiver of the infrastructure charges for this development would be inequitable to other developers in the Shire who have previously paid or are required to pay infrastructure charges once their developments are complete and further, would undermine the ongoing implementation of Council's Local Government Infrastructure Plan (LGIP).

2. The Applicant be advised of Council’s decision.”

CARRIED

8.3 SIBI GIRGENTI HOLDINGS PTY LTD - MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME - USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY RESIDENTIAL ZONE AND A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 24 LOTS) - LOT 100 ON SP276719 - TILSE STREET AND MCIVER ROAD, MAREEBA - RAL/21/0024

RESOLUTION 2022/58

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|-----------------------------|---|----------------|---------------------------------------|
| APPLICANT | Sibi Girgenti Holdings Pty Ltd | ADDRESS | Tilse Street and McIver Road, Mareeba |
| DATE LODGED | 14 December 2021 | RPD | Lot 100 on SP276719 |
| TYPE OF APPROVAL | Preliminary Approval (Variation Request) and Development Permit | | |
| PROPOSED 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 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots) | | |

and in accordance with the Planning Act 2016, the applicant be notified that the application for a preliminary approval and 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: Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots)

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|---|--|----------|
| 1470 - SK01 Amdt C | General Arrangements and Lot Dimensions | Jim Papas Civil Engineering Designer Pty Ltd | 10.04.22 |
| 1470 - SK03 Amdt B | Probable Earthworks, Roadworks and Stormwater Drainage Layout | Jim Papas Civil Engineering Designer Pty Ltd | 10.04.22 |

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016

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

Under the approved variation, all development on Lot 100 on SP276719 must be carried out in accordance with the Mareeba Shire Council Planning Scheme 2016 and the Low Density Residential zone.

The Emerging Community zone will not be applicable to any development on Lot 100 on SP276719.

2. Reconfiguring a Lot - Subdivision (1 lot into 24 lots)

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, 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; 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 endorsement of the plan of survey for each stage of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. Staging of Development

3.1 The construction of this development may be staged in accordance with the stage numbering shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22 and as shown in **Table 1** below:

Table 1: Staging

| Stage Number | Lots |
|--------------|------------|
| Stage 1 | Lots 17-20 |
| Stage 2 | Lots 12-16 |
| Stage 3 | Lots 21-24 |
| Stage 4 | Lots 9-12 |
| Stage 5 | Lots 1-4 |
| Stage 6 | Lots 5-8 |

A balance lot will be created up to the final stage.

- 3.2 Staged development may also be undertaken in any other sequence provided all infrastructure required to service the relevant stage is constructed.
- 3.3 The applicant/developer must comply with each condition of this development approval as it relates to each designated stage, unless otherwise stated in this approval.
- 4. General
 - 4.1 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.
 - 4.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.
 - 4.3 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.
 - 4.4 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.
 - 4.5 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.
 - 4.6 Charges
 - All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

4.7 Bushfire Management

A Bushfire hazard management plan for the subject land must be prepared by suitably qualified person to the satisfaction of Council's delegated officer.

The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.

5. Infrastructure Services and Standards

5.1 Access

Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

5.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to 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.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality 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 Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of

Council. All documentation leading to the registration of the easement must be completed at no cost to Council.

- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.
- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.
- (k) To complete the subject site's Tilse Street frontage to a reasonable standard to service the stormwater catchment, Council will credit the cost difference for the additional design and construction of the following required works against infrastructure charges associated with the proposed development:
 - (i) Fill the existing open drain with approved material, including compaction and testing, reprofiling and vegetation with suitable grass species
 - (ii) Provide underground drainage in Tilse Street connecting the existing Council infrastructure in Mclver Road to an outlet in Tilse Street generally in accordance with layout shown on Drawing No. 1470 - SK03 Amendment B dated 10.04.22. The works shall include manholes, kerb inlet pits, headwall and wingwalls at outlet, outlet protection and any excavation required for any outlet drain together with revegetation of this drain.
 - (iii) The design drawings for the above must be lodged with Council for approval, and once approved, included in the tender documentation under a separate scheduled item for cost identification purposes.

5.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the road reserves.

5.4 Roadworks - Internal

- (a) The new internal road is to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) A two (2) metre wide concrete footpath must be installed on at least one (1) side of the internal road. The horizontal alignment of the footpath is to be determined at operational works stage.

5.5 Roadworks - External

Mclver Road and Tilse Street must be upgraded for the full frontage of Lot 100 on SP276719 to the general extent shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22.

These works should generally include the following:

- The widening of the development side of Mclver Road and Tilse Street;
- the installation of kerb and channel on the development side of Mclver Road and Tilse Street for the full frontage of Lot 100 on SP276719; and
- All required underground stormwater infrastructure.

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

5.6 Water Supply

(a) 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).

(b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

5.7 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).

