



Ordinary Meeting

TRC Coordination Centre, 15 Vernon Street, Atherton

Thursday, 23 February 2023

at 9:00 AM

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), T Tanase (Manager Environment & Natural Resources), E Bowden (Manager Finance), P Turner (Coordinator Legal & Governance), B Rutherford (Community Engagement Officer), A Finocchiaro (Executive Manager Economic Development), S Titman (Acting Strategic Communications), A Loudon (Executive Support Officer) and J Hunter (Minute Secretary).

3. APOLOGIES/LEAVE OF ABSENCE

No apologies.

4. ACKNOWLEDGEMENT OF COUNTRY

The Mayor delivered the following 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 Clifton declared that he may have a **Prescribed Conflict of Interest**, (as defined in Section 175(d) of the *Local Government Act 2009*), in relation to ITEM 14.1 'Cr Peter Hodge – Notice of Motion – Atherton RSL' on the agenda as he is a member of Queensland RSL and is not attached to any subbranch, has been a member (including president) of the Cairns subbranch, but never been a member of the Atherton subbranch. Cr Clifton declared he has determined that this personal interest is not of sufficient significance that it will lead him to making a decision on this matter that is contrary to the public interest. Cr Clifton declared that he will best perform his responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

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 Clifton

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

CARRIED UNANIMOUSLY

Moved by Cr Hodge

Seconded by Cr Clifton

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

CARRIED UNANIMOUSLY

Moved by Cr Cardew

Seconded by Cr Wilce

"That the Minutes of the Planning Committee Meeting held on 9 February 2023, be confirmed as true and correct."

CARRIED UNANIMOUSLY

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

Meeting Date	Item	Officer	Questions on Notice	Question Response															
25/01/2023	13.1 Financial Report – December 2022	FM	Councillor Request: Cr Hodge requested a list of sundry debtors to be forwarded to Councillors.	NFA															
25/01/2023	13.1 Financial Report – December 2022	FM	<p>Cr Peter Hodge requested further information on the line items on the Local Supplier listing:</p> <table border="1" data-bbox="550 705 1236 884"> <tr> <td>2/12/2022</td> <td>Moodie Outdoor Products P/L</td> <td>Goods Materials & Services-Services</td> <td>69,935.00</td> <td>No local contractors located</td> </tr> </table> <table border="1" data-bbox="550 918 1236 1064"> <tr> <td>20/12/2022</td> <td>Grillex Pty Ltd</td> <td>Contour Double BBQ</td> <td>\$41,416.02</td> <td>Not available locally</td> </tr> </table> <table border="1" data-bbox="550 1097 1236 1310"> <tr> <td>9/12/2022</td> <td>Davidson Executive and Boards Pty Ltd</td> <td>Contractors Services</td> <td>\$50,000.00</td> <td>Not available locally</td> </tr> </table>	2/12/2022	Moodie Outdoor Products P/L	Goods Materials & Services-Services	69,935.00	No local contractors located	20/12/2022	Grillex Pty Ltd	Contour Double BBQ	\$41,416.02	Not available locally	9/12/2022	Davidson Executive and Boards Pty Ltd	Contractors Services	\$50,000.00	Not available locally	<ul style="list-style-type: none"> Moodie Outdoor Products = \$69,935.00 This was the successful quotation from Local Buy for the purchase of the design, materials and delivery of the Tolga Betty Walker Park amenities block renewal. Grillex Pty Ltd = \$41,416.02 This purchase order includes, 2 x table settings, 1 x contour BBQ, 1 x cantilever shelter (3x3) and 2 x cantilever shelters (4x4). Davidson Executive and Boards Pty Ltd = \$50,000 relates to the recruitment for two manager positions. This is the purchase order value, not the value paid.
2/12/2022	Moodie Outdoor Products P/L	Goods Materials & Services-Services	69,935.00	No local contractors located															
20/12/2022	Grillex Pty Ltd	Contour Double BBQ	\$41,416.02	Not available locally															
9/12/2022	Davidson Executive and Boards Pty Ltd	Contractors Services	\$50,000.00	Not available locally															
25/01/2023	13.1 Financial Report – December 2022	FM	Question on Notice: Cr Cardew queried the reduction in percentage of local spend.	<p>For the December period over 60% of the non-local spend was attributed to three suppliers. These purchased were for:</p> <ul style="list-style-type: none"> Under bore works. The local supplier was not available to deliver these services, so an 															

<i>Meeting Date</i>	<i>Item</i>	<i>Officer</i>	<i>Questions on Notice</i>	<i>Question Response</i>
				<p>external provider was engaged</p> <ul style="list-style-type: none"> • Supply and delivery of 2 light rigid tipper trucks. These are not available from local suppliers. • Audit fees. Payment to the Queensland Audit Office for audit services. This service and supplier is mandated. <p>During the December and January periods works completed are impacted by periods of staff leave and delays due to weather events. This can also influence the engagement of suppliers, especially those associated with high spends such as road and construction works. Buying local is and always has been a priority for all staff undertaking procurement activities.</p>

9. DEPUTATIONS AND DELEGATIONS

No Deputations.

