



Ordinary Meeting

TRC Coordination Centre, 15 Vernon Street, Atherton

Thursday, 22 June 2023 at 9.00am

MINUTES

1. MEMBERS IN ATTENDANCE

Members Present: Cr R Marti (Mayor), Cr K Cardew (Deputy Mayor), Crs A Haydon, D Bilney, D Clifton, P Hodge and B Wilce.

2. OFFICERS IN ATTENDANCE

G Rinehart (Chief Executive Officer), H Jackson (General Manager Community & Corporate Services), M Vis (General Manager Infrastructure & Environmental Services), A Finocchiaro, (Executive Manager Economic Development), K Reaston (Acting Executive Manager Development Services), D O'Connor (Senior Planning Officer), S Savich (Manager Strategic Assets), J King (Project Manager), D Fletcher (Manager Roads & Projects), B Gardiner (Manager Water & Waste), E Bowden (Manager Finance), P Turner (Coordinator Legal & Governance), M Kerley (Legal & Governance Advisor) T Vallance (Strategic Communications), A Loudon (Executive Support Officer) and J Hunter (Minute Secretary).

3. APOLOGIES/LEAVE OF ABSENCE

No apologies

4. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson delivered this Acknowledgement of Country — *'I acknowledge the Traditional Custodians of the land on which we work and live, and pay respect to Elders past, present and emerging.'*

5. BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for the members of our community who have recently passed. We wish their family and friends peace and comfort during this challenging time.

6. DECLARATION OF ANY CONFLICTS OF INTEREST BY COUNCILLORS AND SENIOR COUNCIL OFFICERS

Cr Annette Haydon declared that she has a **Prescribed Conflict of Interest**, in accordance with section 150EQ(4)(a) of the *Local Government Act 2009*, in relation to *ITEM-12.4. T-TRC2023-05 Southern Resheet Program*

The **Prescribed Conflict of Interest** arises because a person who is a related party of hers has submitted a quote for this tender:

1. Name of related party: *Erroll Fitzgerald*
2. The nature of relationship with this related party: *Son*
3. The nature of the related party's interest in the matter is: *Her son has submitted a quote for this tender.*

Cr Haydon declared that she proposes to exclude herself from the meeting while this matter is debated and the vote is taken.

Declaration in respect of item 12.9

In respect of *Item 12.9 Tolga Industrial Estate and Rail Trail Reserve Project Management Plan* on today's agenda Cr Hayden declared that her husband's uncle is a landowner who may be affected by the ultimate outcome of the matter under consideration.

However, her husband's uncle is not a related party for the purpose of Section 150EN Local Government Act 2009 and CR Hayden considered that her participation in the consideration of this matter would not lead to decision that is contrary to the public interest.

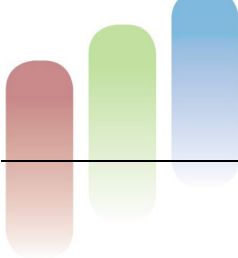
There were no other conflicts of interest declared by any Councillor or senior Council officer in relation to the items of business listed on the agenda.

7. CONFIRMATION OF MINUTES

Moved by Cr Wilce

Seconded by Cr Hodge

"That the Minutes of the Planning Committee Meeting held on 8 June 2023, be confirmed as true and correct.



CARRIED UNANIMOUSLY

Moved by Cr Cardew

Seconded by Cr Wilce

"That the Minutes of the Ordinary Council Meeting held on 25 May 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

8. BUSINESS ARISING/ACTIONS OUT OF MINUTES OF PREVIOUS MEETINGS

No business arising matters.

9. DEPUTATIONS AND DELEGATIONS

Joe Moro, President, FNQ Growers attended Council at 9.04am to discuss with Councillors the Queensland Rural Workers Accommodation Initiative. The presentation concluded at 9.31am.

Peter & Chelly Howe, RockRidge Farming attended the meeting at 9.31am to discuss with Councillors the sealing of Godfrey Road, Kairi. The presentation concluded at 9.52am.

10. MAYORAL MINUTE

No Mayoral Minutes

11. CHIEF EXECUTIVE OFFICER

11.1. FNQ SPEC HOMES PTY LTD - NEGOTIATED DECISION NOTICE – RECONFIGURING A LOT (1 INTO 37 LOTS) AND VARIATION REQUEST (ROCKLEY ROAD STRUCTURE PLAN) LOT 3 ON RP718878 - 188 ROCKLEY ROAD, ATHERTON - MCU22/0021

Moved by Cr Haydon

Seconded by Cr Bilney

“1. In relation to the written representations made by the Applicants, regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	FNQ Spec Homes Pty Ltd C/- wildPLAN Pty Ltd	ADDRESS	188 Rockley Road, ATHERTON QLD 4883

DATE NDN REQUEST LODGED	10 May 2023	RPD	Lot 3 on RP718878
TYPE OF APPROVAL	Preliminary Approval that includes a Variation Request and a Development Permit		
PROPOSED DEVELOPMENT	<ol style="list-style-type: none"> 1. Preliminary Approval for a Material Change of Use that includes a Variation Approval to establish development rights consistent with the Rockley Road Structure Plan; and 2. Development Permit for a Reconfiguration of a Lot (1 lot into 37 residential lots plus roads and drainage land). 		