5.8 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of **underground** power reticulation.

5.9 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

5.10 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

5.11 Street Trees

One (1) street tree must be at the planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage.

All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

5.12 Agricultural Buffering

5.12.1 As part of Stage 1, a 10 metre wide vegetation buffer is to be planted within the proposed residential allotments along the alignment of Mclver Road generally indicated on Drawing No. 1470 - SK01 Amendment C dated 10.04.22. The vegetation must have a minimum height at maturity of 4 metres. The plan depicting species and areas to be planted must be submitted to Council's delegated officer for approval prior to the issue of a development permit for operational works. The buffer must be planted in accordance with the approved plan.

5.12.2 As part of Stage 1, a colourbond fence of 1.8 metres in height shall be erected along the entire Mclver Road frontage on the southern side of the vegetation buffer required by Condition 5.12.1.

5.12.3 The vegetation buffer and fence must be maintained by the applicant and any subsequent owner of any part of the land affected by this condition. Statutory covenant/s must be created over vegetation buffer to ensure it is maintained by the applicant and any subsequent owner of respective allotment.

(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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) 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.

(e) 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.

(f) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered covenant
- conditions regarding bushfire management
- an approved bushfire management plan
- a registered easement over the subject site

(g) 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.

(h) 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).
- Reconfiguring a Lot – six (6) years (starting the day the approval takes effect).

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

| Development Type | Rate | Measure | Charge | Credit Detail | Balance |
|---------------------------------------|-------------------|-------------|------------------|--------------------|---------------------|
| | <i>\$ per Lot</i> | <i>Lots</i> | | <i>Lots</i> | |
| Residential | \$19,764.0 0 | 24 | \$474,336.0 0 | 1 (\$19,764.00) | \$454,572.00 |
| TOTAL CURRENT AMOUNT OF CHARGE | | | | | \$454,572.00 |

CARRIED

8.4 COUNCIL POLICY REVIEW

RESOLUTION 2022/59

Moved: Cr Lenore Wyatt

Seconded: Cr Kevin Davies

That Council:

1. Repeal the
 - (a) Sewer Overflow Policy – adopted 18 November 2020;
 - (b) Advertising Spending Policy – adopted 19 April 2017;
 - (c) Body Worn Camera Policy – adopted 19 June 2019;
 - (d) Audio Data Collection Policy – adopted 16 December 2020;
 - (e) Revenue Policy – adopted 21 April 2021;
 - (f) Standard Requirements for Public Liability Insurance for Approval Holders – adopted 19 February 2020; and
 - (g) Water Restriction Policy – adopted 19 May 2021.
2. Adopt the
 - (a) Sewer Overflow Policy;
 - (b) Advertising Spending Policy;
 - (c) Body Worn Camera Policy;
 - (d) Audio Data Collection Policy;
 - (e) Revenue Policy;
 - (f) Standard Requirements for Public Liability Insurance for Approval Holders;

- (g) Water Restriction Policy;
- (h) Use of Council Controlled Roads Policy; and
- (i) Road Closure Policy.

CARRIED

8.5 QBCC PROSECUTION OF OFFENCES UNDER S.16X(1) BUILDING REGULATION 2006 (QLD)

RESOLUTION 2022/60

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council

1. under s. 256(2)(k) of the *Building Act 1975* (Qld), grants a general authority to the Commissioner of the Queensland Building and Construction Commission to make complaints under the *Justices Act 1886* (Qld) in relation to the breaches of s. 16X(1) of Part 4A of the *Building Regulation 2006* (Qld); and
2. believes that the QBCC is the proper entity to administer the combustible cladding provisions and that the QBCC should have been given the legal authority to pursue appropriate compliance at the time the amendments were made to the legislation by the State Government; and
3. notes that the request for this delegation was made to Council by the QBCC.

CARRIED

8.6 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT - JANUARY TO MARCH 2022

RESOLUTION 2022/61

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

That Council receives the quarterly report of the Development and Governance Group for the January to March 2022 quarter.

CARRIED

8.7 DELEGATIONS UPDATE MARCH 2022**RESOLUTION 2022/62**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That:

1. Council delegates the exercise of the powers contained in the attached Table of Delegable powers, with such powers to be exercised subject to any limitations and conditions.
2. Any prior delegations of power relating to the same matters are revoked; and
3. That, under section 257 of the *Local Government Act 2009* (Qld), delegate to the Chief Executive Officer, the power to appoint an acting CEO in the circumstances specified under section 195 of the *Local Government Act 2009* (Qld) and condition that the power is not further delegated.

CARRIED

8.8 FINANCIAL STATEMENTS PERIOD ENDING 31 MARCH 2022**RESOLUTION 2022/63**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

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

CARRIED

8.9 COMMUNITY HOUSING CAPITAL WORKS 2021/22**RESOLUTION 2022/64**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Mario Mlikota

It is recommended that Council approve an emergent capital project at 1/6 Hay Street in Dimbulah estimated at a cost of \$23,000 to be funded through the Community Housing Reserve.

