



Ordinary Meeting

**TRC Coordination Centre, 15 Vernon Street, Atherton
9.00am Thursday, 24 August 2023**

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), S Lisle (Executive Manager Development Services), D O'Connor (Senior Planning Officer), S Savich (Manager Strategic Assets), S McHardie (Manager Community Services), K Sherwell (Coordinator Community Development), G Nevard (Coordinator Tourism, Culture & Events), D Fletcher (Manager Roads & Projects), B Gardiner (Manager Water & Waste), E Bowden (Manager Finance), P Turner (Coordinator Legal & Governance), B Rutherford (Community Engagement), S Titman (Acting Strategic Communications), A Loudon (Executive Support Officer) and J Hunter (Minute Secretary).

3. APOLOGIES/LEAVE OF ABSENCE

ADHOC-1 CR PETER HODGE – LEAVE OF ABSENCE

Moved by Cr Hodge

Seconded by Cr Wilce

“That Cr Peter Hodge is granted leave of absence from 13 September 2023 to 18 September 2023.”

CARRIED UNANIMOUSLY



ADHOC-2 CR DAVID CLIFTON – LEAVE OF ABSENCE

Moved by Cr Clifton

Seconded by Cr Hodge

“That Cr David Clifton is granted leave of absence from 6 January 2024 to 2 February 2024.”

CARRIED UNANIMOUSLY

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

There were no 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 Cardew

Seconded by Cr Hodge

"That the Minutes of the Ordinary Council Meeting held on 27 July 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

Moved by Cr Wilce

Seconded by Cr Bilney

"That the Minutes of the Planning Committee Meeting held on 10 August 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
27/07/2023	13.1. PRELIMINARY FINANCIAL REPORT - JUNE 2023	FM	<i>Question on Notice - Cr Clifton asked for confirmation regarding sales revenue.</i>	<p>Following from your question today regarding sales revenue I would like to confirm that this revenue is a result of:</p> <ul style="list-style-type: none"> • Rural signage • Nursery sales and other fees payable for natural resource management • Water meter connections • Sale of scrap metal • Book sales • Visitor information souvenir sales • Road works completed for main roads - this is the main source of income for the sales revenue line. <p>Revenue from Caravan Parks is captured in the fees and charges line along with other charges such as cemetery fees, hall hire etc.</p> <p>Finance Manager - Email sent 27/07/2023</p>

9. DEPUTATIONS AND DELEGATIONS

No deputations

10. MAYORAL MINUTE

No Mayoral Minutes

11. CHIEF EXECUTIVE OFFICER

11.1. REGIONAL QUEENSLAND HOUSING CORPORATION PTY LTD - MCU FOR MULTIPLE DWELLINGS, FOOD & DRINK OUTLET, SHOP, HEALTHCARE SERVICE & OFFICE - LOT 2 RP800372 - 1 VERNON STREET, ATHERTON MCU23/0003

Moved by Cr Hodge

Seconded by Cr Wilce

- (A) That Council delegate authority to the Chief Executive Officer to execute the Infrastructure Agreement between Council and the Regional Queensland Housing Corporation Pty Ltd; and
- (B) That Council determine that the application does not conflict with a relevant instrument and that a Development Permit be issued for a Material Change of Use for “Multiple

Dwellings”, “Food and Drink Outlet”, “Office”, “Shop” and “Healthcare Services” on land described as Lot 2 on RP800372, located at 1 Vernon Street, Atherton, subject to the following plans, documents, and conditions:

APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1781- SK-01 (Rev C)	Site Plan	HU MAC Design	03/07/23
1781- SK-10 (Rev C)	Ground Floor Plan	HU MAC Design	03/07/23
1781- SK-11 (Rev C)	First & Second Floor Plan	HU MAC Design	03/07/23
1781- SK-12 (Rev C)	Third Floor Plan	HU MAC Design	03/07/23
1781- SK-20 (Rev C)	Elevations	HU MAC Design	03/07/23
1781- SK-21 (Rev C)	Elevations	HU MAC Design	03/07/23
232410 - L01	Preliminary landscape concept overall layout	Susan Quigg Landscape Design	27/04/23
232410 - L02	Preliminary planting detail commercial area landscaping	Susan Quigg Landscape Design	27/04/23
232410 - L03	Preliminary planting detail residential area - Part 1	Susan Quigg Landscape Design	27/04/23
232410 - L04	Preliminary planting detail residential area - Part 2	Susan Quigg Landscape Design	26/04/23