10. MAYORAL MINUTE

No Mayoral Minute.

11. CHIEF EXECUTIVE OFFICER

11.1. ELECTORAL COMMISSION QLD - REVIEW OF DIVISIONAL ENROLMENTS

Moved by Cr Haydon

Seconded by Cr Bilney

"That Council advise the Minister for Local Government and the Electoral Commissioner that Council seeks a review of the boundaries of Division 1 and Division 2 so that the town of Herberton is included in Division 1."

CARRIED 6-1

Cr Cardew voted against the motion

11.2. POSTAL ONLY BALLOTS FOR LOCAL GOVERNMENT QUADRENNIAL ELECTION 2024

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council confirm that a postal ballot is not required for any division or part of a division in its area."

CARRIED UNANIMOUSLY

11.3. TABLELANDS REGIONAL UNIVERSITY CENTRE

Moved by Cr Clifton

Seconded by Cr Bilney

"That Council:

1. Provide funding of \$10,000 in 2022/23 to the Tablelands University Centre as a foundation sponsor to support operations.
2. Provide funding of \$15,000 in 2023/24 subject to meeting agreed key performance indicators, and
3. Provide funding of \$20,000 in 2024/25 subject to meeting agreed key performance indicators.
4. Receive an annual report on the KPI's and other outcomes achieved by the Tablelands University Centre."

CARRIED UNANIMOUSLY

12. INFRASTRUCTURE & ENVIRONMENT SERVICES

12.1. BRIDGE & MAJOR CULVERTS FY22/23

Moved by Cr Cardew

Seconded by Cr Hodge

"That Council endorse the increase of the 2022/23 bridge and major culverts budget to \$571,145 excluding GST by reallocation of \$221,145 from the pavement rehabilitation budget.

CARRIED UNANIMOUSLY

12.2. WET TROPICS WATERWAYS - MEMORANDUM OF UNDERSTANDING

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. Approve entering a Memorandum of Understanding with Wet Tropics Waterways Partnership, and delegate to the Chief Executive Officer the power to negotiate, finalise and sign the Memorandum of Understanding.
2. Approve an annual payment to Wet Tropics Waterways Partnership of \$10,000 excluding GST, which may be adjusted by mutual agreement.
3. Nominate Cr Dave Bilney as Council's delegate for representation at meetings, report card launches and events."

CARRIED UNANIMOUSLY

12.3. TRANSPORT ASSET MANAGEMENT PLAN 2022

Moved by Cr Hodge

Seconded by Cr Bilney

"That Council:

1. Receive and adopt the Transport Asset Management Plan 2022 – 2031 attached to the officer's report.
2. Consider the outlined plan for recommendations in the future budget deliberations."

CARRIED UNANIMOUSLY

13. COMMUNITY & CORPORATE SERVICES

13.1. FINANCIAL REPORT - JANUARY 2023

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council receive and note the Financial Report for January 2023."

CARRIED UNANIMOUSLY

13.2. DEPARTMENT OF RESOURCES - HERBERTON TOWN RESERVE TRUSTEESHIP - TRANSFER 20230203

Moved by Cr Cardew

Seconded by Cr Haydon

"That Council advise the Department as that Council does not wish to take on the trusteeship of Lot 304 on Crown Plan CWL3609."

CARRIED UNANIMOUSLY

13.3. LOCAL LAWS REVIEW UPDATE

Moved by Cr Cardew

Seconded by Cr Wilce

"That Council note and received the report providing an update in relation to the local laws review."

CARRIED UNANIMOUSLY

13.4. DELEGATION OF STATUTORY POWERS - PLUMBING & DRAINAGE REGULATION

Moved by Cr Cardew

Seconded by Cr Clifton

"That, under Section 257 of the *Local Government Act 2009*, Council delegate the exercise of the *Plumbing and Drainage Regulation* 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

14. NOTICE OF MOTION

14.1. CR PETER HODGE - NOTICE OF MOTION - ATHERTON RSL

Moved by Cr Hodge

Seconded by Cr Clifton

“That the Chief Executive Officer be authorised to have discussions on behalf of the Tablelands Regional Council, with Members of the Atherton RSL and officers of Department of Transport Main Roads in regard to the future of the Atherton RSL on Railway Lane, Atherton, and report back to Council if necessary.”

