



# Ordinary Meeting

**TRC Community Education and  
Disaster Coordination Centre Facility  
15 Vernon Street, Atherton  
Date: Thursday 19 December 2019  
Time: 9:00am**

## MINUTES

---

### 1. MEMBERS IN ATTENDANCE

**Members Present:** Cr J Paronella (Mayor), Crs K Eden, A Haydon, S Banks (via phone), D Bilney and O Byrnes.

### OFFICERS IN ATTENDANCE

M Vis (Acting Chief Executive Officer), H Jackson (General Manager Organisational Services), B Owen (General Manager Community, Planning and Environment), T Tanase (Manager Planning & Regulatory Services), D O'Connor (Planning Officer), S McHardie (Manager Community Services and Customer Services), P Turner (Coordinator Legal & Governance), T Vallance (Strategic Communication Advisor), A Loudon (Executive Assistant, Community, Planning & Environment) and J Hunter (Minute Secretary).

### 2. APOLOGIES/LEAVE OF ABSENCE

#### **ADHOC-1 CR SAMANTHA BANKS - ATTENDANCE VIA TELECONFERENCE**

Moved by Cr Eden

Seconded by Cr Bilney

"That Cr Banks is approved to attend the meeting by teleconference as per Section 276(2) of the *Local Government Regulation 2012*."

**CARRIED UNANIMOUSLY**



## ADHOC-2 CR MELLICK - LEAVE OF ABSENCE

Moved by Cr Eden

Seconded by Cr Haydon

"That Cr Mellick is granted leave of absence from this meeting.

**CARRIED UNANIMOUSLY**

## ATTENDANCE

The Chief Executive Officer was not in attendance at the meeting.

## 3. ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the following Acknowledgement of Country: *'I would like to acknowledge the traditional custodians of this land we are meeting on and pay respect to their Elders both past, present and emerging.'*

## 4. OPENING PRAYER

The Reverend John Whyte of the Atherton Baptist Church attended the meeting at 9.02am and blessed those in attendance.

Reverend Whyte left the meeting at 9.05am.

## 5. BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who had passed away during the previous month.

## 6. DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST BY COUNCILLORS AND SENIOR COUNCIL OFFICERS

Cr Haydon declared that she may have a **Perceived Conflict of Interest**, (as defined in Section 175(d) of the *Local Government Act 2009*), in relation to ITEM-12.3 on the agenda as her son has used Gilvear Planning in the past. Cr Haydon declared she has determined that this Conflict of Interest is not of sufficient significance that it will lead her to making a decision on this matter that is contrary to the public interest. Cr Haydon declared that she will best perform her responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

Cr Haydon declared that she has a **Perceived Conflict of Interest**, (as defined in Section 175(D) of the *Local Government Act 2009*), in relation to *ITEM-18.1* on the agenda, due to the fact that she is a board member for Tablelands Regional Council Enterprise Pty Ltd. Cr Haydon declared that she proposes to exclude herself from the meeting while this matter is debated and the vote is taken.

Cr Haydon declared that she has a **Material Personal Interest**, (as defined in Section 175(d) of the *Local Government Act 2009*), in relation to *Item-18.3*, on the agenda, due to the fact that organisations she is associated (husband's and son's) with are involved in civil construction work and have tendered for Council's Panel of Pre-Qualified Suppliers for Occasional Plant Hire. Cr Haydon declared that she proposes to exclude herself from the meeting while this matter is debated and the vote is taken.

Cr Bilney declared that he may have a **Perceived Conflict of Interest**, (as defined in Section 175(d) of the *Local Government Act 2009*), in relation to ITEM-18.3 on the agenda as BJS Plumbing and Civil Contracting is a family related business and step-son Bronson Jue Sue is the owner and has tendered for Council's Panel of Pre-Qualified Suppliers for Occasional Plant Hire. Cr Bilney declared he has determined that he will leave the room whilst the matter is debated and the vote taken.

Cr Byrnes declared that he has a **Material Personal Interest**, (as defined in Section 175(b) of the *Local Government Act 2009*), in relation to *ITEM-18.3* on the agenda, due to the fact that his company is involved in civil construction work and has tendered for Council's Panel of Pre-Qualified Suppliers for Occasional Plant Hire Occasional Plant Hire. Cr Byrnes declared that he proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

Bob Owen, General Manager Community, Planning and Environment, declared that he has a **Conflict of Interest**, pursuant to the *Public Sector Ethics Act 1994* and Council's Code of Conduct, in relation to ITEM-12.2 on the agenda, due to the fact that he acted as a solicitor for the developer on the subject Court-ordered planning approval prior to his employment with Council. Mr Owen declared that he proposes to exclude himself from the meeting while this matter is discussed and decided.