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 Building Appearance
 - (a) All external plant, including gensets, air-conditioning motors and the like, are either to be positioned in non-street facing locations or are to be provided with screening that compliments the materials and finishes of the building.
 - (b) Building finishes (excluding signage) must comprise neutral colours and facades must not incorporate un-painted or un-rendered finishes.
- 3.5 Pedestrian Awning
 - (a) The proposed over-footpath awning must be cantilevered and must not incorporate support posts, whether load-bearing or decorative.
 - (b) The fascia of the awning must be setback no less than 600mm from the kerb alignment, save for where a greater setback is required to achieve safe clearance from overhead electricity infrastructure.
 - (c) The underside of the awning must be positioned a minimum of 3m, and a maximum of 4.2m, above the finished footpath level.



3.6 Delivery Hours

The delivery of goods is to be limited to between the hours of 6am and 7pm, Monday to Saturday. No deliveries are to occur on Sundays or Public Holidays.

3.7 Letterbox

Each Multiple Dwelling is to be provided with an individual letter box that is located within the lot boundaries adjacent to the road frontage.

3.8 Clothes Drying Facilities

Sufficient area for clothes drying is to be provided to service each Multiple Dwelling, which is appropriately screened from view from the commercial tenancies, adjoining properties and the street.

(a) Infrastructure Services and Standards

4.1 Access

- (a) A commercial standard access crossover must be constructed to service the development, from the edge of the road pavement to the property boundary of the subject lot, substantially in accordance with the relevant FNQROC Development Manual requirements and the approved plans.
- (b) Prior to commencement of the above-described works, the details of the works must be submitted and approved as part of an Operational Works application.

4.2 Stormwater Drainage/Water Quality

- (a) All necessary steps must be taken to ensure that the development has a non-worsening effect on surrounding land, including the State and Council controlled road reserves, and all stormwater is to be directed to an approved lawful point of discharge.
- (b) Prior to works commencing, a Stormwater Management Plan and Report must be submitted for endorsement, prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing, a Stormwater Quality Management Plan and Report must be submitted for endorsement, prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the

standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) Prior to works commencing, the above-described plans/reports must be submitted to Council as part of an application for Operational Works.
- (f) Stormwater drainage infrastructure must be constructed in accordance with the above-described plans/reports following endorsement by Council.
- (g) During construction, temporary drainage, erosion and sediment control infrastructure will be installed to direct run-off to a lawful point of discharge clear of works.
- (h) Stormwater drainage works must be completed to the satisfaction of Council's delegated officer prior to the commencement of any approved use.

4.3 On-site Car Parking/Manoeuvring Areas

- (a) Prior to the commencement of any approved use, the Applicant/Developer must ensure that the development is provided with a minimum of 29 on-site car parking spaces, including a minimum of 1 disabled space, substantially in accordance with the approved plans and AS2890.1 and AS2890.6 (as amended). The spaces are to be kept available solely for the parking of vehicles associated with the use of the premises and must be sealed, line-marked and appropriately drained prior to the commencement of the use.
- (b) No loading/unloading is to occur in the road reserve and all vehicles are to enter and exit the site in forward gear.
- (c) A bike rack capable of accommodating 10 bicycles is to be installed adjacent to the commercial tenancies, to the satisfaction of Council's delegated officer.
- (d) Residents and commercial tenants are to be advised that parking is not permitted in third-party owned private parking facilities in the vicinity of the subject premises.

4.4 Frontage Works

The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- (a) A clay-paved footpath must be constructed for the full length of the site's Vernon Street frontage (excluding access driveway/crossover) substantially in accordance with Planning Scheme Policy No. 10, to the satisfaction of Council's delegated officer;
- (b) The existing concrete footpath must be removed, and the above-described footpath paving constructed to the kerb alignment, save that where the verge contains overhead electricity infrastructure, footpath paving need only be provided under the awning projection;
- (c) During the construction phase, any damage to infrastructure in the road reserve (e.g. footpaths, kerb and channel, signage) must be repaired/replaced in accordance with FNQROC Development Manual standards;
- (d) The Applicant/Developer is responsible for all footpath earthworks, topsoiling and turf reinstatement of all disturbed footpath/verge areas fronting adjoining lots;
- (e) Footpath earthworks and paving must achieve a level transition between adjoining footpath and grassed verge surfaces; and
- (f) The Applicant/Developer is responsible for all costs associated with adjustments and relocations necessary to public utility services and Council infrastructure resulting from frontage/access works, including (but not limited to) relocation of the existing traffic signage, water meter and fire hydrant (if required).

Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.

4.5 Water Supply

- (a) The development must be connected to Council's reticulated water supply network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing water supply connection is not adequate to service the proposed development, the Applicant/Developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to

Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.

- (c) Each Multiple Dwelling and commercial tenancy are to be separately metered as is any area of common property.

4.6 Sewerage Connection / Realignment

- (a) The development must be connected to Council's reticulated sewerage network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing sewerage connection is not adequate to service the proposed development, the Applicant/Developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.
- (c) As part of an application for Operational Works, the Applicant/Developer must (at no cost to Council) realign or decommission the existing sewer main traversing the site between manholes A12/1 and A1/20 to the satisfaction of Council's delegated officer.

4.7 Outdoor Lighting

Where outdoor lighting is required, it must be designed and installed to prevent the potential for light spillage to cause nuisance to 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).

4.8 Noise Nuisance

- (a) Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
- (b) The Applicant/Developer is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used

elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

4.9 Electricity Provision/Supply

An appropriate level of electricity supply is to be provided to the development substantially in accordance with the relevant FNQROC Development Manual standards (as amended) prior to commencement of use.

4.10 Waste Management

- (a) On-site refuse storage areas are to be screened from adjoining properties and the road reserve to the satisfaction of Council's delegated officer.
- (b) Bulk bins must be collected from a location within the boundaries of the site that enables refuse collection vehicles to enter and exit the site safely in forward gear.
- (c) Whilst bulk bins need not be utilised, the kerbside collection of wheelie bins is not permitted, and the collection of wheelie bins must be undertaken by commercial contractors.

4.11 Landscaping and Fencing

- (a) Landscaping of the site is to be carried out substantially in accordance with the approved landscaping plans (Susan Quigg Job No. 232410, Drawing Numbers L01 to L03, dated 27 April 2023, and Drawing No. L04, dated 26 April 2023) and Planning Scheme Policy No. 6, prior to commencement of the use.
- (b) Landscaped areas are to be irrigated, mulched and maintained for the life of the approved use.
- (c) Solid 1.8m high screen fencing is to be provided for the full length of the side and rear boundaries of the site prior to commencement of the 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) This Decision Notice and 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) Water Service Connection

Prior to Council commencing water service connection works, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(d) Property Connection to existing sewer main

Prior to property connection works associated with an existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(e) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the *Food Act 2006*. Please contact Council's Environmental Health Officer on (07) 4089 2362 for further information.

(f) Trade Waste

Prior to commencement of the use, a Trade Waste Permit may be required to discharge industrial waste liquids to Council's reticulated sewerage system. Trade waste may need to be treated so it complies with Council's sewer admission limits before it can be released into the sewerage system. The *Water Supply (Safety and Reliability) Act 2008* regulates trade waste discharge and permits are subject to conditions outlined in Council's Trade Waste Management Plan. For further information, and to lodge an application, please visit <https://www.trc.qld.gov.au/water-sewerage/trade-waste/>.

(g) Advertising signage for the proposed development may require a Development Permit for Operational Works. Please confirm with Council's Development Services prior to installing any advertising signage on the premises.

(h) 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.

(i) 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.

(j) On-street Dining

Please note that Council requires business operators to obtain a permit for on-street dining. Please contact Council's Local Laws section on 1300 362 242 to obtain further information.

(k) Telecommunication Facility – Lot 2 on RP737032

The design of the telecommunications tower on Lot 2 on RP737032 (3 Vernon Street) did not anticipate residential development on the subject site and the approved development would potentially result in residential uses being exposed to unsafe levels of electromagnetic radiation. The conditions attached to the telecommunications tower require the operator to demonstrate that the infrastructure would not result in unsafe levels of exposure and Council has contacted the operator requesting confirmation in this respect.

REFERRAL AGENCY RESPONSES

- Department of State Development, Infrastructure, Local Government and Planning response dated 26 June 2023.

