



# **MINUTES**

**Wednesday, 15 June 2022**

**Ordinary Council Meeting**

**MINUTES OF MAREEBA SHIRE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS  
ON WEDNESDAY, 15 JUNE 2022 AT 10:30AM**

**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**

Cr Bensted informed the meeting that he has a prescribed conflict of interest in relation to *ITEM 8.3 AMPLITEL PTY LTD - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 22 ON SP323208 - 114 MINES ROAD, MAREEBA - MCU/22/0007* as he is a close associate to the property owner. As a result Cr Bensted informed the meeting that he would leave the room whilst the matter is considered and voted on.

Cr Bensted informed the meeting that he has a prescribed conflict of interest in relation to *ITEM 9.5 T-MS2022-01 Register of Prequalified Suppliers - Occasional Plant Hire 2022/23* as he is one of the proposed suppliers. As a result Cr Bensted informed the meeting that he would leave the room whilst the matter is considered and voted on.

Cr Wyatt informed the meeting that she has a prescribed conflict of interest in relation to *ITEM 9.5 T-MS2022-01 Register of Prequalified Suppliers - Occasional Plant Hire 2022/23* as she is relative to one of the proposed suppliers. As a result Cr Wyatt informed the meeting that she would leave the room whilst the matter is considered and voted on.

**5 CONFIRMATION OF MINUTES**

**RESOLUTION 2022/100**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That the minutes of Ordinary Council Meeting held on 18 May 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 APPLICATION FOR RENEWAL OF TERM LEASE 9/52978 OVER LOT 41 ON DA213, BUTCHERS CREEK ROAD, LOCALITY OF MOUNT CARBINE****RESOLUTION 2022/101**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council advise the Department of Resources that Council has no objection to the renewal of Term Lease 9/52978 for water facility purposes over Lot 41 on DA213, situated on Butchers Creek Road, Locality of Mount Carbine.

**CARRIED****8.2 APPLICATION FOR COMMERCIAL OTHER - SUBSIDIARY ON PREMISES (CAFE) LICENCE - TICHUM CREEK COFFEE & FARMERS MARKET - LOTS 1 & 2 ON SP256995, 3576 KENNEDY HIGHWAY, MAREEBA****RESOLUTION 2022/102**

Moved: Cr Mario Mlikota

Seconded: Cr Kevin Davies

That Council advises the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the granting of a "Commercial other subsidiary on premises licence" to Della Terra Investments Pty Ltd over the Tichum Creek Coffee & Farmers Market on land described as Lots 1 & 2 on SP256995, situated at 3576 Kennedy Highway, Mareeba, subject to the standard trading conditions.

**CARRIED**

**8.3 AMPLITEL PTY LTD - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 22 ON SP323208 - 114 MINES ROAD, MAREEBA - MCU/22/0007**

**RESOLUTION 2022/103**

Moved: Cr Lenore Wyatt  
 Seconded: Cr Daniel (Danny) Bird

That Council hold this matter over to the next ordinary meeting of Council in order to allow for additional information to be obtained prior to a decision being made.

**CARRIED**

**8.4 A CLAYTON - RECONFIGURING A LOT - BOUNDARY REALIGNMENT (4 LOTS INTO 2 LOTS) - LOTS 514, 515, 516 & 517 ON W2631 - 31 JAMES STREET, WATSONVILLE - RAL/22/0003**

**RESOLUTION 2022/104**

Moved: Cr Mary Graham  
 Seconded: Cr Kevin Davies

(A) That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	A Clayton	<b>ADDRESS</b>	31 James Street, Watsonville
<b>DATE LODGED</b>	12 April 2022	<b>RPD</b>	Lots 514, 515, 516 & 517 on W2631
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Boundary Realignment (4 lots into 2 lots)		

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.

(B) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Boundary Realignment (4 lots into 2 lots)

(C) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
PR151698-1	Reconfiguration of a Lot Plan of Lots 1 & 2 and Emt A in Lot 1 cancelling Lots 514-517 on W2631	RPS	18/03/2022

(D) 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, 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, 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 the endorsement of the plan of survey and at the rate applicable at the time of payment.

3.3 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.

3.4 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.