CARRIED

8.10 COMMUNITY PARTNERSHIPS PROGRAM**RESOLUTION 2022/65**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

That Council provides a cash donation of \$5,000 and in-kind assistance for waste disposal costs (estimated at \$180) to Sound Australia towards the costs of delivering the Savannah in the Round

music festival in Mareeba to be held 30 September to 2 October 2022. The donation is provided under the Community Partnerships Program.

CARRIED

9 INFRASTRUCTURE SERVICES

9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 15 MARCH 2022

RESOLUTION 2022/66

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 15 March 2022.

CARRIED

9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MARCH 2022

RESOLUTION 2022/67

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

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

CARRIED

9.3 PARKS AND OPEN SPACES ACTION PLAN MONTHLY PROGRESS REPORT - MARCH 2022

RESOLUTION 2022/68

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lenore Wyatt

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

CARRIED

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MARCH 2022**RESOLUTION 2022/69**

Moved: Cr Mary Graham

Seconded: Cr Mario Mlikota

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

CARRIED

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MARCH 2022**RESOLUTION 2022/70**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

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

CARRIED

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MARCH 2022**RESOLUTION 2022/71**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

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

CARRIED

10 OFFICE OF THE CEO**10.1 MAREEBA MULTICULTURAL FESTIVAL****RESOLUTION 2022/72**

Moved: Cr Mario Mlikota

Seconded: Cr Lachlan (Locky) Bensted

That Council:

1. appoints Cr Mary Graham as the Chair of the Mareeba Multicultural Festival Committee.
2. appoints the following persons as members of the Committee:

Francesco Avolio;
 Giuliano Cordenos;
 Fred Cristaldi;
 Sabrina Liaver;
 Milabelle Krauss;
 Fatima Metou;
 Iuto Patolo.

CARRIED

11 CONFIDENTIAL REPORTS

Council determined that it was not necessary to close the meeting to discuss ITEM 11.1.

11.1 SALE OF LAND DUE TO RATES AND CHARGES IN ARREARS

RESOLUTION 2022/73

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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 |
|--------------------|-----------------------------|
| 19928 | Lot 6 SP 143217 |
| 19933 | Lot 11 SP 143217 |
| 19937 | Lot 15 SP 143217 |
| 19938 | Lot 16 SP 143217 |
| 19939 | Lot 17 SP 143217 |
| 19942 | Lot 20 SP 143217 |
| 19948 | Lot 26 SP 143217 |
| 19952 | Lot 30 SP 143217 |
| 19953 | Lot 31 SP 143217 |
| 19954 | Lot 32 SP 143217 |
| 19955 | Lot 33 SP 143217 |
| 19956 | Lot 34 SP 143217 |
| 19957 | Lot 35 SP 143217 |
| 19958 | Lot 36 SP 143217 |

| | |
|-------|------------------|
| 19959 | Lot 37 SP 143217 |
| 19960 | Lot 38 SP 143217 |
| 19962 | Lot 40 SP 143217 |
| 19963 | Lot 41 SP 143217 |
| 19965 | Lot 43 SP 143217 |
| 19966 | Lot 44 SP 143217 |
| 19967 | Lot 45 SP 143217 |
| 19968 | Lot 46 SP 143217 |
| 19969 | Lot 47 SP 143217 |
| 19970 | Lot 48 SP 143217 |
| 19971 | Lot 49 SP 143217 |
| 19972 | Lot 50 SP 143217 |
| 19973 | Lot 51 SP 143217 |
| 19974 | Lot 52 SP 143217 |
| 19975 | Lot 53 SP 143217 |
| 19976 | Lot 54 SP 143217 |
| 19977 | Lot 55 SP 143217 |
| 19978 | Lot 56 SP 143217 |
| 19989 | Lot 62 SP 143218 |
| 19990 | Lot 63 SP 143218 |
| 19991 | Lot 64 SP 143218 |
| 19992 | Lot 65 SP 143218 |
| 19993 | Lot 66 SP 143218 |
| 60392 | Lot 58 SP 143218 |
| 60394 | Lot 68 SP 143218 |
| 60395 | Lot 69 SP 143218 |
| 60396 | Lot 3 SP 139622 |

- 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 CR MLIKOTA LEAVE OF ABSENCE

RESOLUTION 2022/74

Moved: Cr Lenore Wyatt

Seconded: Cr Lachlan (Locky) Bensted

That Cr Mario Mlikota be granted a leave of absence from the Council meeting scheduled 18 May 2022.

CARRIED

13 NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00am on 18 May 2022.

There being no further business, the meeting closed at 9:36am.

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Cr Angela Toppin

Chairperson