CURRENCY PERIOD

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

- Material Change of Use – Six (6) years (starting the day the approval takes effect)

OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work
- Development Permit for Operational Work

OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Calculation				
Catchment/s	Existing credit	Proposed demand	Charge Category	Charge amount
Atherton PIA	\$22,500.00 (Deemed credit)	12 x 1bdrm Multiple Dwellings	\$15,000.00/Multiple Dwelling	\$180,000.00
		15 x 2bdrm Multiple Dwellings	\$18,000.00/Multiple Dwelling	\$270,000.00
		201.4m ² commercial tenancy GFA	\$130.00/m ² GFA	\$26,182.00
		1,149m ² impervious area	\$6.00/m ² impervious area	\$6,894.00
Total Charge less Credit				\$460,576.00

CARRIED UNANIMOUSLY

11.2. AGRICULTURAL ADVISORY COMMITTEE - 14 JULY 2023

Moved by Cr Clifton

Seconded by Cr Wilce

“That Council receive and note the Unconfirmed Minutes of the Agricultural Advisory Committee Meeting held on 14 July 2023.”

CARRIED UNANIMOUSLY

11.3. PRIORS CREEK STEERING COMMITTEE - 26 JULY 2023

Moved by Cr Hodge

Seconded by Cr Wilce

“That Council receive and note the Unconfirmed Minutes of the Priors Creek Steering Committee held on 26 July 2023.”

CARRIED UNANIMOUSLY

11.4. PROJECT MANAGEMENT OFFICE STEERING COMMITTEE - 10 AUGUST 2023

Moved by Cr Hodge

Seconded by Cr Cardew

“That Council receive and note the Project Management Office project reviews and action items for July 2023.”

CARRIED UNANIMOUSLY

12. INFRASTRUCTURE & ENVIRONMENT SERVICES

12.1. T-TRC2023-08 REPLACEMENT MULTI TYRE ROLLER

Moved by Cr Wilce

Seconded by Cr Hodge

"That Council:

1. In accordance with section 234 (1) of the local Government Regulation 2012 award T-TRC2023-08 for the purchase of one (1) Caterpillar CW 34 Multi Tyre Roller to Hastings Deering for the amount of \$231,770.00 including GST.
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 these arrangements including variations to the contract within the constraints of Council's endorsed capital budget allocation."

CARRIED UNANIMOUSLY

12.2. T-TRC2023-09 FLEET RENEWAL - COMPACT TRACK LOADERS

Moved by Cr Bilney

Seconded by Cr Cardew

"That Council resolve:

1. In accordance with section 234 (1) of the Local Government Regulation 2012 award T-TRC2023-09 for the purchase of two (2) John Deere Compact Track Loader to RDO Equipment for the amount of \$260,532.80 including GST.
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 these arrangements including variations to the contract within the constraints of Council's endorsed capital budget allocation."

CARRIED UNANIMOUSLY

12.3. DISPOSAL OF COMMUNITY FACILITIES - MALANDA SCHOOL OF THE ARTS BUILDING

Moved by Cr Bilney

Seconded by Cr Haydon

"That Council resolve to:

1. Rescind the Motion from the ordinary Council meeting, Thursday, 27 July 2023, "*That Council resolve to provide a Licence Agreement to Malanda RSL Sub-Branch in terms of the Land Use and Tenure Policy over property situated over Part Lot 9, 5 Elizabeth Street, Malanda known as the Malanda School of the Arts Building. Tenure should be for an initial period of 3 years.*"

2. Apply the exemption contained in s 236 (1) (b) (i) or (ii) *Local Government Regulation 2012*.
3. Relinquish Trusteeship of the Malanda School of Arts Building on 5 Elizabeth Street, Malanda known as Lot 9 on Plan M6037 and advise the State (represented by the Department of Resources) that:
 - a. the Malanda RSL Sub-Branch may make an application regarding arrangements for the building.
4. Delegate authority to the Chief Executive Officer to negotiate and finalise the terms of disposal in accordance with Tablelands Regional Council Asset Disposal Policy, *Local Government Act 2009* and *Local Government Regulation 2012*.”

CARRIED UNANIMOUSLY

12.4. CONTRACT FNQ039 - REGIONAL SEWER RELINING

Moved by Cr Hodge

Seconded by Cr Haydon

"That Council:

1. Award Contract FNQ039 2023/24 Regional Sewer Relining to Relining Solutions Pty Ltd for the total of \$483,537.43 including GST based on the indicative program of works, schedule of rates, and inclusive of a provision of \$15,000 to accommodate likely variations based on past relining programs.
2. Note that the Contract allows for two further 12 month extensions at the sole discretion of Council.
3. Approve payment of up to \$20,407.20 including GST as TRC's contribution towards the Program Coordination Fee for the 2023/24 Regional Sewer Relining Contract.
4. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this project subject to Council's procurement practices and policies.