3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

### 3.6 Charges

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

#### (E) 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) 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 easement over the subject site (Lot 1 only)

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

**(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**

**8.5 REVIEW 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 2022/105**

Moved: Cr Mario Mlikota

Seconded: Cr Daniel (Danny) Bird

That Council:

1. Rescind Resolution 2022/21 of 16 February 2022; and
2. Approve an annual cash donation of up to \$1,700.00 to the Dimbulah & District Museum Association Incorporated in accordance with Council's *Community Partnerships Program Policy* to assist with the annual lease/licence rental, should the Dimbulah & District Museum Association Incorporated enter into a tenure arrangement directly with Queensland Rail Limited.

**CARRIED**

**8.6 MANAGEMENT AGREEMENT - DIMBULAH TENNIS COURTS AND FACILITY IN LOT 213 HG550****RESOLUTION 2022/106**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council approve the issue of a Management Agreement to the Dimbulah Tennis Club Incorporated for exclusive use of the tennis courts and associated building improvements located at the south-eastern corner of Lot 213 HG550.

**CARRIED**

**8.7 MAREEBA COMMUNITY TASKFORCE ACTION PLAN 2021-23****RESOLUTION 2022/107**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

That Council endorses the Mareeba Community Taskforce Action Plan 2021 - 2023.

**CARRIED**

**8.8 PUBLIC MURAL ACTION PLAN 2022-2025****RESOLUTION 2022/108**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council adopts the *Public Mural Action Plan 2022-2025*.

**CARRIED**

**8.9 REGIONAL ARTS DEVELOPMENT FUND (RADF) PROGRAM 2022-2025****RESOLUTION 2022/109**

Moved: Cr Mary Graham

Seconded: Cr Daniel (Danny) Bird

That Council:

1. Adopts the 2022-2025 Regional Arts Development Fund Program; and
2. Endorses the annual submission of an Expression of Interest to Arts Queensland for a \$32,500 Regional Arts Development Fund grant for 2022-2025; and
3. Contributes \$14,500 annually to the 2022-2025 Regional Arts Development Fund Program as outlined in this report.
4. Adopts the updated RADF Community Grant Application Form and Guidelines.

**CARRIED**

**8.10 ENTERPRISE RISK MANAGEMENT****RESOLUTION 2022/110**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mario Mlikota

That Council:



1. Adopt the proposed amendments to the Risk and Issues Management Matrix (Enterprise Risk Register) as attached; and
2. Receive and note the attached Risk Treatment Plans, acknowledging that the Chief Executive Officer will present to Council all risks and associated risk treatment plans for 'significant' or 'extreme' risks.

**CARRIED**

#### **8.11 AUDITOR-GENERAL'S 2022 INTERIM REPORT**

##### **RESOLUTION 2022/111**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Council receives and notes the attached report.

**CARRIED**

#### **8.12 FINANCIAL STATEMENTS PERIOD ENDING 31 MAY 2022**

##### **RESOLUTION 2022/112**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

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

**CARRIED**

### **9 INFRASTRUCTURE SERVICES**

#### **9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - MAY 2022**

##### **RESOLUTION 2022/113**

Moved: Cr Lenore Wyatt

Seconded: Cr Mario Mlikota

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

**CARRIED**

**9.2 PARKS AND OPEN SPACES ACTION PLAN MONTHLY PROGRESS REPORT - MAY 2022****RESOLUTION 2022/114**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Lachlan (Locky) Bensted

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

**CARRIED**

**9.3 LOCAL AREA TRAFFIC MANAGEMENT (LATM)****RESOLUTION 2022/115**

Moved: Cr Kevin Davies

Seconded: Cr Lenore Wyatt

That Council:

1. Adopts the Local Area Traffic Management (LATM) model as the process to deal with traffic management issues across the municipality;
2. Adopts the Local Traffic Precincts as shown on Plan A attached to this report; and
3. Precinct 7 (Anzac Avenue) be the first of the precincts to be investigated using the LATM model process.

**CARRIED**

**9.4 FACILITY NAMING - TOM GILMORE MAREEBA AVIATION INDUSTRIAL PRECINCT****RESOLUTION 2022/116**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

That Council recognise the Mareeba Airport Aviation Industrial Precinct as the Tom Gilmore Mareeba Aviation Industrial Precinct in recognition for his significant contribution towards the development of the Mareeba Aerodrome.

**CARRIED**

At 11:07 am, Cr Lenore Wyatt left the meeting. At 11:07 am, Cr Lachlan (Locky) Bensted left the meeting.

**9.5 T-MSC2022-01 REGISTER OF PREQUALIFIED SUPPLIERS - OCCASIONAL PLANT HIRE 2022/23**

**RESOLUTION 2022/117**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council empanels the contractors listed in the documentation attached to this report for the purpose of providing a Register of Pre-qualified Suppliers for Occasional Plant Hire during the 2022/23 financial year.