Bob Owen, General Manager Community, Planning and Environment, declared that he has a **Conflict of Interest**, pursuant to the *Public Sector Ethics Act 1994* and Council's Code of Conduct, in relation to ITEM-18.3 on the agenda, due to the fact that his daughter's in-laws have submitted a tender for Council's Panel of Pre-Qualified Suppliers for Occasional Plant Hire Occasional Plant Hire. Mr Owen declared that he proposes to exclude himself from the meeting while this matter is discussed and decided.

There were no Material Personal Interests or Conflicts of Interest declared by any other Councillor or senior Council officer in relation to the items of business listed on the Agenda.

## ATTENDANCE

*Cr Haydon left the room at 9.08am while the vote for her to stay in the meeting for ITEM-12.3 was discussed and decided.*

## CR HAYDON - CONFLICT OF INTEREST

Moved by Cr Bilney

Seconded by Cr Byrnes

"That Cr Haydon does have a perceived conflict of interest but may participate in the meeting in relation to the matter, including by voting on the matter."

**CARRIED UNANIMOUSLY**

## ATTENDANCE

*Cr Haydon returned to the meeting at 9.10am.*

## 7. MOTION TO ALTER THE ORDER OF BUSINESS

Nil

## 8. CONFIRMATION OF MINUTES

Moved by Cr Bilney

Seconded by Cr Eden

"That the Minutes of the Ordinary Council Meeting held on 29 November 2019 be confirmed as true and correct."

**CARRIED UNANIMOUSLY**

## 9. BUSINESS ARISING/ACTIONS OUT OF MINUTES OF PREVIOUS MEETINGS

Nil

## 10. DEPUTATIONS AND DELEGATIONS

Presentation to Christmas Lights winners during morning tea.

## 11. MAYORAL MINUTE

Nil

## OFFICER'S REPORTS REFERRED TO MEETING BY THE CHIEF EXECUTIVE OFFICER

## 12. COMMUNITY, PLANNING & ENVIRONMENT

### ITEM-12.1 AMENDMENT TO THE PLANS FOR TRUNK INFRASTRUCTURE UNDER A QUALIFIED STATE INTEREST AMENDMENT

Moved by Cr Eden

Seconded by Cr Haydon

"That Council adopt the proposed amendments to the Plans for Trunk Infrastructure mapping, included in this report as Attachment 1, for the purposes of sending to the DSDMIP for approval to proceed to public notification".

### BEFORE THE MOTION WAS PUT TO THE VOTE AN AMENDMENT TO THE MOTION WAS:

Moved by Cr Eden

Seconded by Cr Haydon

"That Council:

1. Make an interim Local Government Infrastructure Plan (LGIP) amendment under Chapter 5 of the Minister's Guidelines and Rules.
2. Consult with the Department of Transport and Main Roads (DTMR) about transport matters in the interim LGIP.
3. If there are no significant issues with DTMR about the transport matters, proceed to public consultation."

**CARRIED UNANIMOUSLY**

**ITEM-12.2 IDAS16/07 YUNGABURRA VILLAGE ESTATE NOTICE OF INTENTION TO REQUEST MINOR CHANGES DEVELOPMENT APPROVAL CAIRNS PLYWOOD PTY LTD V TABLELANDS REGIONAL COUNCIL & ORD (ORIGINATING APPLICATION P & E COURT CAIRNS)**

**ATTENDANCE**

*Mr Bob Owen dealt with the declared **Conflict of Interest** by leaving the meeting room at 9.21am, taking no part in the discussion or decision.*

Moved by Cr Haydon

Seconded by Cr Bilney

"That Council receive and note the report 'IDAS16/07 Yungaburra Village estate Notice of Intention to Request Minor Changes Development Approval - Cairns Plywood Pty Ltd v Tablelands Regional Council & Ord (originating application P & E Court Cairns'."

**CARRIED UNANIMOUSLY**

**ATTENDANCE**

*Mr Owen returned to the meeting at 9.23am.*

**ITEM-12.3 MAHOGANY PLANTATIONS PTY LTD EXTENSION OF CURRENCY PERIOD PRELIMINARY APPROVAL AND MCU TO OVERRIDE THE PLANNING SCHEME FOR RURAL RESIDENTIAL DEVELOPMENT RAL19/0029 LOT 147 CWL198 TULLY FALLS ROAD, RAVENSHOE**

**ATTENDANCE**

*Cr Haydon declared a **Perceived Conflict of Interest** in relation to this item, she has determined that this Conflict of Interest is not of sufficient significance that it will lead her to making a decision on this matter that is contrary to the public interest and remained during the discussion. Council resolved to allow Cr Haydon to participate in the meeting despite the perceived conflict of interest.*