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

- (A) Condition 11(f) (Roadworks Internal/External) of the Decision Notice dated 3 May 2022 be deleted.
- (B) Condition 18 (Electricity Easement) of the Decision Notice dated 3 May 2023 be deleted.
- (C) All other conditions remain as per Council’s Decision Notice dated 3 May 2023.

2. The Negotiated Decision Notice be issued to the Applicants.”

CARRIED 4-3

*Cr Hodge called for a **Division of Votes** to be recorded.*

Crs Marti, Wilce, Haydon and Bilney voted for the motion.

Crs Cardew, Hodge and Clifton voted against the motion.

11.2. WILD RIVER MOUNTAIN DISTILLERY - MATERIAL CHANGE OF USE FOR UNDEFINED USE (MICRO DISTILLERY) LOT 2 ON SP257022 - HARDING ROAD, WONDECLA - MCU22/0031

Moved by Cr Cardew

Seconded by Cr Haydon

- (A) That Council resolve that the application does not conflict with a relevant instrument and approves a Development Permit for an Undefined Land Use (Micro Distillery) on land described as Lot 1 on SP257022, situated at Harding Road, Wondecla subject to the following:

APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated

14253-0-MARKS	Site Plan	Shed Boss (Applicant 2023 mark-up)	29/10/19
14253 (Sheet 2 of 12)	02 Roof Plan (Shed 2, Stage 1)	Shed Boss (Applicant 2023 mark-up)	October 2019
14253 (Sheet 2 of 12)	02 Roof Plan (Shed 2, Stage 2)	Shed Boss (Applicant 2023 mark-up)	October 2019
QSFMM1627	Stud Framed Shed (Shed 1, Stages 1, 2 & 3)	McSheds (Applicant 2023 mark-up)	13/11/13

ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

1. Development must be carried out substantially 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
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the Applicant/Developer must notify Council that all the conditions of the development permit (including any relevant referral agency conditions) have been complied with, 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 commencement of the use and at the rate applicable at the time of payment.
 - 3.3 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.
 - 3.4 Stage 3 - Barrel Storage

Stage 3 of the approved development must only comprise one (1) barrel storage shed having a maximum Gross Floor Area of 150m², which is generally sited in one of the locations shown on the approved site plan. The barrel storage shed must be setback no less than 10m from an adjoining property boundary and no less than 6m from any road frontage (constructed or unconstructed).

3.5 Use Requirements

3.5.1 Until such time as an on-site effluent disposal system to accommodate the use is provided in accordance with Condition 4.4, the use is limited to a maximum of 15 persons per day for tastings. Use of toilet facilities by non-residents is limited to persons attending tasting sessions and employees.

3.5.2 Food service shall be limited to bar snacks and light refreshments served to patrons attending tasting sessions.

3.5.3 A designated outdoor smoking area must be established a minimum of 10m from Shed 2 (Production) and any residential use occurring on an adjoining lot.

3.5.4 Machinery (including the grain roller mill) shall only be operated between the hours of 7am and 6pm. (NB: The spirit distiller is not considered machinery for the purposes of this condition and can be operated at all times)

3.5.5 The Shed 2 (Production) must be mechanically ventilated to reduce the build-up of ethanol vapour.

3.5.6 Record Keeping

Adequate records must be kept and made available to Council for inspection on request to demonstrate compliance with the following conditions:

- (i) Condition 3.5.1 – Use requirements
- (ii) Condition 4.4 – On-site waste management

1. Infrastructure Services and Standards

4.1 Stormwater Drainage/Quality

All necessary steps must be taken to ensure that the development has a non-worsening effect on surrounding land, including road reserves, and all stormwater is to be directed to an approved lawful point of discharge. Any stormwater leaving the premises shall contain no visible floating oil, grease, scum, litter or other matter and the discharge of contaminated run-off to the site, drainage features or waterways is not permitted.

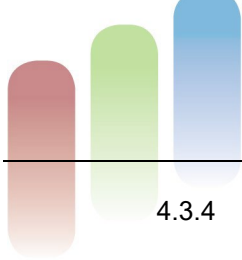


4.2 On-site Car Parking

- 4.2.1 Prior to the commencement of the approved use, the Applicant/Developer must ensure that the development is provided with a minimum of 6 on-site car parking spaces, including one (1) HRV space, in accordance with AS2890.1, AS2890.2 and AS2890.6 (as amended).
- 4.2.2 At a minimum, the surface treatment of parking and associated vehicle manoeuvring areas must be 150mm thickness compacted gravel, to the satisfaction of Council's delegated officer.
- 4.2.3 The parking spaces required by condition 4.2.1 are to be kept available and used exclusively for parking associated with the approved non-residential use of the premises and must be maintained in a suitable condition for the parking and circulation of vehicles.
- 4.2.4 Signage is to be installed in the vicinity of the vehicle entrance to the premises to alert visitors to the location of on-site parking facilities.
- 4.2.5 No loading/unloading is to occur in the road reserves and all vehicles must enter and exit the site in forward gear. When required, on-site parking spaces must be reserved as is necessary to facilitate the on-site turning movements of service and refuse collection vehicles.
- 4.2.6 Pedestrian routes from the parking area to building entrances, must be safe and readily identifiable.