CARRIED UNANIMOUSLY

12.5. TENDER T-TRC2023-07 ALCATRAZ LANDFILL WORKS - CONSTRUCTION OF WEIGHBRIDGE

Moved by Cr Hodge

Seconded by Cr Wilce

Motion Rescinded – Special Meeting, Thursday 7 September 2023

"That Council:

- ~~1. Award Tender T-TRC2023-07 Alcatraz Landfill Works – Construction of Weighbridge to Richard Field Construction Pty Ltd for a lump sum of \$1,051,788.10 incl GST.~~

- ~~2. Allocate additional funds of \$246,171 in the next budget review to provide adequate budget for all relevant costs to allow completion of the project.~~
- ~~3. Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into, negotiate, finalise and execute any and all matters associated with or in relation to this contract."~~

CARRIED 6-1

Cr Haydon voted against the motion

12.6. 2023/24 REGIONAL BITUMEN RESEAL TENDER

Moved by Cr Cardew

Seconded by Cr Bilney

"That Council:

1. Award Contract FNQ038 2023/24 Regional Bitumen Reseal Program to FGF Bitumen Pty Ltd. Based on the indicative works program and pricing the annual contract value is estimated to be \$2,168,160.50 including GST, with the potential for the scope to be varied to include resealing required during 2024/25 and 2025/26.
2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to enter into contracts, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies."

CARRIED UNANIMOUSLY

12.7. NATURAL ASSET MANAGEMENT ADVISORY COMMITTEE (NAMAC) - RECOMMENDATIONS

Moved by Cr Bilney

Seconded by Cr Wilce

"That Council note the recommendations of the Natural Asset Management Advisory Committee and resolve to:

1. Accept the invitation for all Councillors to attend the next NAMAC meeting to discuss the role of NAMAC and the importance of the natural environment in the Tablelands area; and
2. Endorse the installation of wildlife advisory signs on Curtain Fig Tree Road."

CARRIED 6-1

Cr Cardew voted against the motion.

13. COMMUNITY & CORPORATE SERVICES

13.1. FINANCIAL REPORT - JULY 2023

Moved by Cr Hodge

Seconded by Cr Clifton

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

CARRIED UNANIMOUSLY

13.2. ADOPTION OF LOCAL LAW MAKING PROCESS

Moved by Cr Hodge

Seconded by Cr Bilney

"That Council adopt the following process to make new local laws:

Local Law making Process

For the purpose of section 29 (1) of the *Local Government Act 2009* ("the Act") the local government resolves to adopt a process for making each local law of the local government as detailed below. The process applies to the making of :

- (A) Each local law that is a model local law; and
- (B) Each other local law; and
- (C) Each local law that is a subordinate local law; and
- (D) Each interim local law.

A) Making a local law that is a model local law

The process ("model local law-making process") stated in this resolution must be used to make a local law that is a model local law, including a model local law which contains anti-competitive provisions. However, this process is not to be used to make a proposed local law that incorporates a model local law, if the proposed local law includes more than the model local law (in which case the relevant process is that for "making an 'other' local law" below.

Step 1 - By resolution, proposed to adopt the model local law.

Step 2 - If the model local law contains an anti-competitive provision, it must comply with Steps 3,4,5 and 6 of the process for making an 'other' local law below.

Step 3 - By resolution-

- (a) Make the model local law; and
- (b) If there is an existing local law about the matter that is inconsistent with the model local law, so that there is no inconsistency, amend or repeal the existing local law by resolution at the same time that the model local law is resolved to be made by the local government;

- (c) If the model local law repeals an existing local law, and the model local law includes more than the amendment or repeal of the exiting local law, consult with relevant government entities about the overall State interest in the proposed local law.

- Step 4 - Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of s 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 5 - As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchase at the local government's public office, at a cost no more than the cost to the local government.
- Step 6 - Within 14 days after the notice is published in the gazette, give the Minister –
 - (a) A copy of the notices: and
 - (b) A copy of the local law in electronic form.
- Step 7 - Update the local government's register of its local laws.