Moved by Cr Haydon

Seconded by Cr Banks

That:



"A. In relation to the application to extend the currency period for the following development approval:

<b>DESCRIPTION</b>	Extension of Currency Period for a Preliminary Approval for a Material Change of Use to Override the Herberton Shire Planning Scheme (2005) (IPA s3.1.6) and a Development Permit for Reconfiguring a Lot (1 into 23 lots)
<b>APPLICANT</b>	Mahogany Plantations of Australia Pty Ltd (C/- Gilvear Planning Pty Ltd)
<b>PROPERTY</b>	Lot 147 on CWL198
<b>ADDRESS</b>	400 Tully Falls Road, Ravenshoe

and in accordance with section 85 of the *Planning Act 2016*, as amended:

1. The currency period be extended as follows:

*Stage 1: A plan of survey must be lodged with Council for endorsement, and the associated Material Change of Use substantially commenced by 4 October 2021.*

*Stage 2: A plan of survey must be lodged with Council for endorsement, and the associated Material Change of Use substantially commenced by 4 October 2023.*

*Stage 3: A plan of survey must be lodged with Council for endorsement, and the associated Material Change of Use substantially commenced by 4 October 2024.*

2. A Notice of Council's decision be issued to the Applicant, the Planning and Environment Court, the Department of State Development, Manufacturing Infrastructure & Planning (State Assessment and Referral Agency) via email to [CairnsSARA@dsdmip.gov.au](mailto:CairnsSARA@dsdmip.gov.au), and Ergon Energy via email to [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au) advising of Council's decision".

**CARRIED 5-1**

### **13. CHIEF EXECUTIVE OFFICER**

Nil

### **14. ORGANISATIONAL SERVICES**

#### **ITEM-14.1 FINANCIAL REPORT NOVEMBER 2019**

Moved by Cr Bilney

Seconded by Cr Eden

"That Council receive and note the Financial Report for November 2019."

**CARRIED UNANIMOUSLY**

**ITEM-14.2**

**2018-19 FINAL MANAGEMENT REPORT**

Moved by Cr Eden

Seconded by Cr Haydon

"That Council receive and note the Final Management Report and the Closing Report for the 2018/19 financial year as presented by the Queensland Audit Office."

**CARRIED UNANIMOUSLY**

**ITEM-14.3**

**DELEGATION OF STATUTORY POWERS**

Moved by Cr Banks

Seconded by Cr Bilney

"That Council receive and note the report entitled 'Delegation of Statutory Powers'."

**CARRIED UNANIMOUSLY**

**ITEM-14.4**

**ENVIRONMENTAL PROTECTION REGULATION 2019 -  
DELEGATION OF STATUTORY POWERS**

Moved by Cr Eden

Seconded by Cr Bilney

"That, under Section 257 of the *Local Government Act 2009*, Council delegate the exercise of the powers under the *Environmental Protection Regulation 2019* (Qld) and the *Waste Reduction and Recycling Regulation 2011* (Qld) contained in Schedule 1 of the Instruments of Delegation (attached to the officer's report) to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation."

**CARRIED UNANIMOUSLY**

**ITEM-14.5**

**LAND ACT 1994 - DELEGATION OF STATUTORY POWERS**

Moved by Cr Haydon

Seconded by Cr Banks

"That, under Section 257 of the *Local Government Act 2009*, Council delegate the exercise of the powers contained in Schedule 1 of the Instrument of Delegation (attached to the officer's report) to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instrument of Delegation."

**CARRIED UNANIMOUSLY**

**ITEM-14.6**

**PLANNING REGULATION 2017 - DELEGATION OF STATUTORY POWERS**

Moved by Cr Bilney

Seconded by Cr Haydon

"That, under Section 257 of the *Local Government Act 2009*, Council delegate the exercise of the powers under the *Planning Regulation 2017* contained in Schedule 1 of the Instruments of Delegation (attached to the officer's report) to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation."

**CARRIED UNANIMOUSLY**

**15. INFRASTRUCTURE SERVICES**

Nil

**16. NOTICE OF MOTION**

Nil

**17. URGENT BUSINESS WITHOUT NOTICE**

Nil

**ITEM-18.3**

**OCCASIONAL PLANT HIRE**

Moved by Cr Eden

Seconded by Cr Banks

"That, as a consequence of a majority of Councillors present at this meeting having informed the meeting of an existence of a conflict of interest in this matter, pursuant to section 175E (6) of the *Local Government Act 2009*, a decision on this matter is hereby delegated to Chief Executive Officer."