4.3 *Non-Reticulated Water Supply*

- 4.3.1 Within 3 months of the date of this Decision Notice, the Applicant/Developer must submit technical documentation that demonstrates to the satisfaction of Council's delegated officer, that the development can be provided with a reliable source of water for potable, general use and firefighting purposes (additional to domestic water demand).
- 4.3.2 Supply from a bore and/or watercourse will be accepted where written evidence is provided to the satisfaction of Council's delegated officer, demonstrating that the Department of Resources is agreeable to the granting of a water licence for non-domestic purposes or that such consent(s) is not required.
- 4.3.3 Where supply is proposed to be achieved via bore, siting and installation is to be in accordance with the Queensland Plumbing and Wastewater Code and section D6.09 of the FNQROC Development Manual (as amended).



- 4.3.4 The Applicant/Developer must demonstrate that any proposed source of potable water can satisfy the standards for drinking water identified by the Australian Drinking Water Guidelines (National Health and Medical Research Council and the National Resource Management Ministerial Council - as amended), to the satisfaction of Council's delegated officer.
- 4.3.5 The development must be provided with a static water supply for firefighting purposes substantially in accordance with section 9.1 of the *Bushfire Resilient Communities* technical reference guide (QFES 2019), to the satisfaction of Council's delegated officer.
- 4.4 On-site waste management
- Prior to the use commencing beyond the limitations outlined in Condition 3.5.1, the applicant/developer must submit documentation to the satisfaction of Council's delegated officer that an on-site effluent disposal system is in place as is necessary to accommodate the loading associated with the ultimate use of the premises as described in the planning report accompanying the application, in accordance with the *Plumbing and Drainage Act 2018*, the *Plumbing and Drainage Regulation 2019* and the *Environmental Protection Regulation 2019* (as amended).
- 4.5 Outdoor Lighting
- Where outdoor lighting is required, it must be designed and installed to prevent the potential for light spillage to cause nuisance to any adjacent residential uses or to pose a safety hazard to motorists in accordance with AS4282 (Control of the Obtrusive Effects of Outdoor Lighting) and AS1158.1 (Lighting for Roads and Public Spaces).
- 4.6 Waste Management
- 4.6.1 On-site refuse storage areas are to be screened from adjoining properties and the road reserve by a 1.2m high solid fence, dense landscaping or similar.
- 4.6.2 Where bulk bins are used, the bins must be collected from a location within the boundaries of the site that enables refuse vehicles to enter and exit the site safely in forward gear.
- 4.7 Landscaping
- 4.7.1 A landscape strip with a minimum width of 1m must be provided for the entire length of the site's Harding Road frontage (constructed section) excluding access points.

4.7.2 The above-described plantings must comprise species selected from Schedule A of Planning Scheme Policy 6 and must be planted at no greater than 1m spacings.

4.7.3 Landscaping is to be carried out in accordance with the above conditions within 3 months of the date of this Decision Notice and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer until cessation of the approved use.

ASSESSMENT MANAGER'S ADVICE

- a) An Infrastructure Charges Notice has been issued with respect to the approved development. The Infrastructure Charges Notice details the type of infrastructure charges, the amount of the charges and when the charges are payable.
- b) The 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) The change in the use of the buildings may also require a change in the classification of the building under the *Building Act 1975*. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- d) Advertising signage for the proposed development may require a Development Permit for Operational Works. Please contact the Development Services prior to installing any advertising signage on the premises.
- 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) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

CURRENCY PERIOD

The development approval lapses at the end of the following period (the *currency period*)—

- for any part of the development approval relating to a material change of use—if the first change of use does not happen within **6 years** after the approval starts to have effect.

The approval, to the extent it relates to the development or aspect not completed, lapses at the end of the currency period.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work

OTHER APPROVALS REQUIRED FROM ASSESSMENT MANAGER (COUNCIL)

- Nil

(B) That Council issues an Infrastructure Charges Notice for the following infrastructure charges:

Infrastructure Charge Calculation				
Catchment/s	Credits/Charge Exclusions (CE)	Additional demand	AICR Charge Category*	Charge amount before charge exclusions applied
Outside PIA	Nil credits. Charge Exclusions: -45% water supply, -35% sewerage, Stormwater and Parks – N/A	Stage 1: 40.5m ² of "Medium Impact Industry" GFA + 13.6m ² "Bar" GFA	Medium Impact Industry: \$30.00/m ² GFA before charge exclusions applied. Bar: \$150.00/m ² GFA before charge exclusions applied.	Stage 1: \$3,255.00
		Stage 2: 20.25m ² of "Medium Impact Industry" GFA + 6.6m ² "Bar" GFA		Stage 2: \$1,597.50
		Stage 3: 100m ² to 150m ² "Medium Impact Industry" GFA		Stage 3: \$3,000.00 - \$4,500.00
Total Charge per Stage less Charge Exclusions				Stage 1: \$651.00
				Stage 2: \$319.50
				Stage 3: \$600.00 - \$900.00

*The charge rate specified by Council's Adopted Infrastructure Charges Resolution (No. 1 of 2019) for "Medium Impact Industry" has been applied to the proposed production, storage and bottling areas and the "Bar" charge rate has been applied to the proposed tasting areas given the planning scheme definitions.