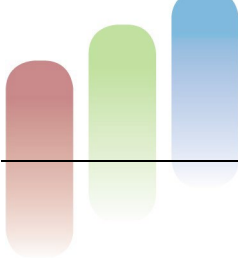
B) Making an "other" local law

The process ("other local law making process") stated in this resolution must be used to make a local law (a proposed local law) other than –

- (a) A local law that incorporate only a model local law; or
- (b) An interim local law; or
- (c) A subordinate local law;

If a proposed local law seeks to modify an incorporated model local law, or include more than the model local law, it must follow this process. A model local law that contains an anti-competitive provision must comply with steps 3,4,5 and 6 of this process only as outlined in Step 2 of the process for making a local law that is a model local law.

- Step 1 - By resolution, propose to make the proposed local law.
- Step 2 - Consult with relevant government entities about the overall State interest in the proposed local law.
- Step 3 -
 - (1) Consult with the public about the proposed local law for at least 14 days (the consultation period) by:

- 
- (a) Publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
 - (b) Displaying the consultation notice in a conspicuous place at the local government public office from the first date of the consultation period until the end of the last day of the consultation period; and
 - (c) Making a copy of the proposed local law available for inspection at the local government's public office during the consultation period;
 - (d) Making copies of the proposed local laws available for purchase at the local government's public office during the consultation period;
- (2) The consultation notice must state the following: -
- (a) The name of the proposed local law; and
 - (b) The purpose and general effect of the proposed local law; and
 - (c) The length of the consultation period and the first and last days of the period; and
 - (d) That written submission by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating –
 - (i) The grounds of the submission; and
 - (ii) The facts and circumstances relied on in support of the grounds.

Step 4 - If the proposed local law contains an anti-competitive provision, comply with procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, Step 3 and this Step 4 may be undertaken contemporaneously.

Step 5 -

Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it –

- (a) Is the written submission of any person about the proposed local law; and
- (b) States-
 - (i) The grounds of the submission; and
 - (ii) The facts and circumstances relied on in support of the grounds; and

(c) is given to the local government on or before the last day of the consultation period.

Step 6 -

- (1) By resolution, decide whether to –
 - (a) make the proposed local law as advertised; or
 - (b) make the proposed local law with amendments; or
 - (c) not make the proposed local law.
- (2) If the local government resolves to make the proposed local law with the amendments, and the amendments are substantial, the local government may again-
 - (a) consult with the public at step 3; and
 - (b) Accept and consider every submission properly made to the local government at step 5.
- (3) For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribe under a regulation for the review of anti-competitive provisions for the amended anti-competitive provisions.

Step 7- If there is an existing local law about the matter that is inconsistent with the local law, so that there is no inconsistency amend or repeal the existing local law by resolution at the same time that the local law is resolved to be made by the local government.

Step 8 - Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.

Step 9 - As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office, at a cost no more than the cost to the local government.

Step 10 - Within 14 days after the notice is published in the gazette, give the Minister –

- (a) a copy of the notices; and
- (b) a copy of the local law in electronic form.

Step 11 - Update the local government's register of its local laws.

C) Making a subordinate local law

The process (“subordinate local law making process”) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may state the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising local law) has not finished.

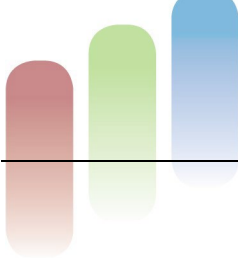
The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising local laws is made if-

- (a) in making the proposed authorising law, the local government must satisfy
 - (i) the model local law making process; or
 - (ii) the other local law making process; or
 - (iii) the interim local law making process; and
- (b) if the proposed authorising law is made under the other local law making process – the notice about the subordinate local law under Step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under the step 3 of the other local law making process is published.

Step 1 - By resolution, proposed to make the proposed subordinate local law.

Step 2 -

- (1) Consult with the public about the proposed subordinate local law for at least 14 days (the consultation period) by-
 - (a) Publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government’s area; and
 - (b) Displaying the consultation notice in a conspicuous place at the local government public office from the first date of the consultation period until the ends of the last day of the consultation period; and
 - (c) Making a copy of the proposed local law available for inspection at the local government’s public office during the consultation period;
 - (d) Making copies of the proposed local laws available for purchase at the local government’s public office during the consultation period;
- (2) The consultation must state the following-
 - (a) The name of the proposed subordinate local law; and
 - (b) The name of-

- 
- (i) The local law allowing the proposed subordinate local law to be made; or
 - (ii) If the local government has started the process for making a subordinate local law even though the process for making the proposed authorising local law has not finished – the proposed authorising law; and
- (c) The purpose and general effect of the proposed subordinate local law; and
- (d) The length of the consultation period and the first and last days of the period; and
- (e) That written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating-
- (i) The grounds of the submission; and
 - (ii) The fact and circumstances relied on in support of the grounds.