**CARRIED UNANIMOUSLY**

**CLOSURE OF MEETING FOR CONSIDERATION OF CONFIDENTIAL ITEMS**

Moved by Cr Bilney

Seconded by Cr Eden

"That in accordance with Section 275(1)(e)(h) of the *Local Government Regulation 2012*, the meeting be closed to the public at 9.49am to discuss matters in relation to:

(e) contracts proposed to be made by it.

ITEM-18.1 Lease to Tablelands Regional Council Enterprise Pty Ltd



- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage

ITEM-18.2 Atherton Allied Health & Medical Services Precinct Market Sounding

**CARRIED UNANIMOUSLY**

## ATTENDANCE

*Cr Haydon dealt with the declared **Perceived Conflict of Interest** in Item-18.1 and left the meeting at 9.52am taking no part in the discussion during confidential session.*

## OPENING OF MEETING

Moved by Cr Bilney

Seconded by Cr Byrnes

"That the meeting be opened at 9.53am."

**CARRIED UNANIMOUSLY**

## 18. CONFIDENTIAL ITEMS

### ITEM-18.1 LEASE TO TABLELANDS REGIONAL COUNCIL ENTERPRISES PTY LTD

#### ATTENDANCE

*Cr Haydon remained out of the meeting.*

Moved by Cr Eden

Seconded by Cr Bilney

"That Council:

1. Resolve to apply the exemption contained in s 236 (1)(b)(i) *Local Government Regulation* to dispose of an interest in land to a government agency, being a leasehold carbon abatement interest to Tablelands Regional Council Enterprises Pty Ltd ACN 626 933 622 (TRCE) over the following parcels of land:
  - a) a) Lot 8 on CP K103779;
  - b) Lot 607 on CP NR7893;
  - c) Lot 509 on CP NR6091;
  - d) Lot 2 on RP720198;
  - e) Lot 24 CP CWL1848;
  - f) Lot 134 on SP113935;
  - g) Lot 133 on SP113935;
  - h) Lot 155 on SP120085;
  - i) Lot 132 on SP113934;
  - j) Lot 131 on SP113934;
  - k) Lot 2 on RP702453;
  - l) Lot 5 on RP702486;
  - m) Lot 123 on SP113933;
  - n) Lot 122 on SP113933;
  - o) Lot 121 on SP113933;
  - p) Lot 113 on SP113932;
  - q) Lot 14 on SP113931;
  - r) Lot 8 on SP119099;

- s) Lot 16 on SP113931;
- t) Lot 15 on SP113931;
- u) Lot 114 on SP113930;
- v) Lot 2 on RP702535;
- w) Lot 102 on SP113929;
- x) Lot 101 on SP113929;
- y) Lot 91 on SP113928;
- z) Lot 93 on SP113927;
- aa) Lot 92 on SP282751;
- bb) Lot 71 on SP269667;
- cc) Lot 72 on SP113926;
- dd) Lot 2 on SP268793.

2. Delegate the power to the Chief Executive Officer to obtain all necessary approvals, negotiate and finalise agreement(s) to grant Lease (or similar agreement) and the terms of the interest itself, with those documents containing provision for the following matters:
- i) a condition precedent requiring TRCE to obtain approval (the Approved Project(s)) from the Clean Energy Regulator to the satisfaction of Council within a stipulated timeframe.
  - ii) the permitted use be appropriate to allow TRCE to establish plantations to exploit the carbon interests in the parcels identified in Item 1, in whole or in part; and
  - iii) a requirement about TRCE's satisfactory performance of its obligations under the Approved Project(s) and provision for termination if the project does not receive approval or fails to satisfy the requirements of the Approved Project; and
3. with such documents to be subject to any necessary approvals, including requirements of the *Land Act 1994* such as obtaining Ministerial Approval where required."

**CARRIED 4-1**  
**Cr Byrnes voted against the motion**

## ATTENDANCE

*Cr Haydon returned to the meeting at 9.55am*

## ITEM-18.2                      **ATHERTON ALLIED HEALTH & MEDICAL SERVICES PRECINCT MARKET SOUNDING**

Moved by Cr Eden

Seconded by Cr Haydon

"That Council receive and note Johnstaff Consultants Atherton Allied Health and Medical Precinct Market Sounding Report."

**CARRIED UNANIMOUSLY**



## 19. NEXT MEETING OF COUNCIL/MEETING CLOSURE

The next meeting of Council will be held at Atherton  
9:00 am on Thursday 23 January 2020

There being no further business, the meeting closed at 9.56am.

Cr Joe Paronella  
Mayor

.....  
Mark Vis  
Acting Chief Executive Officer