CARRIED UNANIMOUSLY

11.3. M & G MACLEOD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 8 LOTS) LOT 3 ON RP703626 - 1-3 PENDA STREET, YUNGABURRA - RAL23/0001

Moved by Cr Clifton

Seconded by Cr Wilce

(A) That Council resolve that the application does not conflict with a relevant instrument and approve a Development Permit for Reconfiguring a lot – One into Eight (8) lot subdivision on land described as Lot 3 on RP703626, situated at 1 – 3 Penda Street Yungaburra subject to the following:

APPROVED PLANS/DOCUMENTS:

Plan No.	Rev.	Plan Name	Date
Reference: 9187	-	<i>Development Plan – Plan of Lots 3-10 Cancelling Lot 3 on RP703626, prepared by Twine Surveys Pty Ltd</i>	24.05.2023

ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

1.	<p>Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:</p> <p>(a) 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</p> <p>(b) to ensure compliance with the following conditions of approval.</p>
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 Council approval of the plan of survey, except where specified otherwise in these conditions of approval.
2.2	Prior to Council approving the plan of survey for reconfiguring a lot (under the Land Title Act 1994, as amended), the Applicant must provide written confirmation to Council that all of the conditions of this approval have been complied with, 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	The applicant/developer must relocate (in accordance with FNQROC standards) any services such as water, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless otherwise approved by Council's delegated officer. Alternatively, where property connections must traverse one lot to service another lot, easements are created in favour of the relevant lot for access and maintenance purposes to the satisfaction of

	Council's delegated officer. The developer is to pay all costs associated with the preparation and registration of the easement documents.
3.3	All payments required to be made to the Council relevant to this development (including contributions, charges and bonds) pursuant to any condition of this approval must be made at the time specified or if no time is specified, prior to Council approving the plans for reconfiguring a lot (under the <i>Land Title Act 1994</i> and as amended) and the rate applicable at the time of payment.
3.4	Any relocation and/or alteration to any public utility installation required as a result of any works carried out in connection with this development must be carried out at no cost to Council.
3.5	Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within the proposed new lots unless approved by Council's delegated officer.
3.6	Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
3.7	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.
3.8	Charges All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to the endorsement of the plan of subdivision.
3.9	Development Staging & Lot-by-Lot Releases Any staging arrangement or request to release titles on a lot-by-lot basis will be considered in the context of Council's Survey Plan Sealing Policy (CORP 051). Should it be determined that a request for plan endorsement is contrary to the policy, Council reserves the right to withhold endorsement until such time it has been demonstrated to the satisfaction of Council's delegated officer that the request would achieve the intent of the policy.
4.0	Infrastructure Services and Standards
4.1	Water Supply

	<p>Each proposed lot must be serviced by Council's reticulated water supply network prior to endorsement of the relevant plan of survey. Where the existing water supply is not sufficient to service the development, the Applicant/Developer is required to extend the reticulated water supply infrastructure to connect the proposed lots to Council's existing infrastructure and water service connections (excluding meters) must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer. Prior to works commencing, plans for the works must be approved as part of an Operational Works application.</p>
4.2	<p>Sewerage Reticulation</p> <p>Each proposed lot must be serviced by Council's reticulated sewer network prior to endorsement of the relevant plan of survey. The Applicant/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. Prior to works commencing, plans for the works must be approved as part of an Operational Works application.</p>
4.3	<p>Stormwater Drainage/Water Quality</p> <ul style="list-style-type: none"> a) All reasonable and practicable measures must be taken to ensure that stormwater run-off is directed to a lawful point of discharge (kerb and channel or drainage easement) and that the development has a non-worsening effect on surrounding land in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual. b) All constructed or retained stormwater channels through any balance lot must be contained within a registered 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. c) Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the <i>Environmental Protection Act 1994</i> (Qld), the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines). d) 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.
4.4	<p>Easements</p>

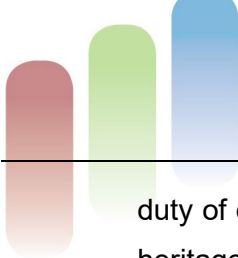
	<p>Where Council is a party to a proposed easement, and/or if the proposed easement is in favour of Council, the Applicant/Developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents, using Council's standard form of easement. The approved easement documents must be submitted at the same time the Applicant/Developer seeks endorsement of the relevant plan of survey and must be lodged and registered with the Registrar of Titles in conjunction with the relevant plan of survey.</p>
4.5	<p>Electricity Supply</p> <p>Prior to the approval of any relevant plan of survey:</p> <ul style="list-style-type: none"> a) The applicant/developer must ensure that a suitable level of electricity supply is provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer. b) 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 to Lots 3-4 and Lots 6-9.
4.6	<p>Telecommunication</p> <p>The applicant/developer must demonstrate the ability to provide telecommunication services to Lots 3-4 and Lots 6-9, to the satisfaction of Council's delegated officer.</p>
4.7	<p>Access & Utilities</p>
4.7.1	<p>Residential standard access driveways and crossovers (x2) must be constructed from the existing kerb and channel in accordance with Council's relevant Standard Drawings for Driveway Access and Driveway Crossovers for Lots 5 and 9. Details of the above must be provided as part of an Operational Works application and the access works must be delivered prior to endorsement of the relevant plan of survey.</p>
4.7.2	<p>Access & Utilities Easement</p> <p>An easement(s) must be provided in Lot 5 to allow for pedestrian and vehicle access, on-site manoeuvring and connection of services and utilities for the benefit of Lot 6.</p>
4.8	<p>Driveway Construction (Rear Lot)</p> <p>A minimum 3m wide sealed driveway must be provided to service Lots 5 and 9 prior to endorsement of the relevant survey plan, starting from the road frontage and extending for the entire length of the access handle. The driveway must be designed in</p>