Step 3-

If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, Step 2, and this Step 3, may be undertaken contemporaneously.

Step 4 -

- (1) Accept and consider every submission properly made to the local government.
- (2) A submission is properly made to the local government if it-
 - (a) Is the written submission of any person about the proposed subordinate local law; and
 - (b) States-
 - (i) The grounds of the submission; and
 - (ii) The facts and circumstances relied on in support of the grounds; and
 - (c) is given to the local government on or before the last day of the consultation period.

Step 5 -

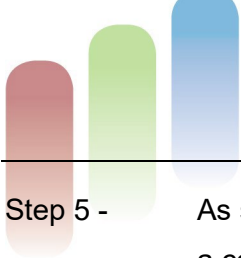
- (1) By resolution, decide whether to-
 - (a) make the proposed subordinate local law as advertised; or
 - (b) make the proposed subordinate local law with amendments; or
 - (c) not proceed with the making of the subordinate local law.

- Step 6 - If there is an existing law about the matter that is inconsistent with the subordinate local law, so that there is no inconsistency amend or repeal the existing local law by resolution at the same time that the subordinate local law is resolved to be made by the local government.
- Step 7 - Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of s 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 8 - As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchase at the local government's public office, at a cost no more than the cost to the local government.
- Step 9 - Within 14 days after the notice is published in the gazette, give the Minister-
- (a) a copy of the notice; and
 - (b) a copy of the subordinate local law in electronic form;
- Step 10 – Update the local government register of its local laws.

D) Making an Interim local law

The process (“interim local law making process”) stated in this resolution must be used to make a local law that is an interim local law.

- Step 1 - By resolution, propose to adopt the interim local law, including setting the proposed expiry date of the interim local law.
- Step 2 - Consult with relevant government entities about the overall State interest in the proposed local law.
- Step 3 - By resolution-
- (a) make the interim local law (which includes a provision setting the expiry date of the interim local law.
 - (b) If there is an existing local law about the matter that is inconsistent with the interim local law so that there is no inconsistency amend or repeal the existing local law by resolution at the same time that the interim local law is resolved to be adopted the local government.
- Step 4 - Let the public know that the interim local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of s 29B(1) to (4), inclusive of the *Local Government Act 2009*.



- Step 5 - As soon as practicable after the notice is published in the gazette, ensure that a copy of the interim local law may be inspected and purchased at the local government’s public office, at a cost no more than the cost to the local government.
- Step 6 - Within 14 days after the notice is published in the gazette, give the Minister –
 - (a) A copy of the notice; and
 - (b) A copy of the interim local law in electronic form.
- Step 7 - Update the local government’s register of its local laws."

CARRIED UNANIMOUSLY

13.3. AMENDING LOCAL LAW NO 1

Moved by Cr Hodge

Seconded by Cr Wilce

"That in accordance with the following Local Law-making process B) Making an “other” local law

Council resolve:

- 1. To make the proposed local law “Amending Local Law No. 1 (Miscellaneous Local Laws) 2023), as amended

**Tablelands Regional Council
Amending Local Law No. 1
(Miscellaneous Local Laws) 2023**

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**Tablelands Regional Council
Amending Local Law No. 1 (Miscellaneous Local Laws)
2023**

Part 1 Preliminary

Short title

This amending local law may be cited as *Tablelands Regional Council Amending Local Law No.1 (Miscellaneous Local Laws) 2023*.

Object

The object of this amending local law is to—

- (a) define ‘urban area’;
- (b) amend local laws to prescribe the minimum requirements for the keeping of animals.

**Part 2 Amendment of Tablelands Regional
Council Local Law No. 1 (Administration)
2019**

Local Law amended

This part amends the *Tablelands Regional Council Local Law No. 1 (Administration) 2019*.