**CARRIED**

At 11:08 am, Cr Lachlan (Locky) Bensted returned to the meeting. At 11:08 am, Cr Lenore Wyatt returned to the meeting.

**9.6 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - MAY 2022**

**RESOLUTION 2022/118**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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

**CARRIED**

**9.7 LONG TERM ASSET MANAGEMENT PLAN**

**RESOLUTION 2022/119**

Moved: Cr Daniel (Danny) Bird

Seconded: Cr Kevin Davies

That Council adopts the Long Term Asset Management Plan 2023-2032.

**CARRIED**

**9.8 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - MAY 2022****RESOLUTION 2022/120**

Moved: Cr Mary Graham

Seconded: Cr Lenore Wyatt

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

**CARRIED****9.9 T-MSC2022-23 ASPHALT OVERLAY REYNOLDS STREET, MAREEBA****RESOLUTION 2022/121**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That the Council endorse the awarding of Tender T-MSC2022-23 Asphalt Overlay for Reynolds Street, Mareeba to FGF Bitumen Pty Ltd as per Schedule of Rates for the supply, lay and associated asphalt works in Reynolds Street.

**CARRIED****9.10 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MAY 2022****RESOLUTION 2022/122**

Moved: Cr Mario Mlikota

Seconded: Cr Mary Graham

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

**CARRIED**

**10 OFFICE OF THE CEO****10.1 LGAQ CONFERENCE MOTION****RESOLUTION 2022/123**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Council submits the following motion for consideration at the LGAQ Annual Conference:

*"The LGAQ calls on the State government to provide funding to the Queensland Police Service to enable them to install, maintain and operate CCTV systems in communities."*

**CARRIED**

**10.2 LGAQ ANNUAL CONFERENCE****RESOLUTION 2022/124**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Daniel (Danny) Bird

That Council:

1. approves the attendance of Crs Bensted, Bird, Davies, Graham, Mlikota and Wyatt at the LGAQ Annual Conference at Cairns 17 - 19 October 2022; and
2. defers the Ordinary Council Meeting scheduled for 19 October 2022 to the 26 October 2022.

**CARRIED**

**11 CONFIDENTIAL REPORTS**

Council determined that it was not necessary to close the meeting to discuss this matter.

**11.1 SALE OF LAND DUE TO RATES AND CHARGES IN ARREARS****RESOLUTION 2022/125**

Moved: Cr Lenore Wyatt

Seconded: Cr Daniel (Danny) Bird

That Council:

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

<b>Property No</b>	<b>Property Description</b>
19930	Lot 8 SP 143217
19931	Lot 9 SP 143217
19935	Lot 13 SP 143217
19940	Lot 18 SP 143217
19941	Lot 19 SP 143217
19943	Lot 21 SP 143217
19944	Lot 22 SP 143217
19945	Lot 23 SP 143217
19945	Lot 24 SP 143217
19947	Lot 25 SP 143217
19950	Lot 28 SP 143217
19987	Lot 60 SP 143218
19994	Lot 67 SP 143218

- 2 To re-affirm the recommendation in which Council resolved on 20 April 2022 to sell the land list 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

<b>Property No</b>	<b>Property Description</b>
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

- 3 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**

**RESOLUTION 2022/126**

Moved: Cr Lachlan (Locky) Bensted

Seconded: Cr Mary Graham

That Council seeks an urgent appointment regarding the Kuranda Range Road with The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government in Mareeba but if that is not possible then a delegation to Canberra be arranged.

**CARRIED**

**12.2 COUNCILLOR ATTENDANCE LAWMAC**

**RESOLUTION 2022/127**

Moved: Cr Kevin Davies

Seconded: Cr Daniel (Danny) Bird

That Council approves Cr's Mlikota and Wyatt's attendance at the LAWMAC meetings as scheduled below:

16-17 June 2022 – Host Council Livingstone Shire Council

18-19 August 2022 – Host Council Isaac Regional Council

17-18 November 2022 – Host Cassowary Coast Regional Council

16-17 February 2023 – Host Council Mackay Regional Council

18-19 May 2023 – Host Council Cook Shire Council.

**CARRIED**

**13 NEXT MEETING OF COUNCIL**

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

There being no further business, the meeting closed at 11:28AM.

.....

Cr Angela Toppin

Chairperson