	<p>accordance with the Tablelands Regional Planning Scheme and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.</p>
4.9	<p>Existing services</p> <ul style="list-style-type: none"> a) The existing services for each lot must be contained within the individual allotments. Any existing water meters must be contained within the individual lot which they service, at the property road frontage; b) Where the development does not allow existing services to be contained within the individual lot, then such services must be relocated or easement obtained. Such easements must be registered in accordance with the <i>Land Title Act 1994</i>, in conjunction with registration of the Plan of Survey.
4.10	<p>Environmental Covenant</p> <p>The applicant/developer will be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of the preservation, protection and maintenance of native vegetation associated with the northern-eastern bank of Peterson Creek within the proposed Lots 6 and 8. The covenant area must extend 25m above the defined bank and covenant documentation must stipulate that:</p> <ul style="list-style-type: none"> i. The registered owners of the lots are to obtain written consent from Council's delegated officer prior to undertaking any earthworks, clearing of native vegetation, fencing or placement of water pumps and pipelines within or across the covenant area; ii. New or replacement wastewater disposal systems, buildings or structures and cultivation will be specifically excluded from within the covenant area; iii. It is for the express purpose of vegetation and habitat preservation, including the preservation of native plants and the natural features of the lots, including the water in the unnamed tributary and the soil contained in the covenant area; iv. Domestic pets and stock shall be kept within enclosures that prevent them from wandering within the covenant area; and v. Any maintenance required to be performed in respect of the covenant area will be the responsibility of the relevant landowner. <p>The covenant location and documentation must be to the satisfaction of Council's delegated officer and the applicant/developer will be responsible for the cost of preparation and registration. The covenant agreement must be signed by the registered</p>

owners of the land prior to endorsement of the relevant survey plan by Council and the signed covenant must be lodged in conjunction with the relevant survey plan for registration by the Registrar of Titles.

ASSESSMENT MANAGER'S ADVICE

- (a) This Decision Notice and the Infrastructure Charges Notice do not identify all charges associated with this approval. A number of other charges may be associated with the conditions of approval. The applicable fees are set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) **Water Service Connection**
Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged, and the required connection fee paid prior to the signing of the survey plan.
- (c) **Easement Documents**
The Tablelands Regional Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning and Regulatory Services Section for more information regarding the drafting of easement documents for Council easements.
- (d) **Endorsement Fees**
Please be advised that 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) **Cultural Heritage**
In carrying out the activity the Applicant/Developer 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.des.qld.gov.au.

CURRENCY PERIOD

The development approval lapses at the end of the following period (the *currency period*)—

- for any part of the development approval relating to reconfiguring a lot—if a plan for the reconfiguration that, under the Land Title Act 1994 , is required to be given to a local government for approval is not given to the local government within **4 years** after the approval starts to have effect;

The approval, to the extent it relates to the development or aspect not completed, lapses at the end of the currency period. (Refer to Section 85 “Lapsing of approval at end of currency period” of the *Planning Act 2016*.)

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Works

OTHER APPROVALS REQUIRED FROM ASSESSMENT MANAGER (COUNCIL)

(B) That Council issue an Infrastructure Charges Notice for the following infrastructure charge/s:

Calculation				
Catchment/s	Existing credit	Additional demand	Charge Category	Charge amount
Yungaburra PIA	2 x short-term accommodation cabins (1 x 1 bdrm cabin & 1 x 2 bdrm cabin)	7 additional lots	\$22,500.00 per additional lot As per Table 4.2.2 for “Dwelling house” (3 or more bedrooms) & Short-term accommodation per bed (serviced by private amenities)	(\$22,500.00 x 7) – (\$4,000.00 + \$8,000.00)
Total Charge				\$145,500.00

CARRIED UNANIMOUSLY

11.4. FNQ REGIONAL PLANNING COMMITTEE

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council receive and note the correspondence received from the Honourable Steven Miles MP in relation to FNQ Regional Planning Committee (FNQ RPC)."

CARRIED UNANIMOUSLY

12. INFRASTRUCTURE & ENVIRONMENT SERVICES

12.1. DRIVEWAY CROSSOVER (MAINTENANCE OF EXISTING ACCESS) POLICY

Moved by Cr Cardew

Seconded by Cr Wilce

"That Council endorse the Driveway Crossover (maintenance of existing access) Policy attached to the officer's report."

CARRIED UNANIMOUSLY

12.2. T-TRC2023-03 PROVISION OF TRAFFIC CONTROL SERVICES

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council

1. Empanel the tenderers nominated below on the Register of Pre-Qualified Suppliers for the purpose of providing Traffic Control Services due to commence on 1 July 2023 with an expiry date of 30 June 2025.
 - Traffic Services Pty Ltd
 - Tablelands Traffic Control
 - Arid to Oasis Traffic Solutions Pty Ltd
 - Linemark Traffic Control Pty Ltd
2. Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute any and all matters associated with this contract."