CARRIED UNANIMOUSLY

14.2. CR DAVE BILNEY - NOTICE OF MOTION - TABLELANDS RAIL TRAIL STRATEGY

Moved by Cr Bilney

Seconded by Cr Wilce

“That the development of a Rail Trail Strategy, including community consultation be included in the Operational Plan 23/24.”

CARRIED UNANIMOUSLY

15. BUSINESS WITHOUT NOTICE

No business without notice.

MORNING TEA ADJOURNMENT

The meeting adjourned for morning tea at 9.55am and resumed at 10.07am.

CLOSURE OF MEETING

Moved by Cr Bilney

Seconded by Cr Clifton

"That in accordance with Section 255(1) of the *Local Government Regulation 2012*, the meeting be closed to the public at 10.07am to discuss matters relative to:

- (d) rating concessions;

16.1. Rate Debt Recovery - Sale of Land

- (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. Council Social Housing

CARRIED UNANIMOUSLY

OPENING OF MEETING

Moved by Cr Wilce

Seconded by Cr Cardew

"That the meeting be opened at 10.29am."

CARRIED UNANIMOUSLY

16. CONFIDENTIAL ITEMS

16.1. RATE DEBT RECOVERY - SALE OF LAND

Moved by Cr Hodge

Seconded by Cr Clifton

"That Council resolve:

- (a) Pursuant to regulation 140(2) of the *Local Government Regulation* 2012 (Qld), to sell the land described in Schedule A to this resolution, by reason of the non-payment of overdue rates and charges which have been outstanding for more than 3 years, and authorises the taking of all necessary action to effect such sales in accordance with Chapter 4 Part 12 Division 3 of the *Local Government Regulation* 2012 (Qld):Schedule A:

Assessment No.	Legal Description	Rates Balance
33491	Lot 34 RP 715750	10,189.96
35240	Lot 145 RP 912530	11,185.70
31292	Lot 267 NR 1530	12,479.50
29075	Lot 30 SP 214315	14,030.39
33282	Lot 17 RP 718267	14,567.78
32207	Lot 4 SP 148821	14,796.22
35950	Lot 120 RP 843454	14,834.19
32839	Lot 103 M 6031	18,036.50
30364	Lot 2 RP 732163	26,857.40

- (b) To delegate to the Chief Executive Officer its power to take all further and necessary action pursuant to Chapter 4 Part 12 Division 3 of the *Local Government Regulation* 2012 (Qld), to effect the sale of the land as described in Schedule A to this resolution (including, for the avoidance of doubt, the power to end the sale procedures, including pursuant to regulation 141(3) of the *Local Government Regulation* 2012 (Qld).

- (c) To delegate to the Chief Executive Officer its power to take all further and necessary action to write off any remaining debt to enable properties sold by the sale of land process to be free of all encumbrances on transfer of title as per section 145 (4) of the *Local Government Regulation 2012* (Qld).

CARRIED UNANIMOUSLY

16.2. COUNCIL SOCIAL HOUSING

Moved by Cr Cardew

Seconded by Cr Bilney

"That Council resolve to:

1. Enter into discussion with the Queensland Department of Housing & Public Works with a view to exit from the National Regulatory Scheme for Community Housing (NRSCH) subject to the successful negotiation of an agreement with the Department on terms acceptable to Council;
2. delegate the power to the Chief Executive Officer to negotiate draft terms for the exit from the Scheme, including consideration to the following:
 - a) Discharging Council's obligations under the funding arrangements; and
 - b) Consideration of transferring of housing assets to the State or nominated housing provider to off-set contingent liability and State share of accumulated surplus; and
 - c) Ensuring the continued provision of Community Housing to the Tablelands Local Government Area.
3. Consider the draft terms of a proposed agreement in conjunction with any decision regarding the disposal of non-current assets used under the NRSCH.

CARRIED UNANIMOUSLY



17. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton

Planning Committee - 9:00 am on 9 March 2023

Ordinary Meeting - 9:00am on 23 March 2023

There being no further business, the meeting closed 10.31am.

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Cr Rod Marti

Mayor

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Gary Rinehart

Chief Executive Officer