CARRIED UNANIMOUSLY

12.3. T-TRC2023-04 NORTHERN GRAVEL RE-SHEETING PROGRAM

Moved by Cr Cardew

Seconded by Cr Wilce

"That Council:

1. Award T-TRC2023-04 for the delivery of Northern Gravel Re-Sheeting Program to Bono's Excavations for \$1,691,814.72 including GST.
2. Delegate the authority to the Chief Executive Office in accordance with the Local Government Act 2009 to negotiate, finalise and execute and any and all matters associated with these arrangements including variations to the contract with the constraints of Council's endorsed capital budget allocation."

CARRIED UNANIMOUSLY

12.4. T-TRC2023-05 SOUTHERN GRAVEL RE-SHEETING PROGRAM

ATTENDANCE

*Cr Haydon dealt with the declared **Prescribed Conflict of Interest** by leaving the meeting at 10.29am.*

Moved by Cr Wilce

Seconded by Cr Cardew

"That Council:

1. Award T-TRC2023-05 for the delivery of Southern Gravel Re-Sheeting Program to Bono's Excavations for \$1,594,574.93 including GST.
2. Delegate the authority to the Chief Executive Office in accordance with the Local Government Act 2009 to negotiate, finalise and execute and any and all matters associated with these arrangements including variations to the contract with the constraints of Council's endorsed capital budget allocation."

CARRIED UNANIMOUSLY

ATTENDANCE

Cr Haydon returned to the meeting at 10.41am.

12.5. T-TRC2023-06 WTMA GRAVEL RE-SHEETING PROGRAM

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. Award T-TRC2023-06 for the delivery of WTMA Gravel Re-Sheeting Program to Bono's Excavations for \$670,892.19 including GST.
2. Delegate the authority to the Chief Executive Office in accordance with the Local Government Act 2009 to negotiate, finalise and execute and any and all matters associated with these arrangements including variations to the contract with the constraints of Council's endorsed capital budget allocation."

CARRIED 6-1

Question on Notice 1:

Cr Haydon raised the question regarding the 2020 resheeting contract in relation to the cost of soil testing that was carried out where there were road failures.

MORNING TEA ADJOURNMENT

The meeting adjourned for morning tea at 10.49am and resumed at 11.02am.

12.6. PERMIT TO OCCUPY APPLICATION - BARTER ROAD MIDDLEBROOK

Moved by Cr Wilce

Seconded by Cr Bilney

"That Council:

1. Approve the Permit to Occupy application to permit water pump and supply pipeline to property 67 Barter Road (Lot 420 NR1124) from Souita Falls Scenic Reserve on Middlebrook Road (Lot B AP17355 within Lot 487 NR1722) subject to the following conditions:
 - All costs are to be borne by the applicant;
 - Any infrastructure constructed or to be constructed within Tablelands Regional Council's road reserve and scenic reserve requires Tablelands Regional Council pipeline authority; and
 - The applicant is responsible for securing of the appropriate tenure (such as easements) for infrastructure located in private property. All survey costs and easement registration costs are to be borne by the applicant.
2. Delegate authority to the Chief Executive Officer to do all things required to enact the approval."

CARRIED UNANIMOUSLY

12.7. DECLARED WATER AND SEWAGE SERVICE AREAS

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. Declare the areas identified in the attached Declared Service Area maps as the service areas for reticulated water and sewerage services in the Tablelands Regional Council local government area.
2. Declare Tablelands Regional Council as the service provider for the provision of reticulated water and sewerage services within the declared service areas in the Tablelands Regional Council local government area.
3. Publish a notice of the declaration and provide a copy to the regulator.
4. Delegate authority to the Chief Executive Officer to make minor and administrative amendments as required to the declared service area maps."

CARRIED UNANIMOUSLY

12.8. BUILDING AND OTHER STRUCTURES ASSET MANAGEMENT PLAN 2023-2032

Moved by Cr Hodge

Seconded by Cr Clifton

"That Council:

1. Receive and adopt the Buildings and Other Structures Asset Management Plan 2023 – 2032 attached to this report.
2. Consider the outlined plan for recommendations in future budget deliberations."

CARRIED UNANIMOUSLY

12.9. TOLGA INDUSTRIAL ESTATE AND RAIL TRAIL RESERVE PROJECT MANAGEMENT PLAN

Moved by Cr Hodge

Seconded by Cr Clifton

"That Council adopt the Tolga Industrial Estate and Rail Trail Reserve Development Plan/Strategy Project Management Plan."

CARRIED 4-3

12.10. REEF GUARDIAN ACTION PLAN AMENDMENTS

Moved by Cr Bilney

Seconded by Cr Wilce

“That Council endorse the Reef Guardian Council Action Plan 2023-2027, including potential projects which Council may wish to include in future grant funding applications.”

CARRIED 5-2

Crs Clifton and Cardew voted against the motion

12.11. ROAD NAMING POLICY REVIEW

Moved by Cr Wilce

Seconded by Cr Haydon

"That Council defer this item to a future meeting of Council and a workshop be held with Councillors to discuss."

CARRIED UNANIMOUSLY

13. COMMUNITY & CORPORATE SERVICES

13.1. FINANCIAL REPORT - MAY 2023

Moved by Cr Hodge

Seconded by Cr Clifton

“That Council:

1. Receive and note the Financial Report for May 2023.
2. Endorse a response to the Department of Resources recommending no new property valuation for the 2024/25 financial year due to a new revaluation only taking effect from July 2023 and being no expectation of a material change in property value over the next 12 months.
3. Adopt the Fees and Charges listed in this report pursuant to section 97 of the *Local Government Act*.”

CARRIED UNANIMOUSLY

Question on Notice: 2

Cr Hodge requested an explanation of the calculation of the variation to Place Design for the change in direction of Railway Lane.

Question on Notice: 3

Cr Clifton asked the question - what was the reason for contracting these works out and why no local supplier was available.

11/05/2023	JCG Logistics Pty Ltd	Herbicide Spraying	\$14,850.00	Variation;;Ravenshoe and Malanda Maintenance - JCG;;Herbicide Spraying various areas Not available on OPH List and due to staff shortages;;TRC to supply chemicals;;
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Question on Notice: 4

Cr Clifton raised the question, ‘why we were contracting these works out?’ and ‘why external tippers from outside the area were used?’

17/05/2023	Addison (Aust) Ltd T/A 1300 Meteor Rentals	Tipper Hire	15,750.00	No local supplier for this type of truck
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13.2. OUTSTANDING INFRINGEMENT NOTICE WRIGHT OFF

Moved by Cr Wilce

Seconded by Cr Hodge

"That Council endorse the write off of the infringements totalling \$52,244.71 attached to the officer’s report."

CARRIED UNANIMOUSLY

13.3. SERVICE PLANNING

Moved by Cr Clifton

Seconded by Cr Wilce

"That Council receive and note the report entitled ‘Service Planning’ prepared by the General Manager Community and Corporate Services."

CARRIED UNANIMOUSLY

13.4. AUDIT RISK & IMPROVEMENT COMMITTEE - 7 JUNE 2023

Moved by Cr Hodge

Seconded by Cr Clifton

"That Council receive and note the Unconfirmed Minutes of the Audit, Risk & Improvement Committee meeting held on 7 June 2023."

CARRIED UNANIMOUSLY

13.5. APPLICATION FOR ISSUE OF TERM LEASE - LOT 183 ON CP OL443 (2022/003340) & LOT ON 216 CP OL204 (2023/000163)

Moved by Cr Hodge

Seconded by Cr Haydon

"That Council advises the Department of Resources that it does not object to the granting of a term lease over Lot 183 on Crown Plan OL443 (2022/003340) and Lot 216 on Crown Plan OL204 (2023/000163) subject to the Applicant being required to survey the road reserve through the stated land parcels to address any roads and other Council interests outside of the dedicated alignment."

CARRIED UNANIMOUSLY

13.6. HERBERTON CHILDCARE COMMUNITY BUSINESS INITIATIVE UPDATE

Moved by Cr Haydon

Seconded by Cr Wilce

"That Council:

1. Require the Herberton Children's Centre Incorporated to provide confirmation on or before 31 July 2023 to Council as to whether it proposes to re-establish childcare or kindergarten services and formally request tenure over the Council facility located at 2 Jack Street, Herberton; and
2. Provide suitable evidence to support its ability to commence the services for the year commencing 2024; and

Further, if the Herberton Children's Centre Incorporated advise that they are unable to recommence kindergarten or childcare services, or fail to provide notice to Council of an ability recommence the services; then Council

- a) Delegate the power to the Chief executive Officer to seek expressions of interest under s 228 (5) *Local government Regulation 2012*, for the lease or sale of the facility subject to the reconfiguration of the parcel to create a separate indefeasible title; and
- b) Agree that it is in the public interest to first invite expressions of interest under s228(5) due to the service provided by the current facility and the community interest and history of the centre being used for kindergarten and childcare purposes. A further report is to be brought to Council with the outcome of any expressions of interest received to the September Ordinary Meeting."

CARRIED UNANIMOUSLY

13.7. MILLAA MILLAA GOLF CLUB TRUSTEE LEASE

Moved by Cr Bilney

Seconded by Cr Hodge

"That Council resolve to:

1. Apply the exemption under s 236 (1)(b)(ii) *Local Government Regulation 2012* to dispose of an interest in land, without first offering for auction or obtaining tern, being a sublease in favour of the Millaa Millaa Golf Club Inc over Lot 606 CP NR835440, more commonly known as the Millaa Millaa golf course; and
2. Apply the exemption under s 236 (1)(b)(ii) *Local Government Regulation 2012* to dispose of an interest in land, without first offering for auction or obtaining tenure, being a sublease in favour of the Millaa Millaa Golf Club Inc over Lot 601 SP148846; and

3. Provide in principle approval for the proposed donated assets, subject to the Club submitting a Community Project request including plans and whole of life cost; and
4. Delegates the power to the Chief Executive Officer to undertake the following:
 - a. negotiate and finalise the trustee lease(s);
 - b. issue proposed activity notice under the Mamu Indigenous Land Use Agreement in respect to the proposed grant of lease and the construction of improvements;
 - c. Do all things and sign all documents to give effect to this resolution.”

CARRIED 6-1

Cr Cardew voted against the motion

LUNCH ADJOURNMENT

The meeting adjourned for lunch at 12.27pm and resumed at 1.00pm.

13.8. CYCLING ADVISORY COMMITTEE - APRIL 2023

Moved by Cr Bilney

Seconded by Cr Wilce

“That Council receive and note the Confirmed Minutes of the Cycling Advisory Committee Meeting held on 12 April 2023.”

CARRIED UNANIMOUSLY

13.9. UPDATED POLICIES - MEDIA, DIGITAL COMMUNICATIONS AND SOCIAL MEDIA AND COMMUNITY ENGAGEMENT POLICY

Moved by Cr Hodge

Seconded by Cr Wilce

“That Council adopt the updated Media Policy, Digital Communications and Social Media Policy, and Community Engagement Policy attached to the officer’s report.”

CARRIED UNANIMOUSLY

14. NOTICE OF MOTION

14.1. CR DAVID CLIFTON - NOTICE OF MOTION - REMOVAL OF FRESHWATER CROCODILE FROM LAKE EACHAM

Moved by Cr Clifton

Seconded by Cr Wilce

“That Council resolve the freshwater crocodile in Lake Eacham be relocated as soon as possible into a more satisfactory environment and write to the *Hon Leanne Linard, Minister*

for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs, advocating the immediate removal.”

CARRIED UNANIMOUSLY

14.2. CR PETER HODGE - NOTICE OF MOTION - PRIORS CREEK STEERING COMMITTEE

Item-14.2 is withdrawn at Cr Hodge's request.

15. BUSINESS WITHOUT NOTICE

SEALING OF GODFREY ROAD, KAIRI

Moved by Cr Clifton

Seconded by Cr Hodge

“It is resolved that Council:

1. Acknowledge the importance that the agricultural/horticulture industry plays in the overall Gross Domestic Product of the Region; and
2. Identify Godfrey Road, Kairi as a road of major economic significance in the Tablelands Region; and
3. Agree to commit funds to the sealing of Godfrey Road, as a matter of high priority when funds become available; and
4. Workshop with officers to discuss the criteria for identifying roads of economic significance.”

CARRIED 4-3



CLOSURE OF MEETING

Moved by Cr Hodge

Seconded by Cr Wilce

"That in accordance with Section 254J of the *Local Government Regulation 2012*, the meeting be closed to the public at 1.59pm to discuss matters relative to:

16.1. Tablelands Community Housing - Kelly Street, Atherton

- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

16.2. NQ Savannah Property Sales - Retail Shop Lease Agreement - Shop 4 Ravenshoe Town Hall

- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

16.3. Leases and Licences

- (g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

CARRIED UNANIMOUSLY

OPENING OF MEETING

Moved by Cr Wilce

Seconded by Cr Hodge

"That the meeting be opened at 2.19pm."

CARRIED UNANIMOUSLY

16. CONFIDENTIAL ITEMS

16.1. TABLELANDS COMMUNITY HOUSING - KELLY STREET, ATHERTON

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. Confirm continued support for Tablelands Community Housing's Curtain Fig Project; and
2. Confirm continued support for the location referred to as 47 Kelly St Atherton (more accurately identified as Lot 3 plan SP334768; 54 Grove St Atherton 4883); and
3. Delegate the power to the Chief Executive Officer to negotiate terms of a proposed Lease and Capital Funding Agreement between Tablelands Community Housing and

the State Government (represented by Department of Community Housing and Digital Economy), to be presented for a resolution of Council at a future meeting.

CARRIED UNANIMOUSLY

16.2. NQ SAVANAH PROPERTY SALES - RETAIL SHOP LEASE AGREEMENT - SHOP 4(D), RAVENSHOE TOWN HALL

Moved by Cr Haydon

Seconded by Cr Bilney

"That Council resolve to:

1. Apply the exemption section 236(1)(e) Local Government Regulation 2012;
2. Grant the retail shop lease over Shop D, being part of Lot 6 on RP 705736, Ravenshoe Town Hall, 54 Grigg Street, Ravenshoe, to Darlene Rose Brooks of NQ Savannah Property Sales;
3. Delegate the authority to the Chief Executive Officer to negotiate and finalise the terms of the lease generally, including but not limited to the following:
 - a) Term no more than 5 years;
 - b) Rent is to be determined by way of an independent valuation;
 - c) Parties obligations, including but not limited to costs and outgoings, in accordance with the *Retail Shop Leases Act 1994*."

CARRIED UNANIMOUSLY

16.3. LEASES AND LICENCES

Moved by Cr Wilce

Seconded by Cr Clifton

"That Council receive and note the report entitled 'Lease and Licence' prepared by the Coordinator Legal and Governance."

CARRIED UNANIMOUSLY



17. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton

Special (Budget) Meeting – 9.00am, Thursday 29 June 2023

Planning Committee - 9:00am, Thursday 13 July 2023

Ordinary Meeting - 9:00am, Thursday 27 July 2023

There being no further business, the meeting closed 2.21pm.

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Cr Rod Marti

Mayor

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Gary Rinehart

Chief Executive Officer