Amendment of Schedule 1 Dictionary

Schedule 1, in alphabetical order—

insert—

Urban area means land used in towns—

- (a) including residential zones, industrial zones, community facility zones and centre zones; but generally not including:
 - (ii) rural residential zones; and
 - (iii) land the subject of a preliminary approval overriding the planning scheme where the use proposed is a use ordinarily occurring in one of the zones identified in paragraph (a) of this definition.

Part 3

Amendment of Tablelands Regional Council Subordinate Local Law No. 2 (Animal Management) 2019

Subordinate Local Law amended

This part amends the *Tablelands Regional Council Subordinate Local Law No. 2 (Animal Management) 2023*.

Amendment of Schedule 1, Item 1, Column 2

Section 3,

Omit—

3 *Keeping more than 2 dogs is prohibited on a premises*

insert—

4 *Keeping more than 2 dogs is prohibited on a premises that is less than 4,000m².*

Amendment of Schedule 1, Item 7, Column 2

Section 1, 600m² —

omit, insert—

4,000m²

Amendment of Schedule 2

(1) Column 1 Species or breed of animal, Column 2, Section (3)—

Omit—

Stock A permit is required to keep stock in an urban area.

insert—

Stock A permit is required to keep stock in an urban area or on a lot that is less than 20,000m².

Amendment of Schedule 4

(2) Column 1 Species or breed of animal, Column 2, Section (3)—

omit—

Horse (including a racehorse), donkey, ass, mule, cow, bull, camel, buffalo and other domesticated animals of a similar size and sheep, goat, alpaca, llama and other animals of a similar size

(3) Each owner of, and responsible person for, an animal which is kept free range or in a paddock on premises must ensure that shelter of a clean, dry and shady nature is provided together with a minimum space per animal as prescribed in the Model Code of Practice for the Welfare of Animals published from time to time by the Commonwealth Scientific and Industrial Research Organisation.

Insert—

Horse (including a (3) Each owner of, and responsible person for, an animal

racehorse), donkey, ass, mule, cow, bull, camel, buffalo and other domesticated animals of a similar size and sheep, goat, alpaca, llama and other animals of a similar size

which is kept free range or in a paddock on premises must ensure:

- (a) a shelter of a clean, dry and shady nature is provided; and
- (b) the minimum space per animal provided is as prescribed in the Model Code of Practice for the Welfare of Animals published from time to time by the Commonwealth Scientific and Industrial Research Organisation; or
- (c) Not less than 4,000m² per animal.

Note: Relevant structures under this provision must comply with the Building Act 1975 and Building Code of Australia.

Amendment of Schedule 5

Insert, in Column 2, for the animals prescribed in column 1—

Dog	The owner holds a permit to breed the animal on a lot size smaller than 2,000m ² .
Noisy Bird	The owner holds a permit to breed the animal on a lot size smaller than 10,000m ² .
Bird	The owner holds a permit to breed the animal on a lot size smaller than 2,000m ² .
Racing Pigeon	The owner holds a permit to breed the animal on a lot size smaller than 800m ² .
Special Bird	The owner holds a permit to breed the animal on a lot size smaller than 20,000m ² .
Stock	The owner holds a permit to breed the animal on a lot size smaller than 10,000m ² .

- 2. That Council does not consider that the proposed amendments affect State interests or contain anti-competitive provisions;
- 3. To undertake public consultation on the proposed laws for a minimum period of 14 days and in accordance with Step 3 of the local law making process;
- 4. A further report to be prepared for the purpose of considering any properly made submissions made and consideration of adopting the Tablelands Regional Council Amending Local Law No. 1 (Miscellaneous Local Laws) 2023.

CARRIED4-3

Crs Marti, Bilney, Haydon voted against the motion

MORNING TEA ADJOURNMENT

The meeting adjourned for morning tea at 10.02am and resumed at 10.12am.

13.4. MALANDA HORSE & PONY CLUB - TRUSTEE LEASE

Moved by Cr Bilney

Seconded by Cr Clifton

"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 tenders, being a trustee lease in favour of the Malanda Horse and Pony Club Inc over Lease A on SP265016 in Lot 339 on SP 221452, more commonly known as the Malanda Pony Club; and
2. Delegate the power to the Chief Executive Officer to undertake the following:
 - a. negotiate and finalise the trustee lease(s) in accordance with the prescribed terms;
 - b. Do all things and sign all documents to give effect to this resolution."

CARRIED UNANIMOUSLY

13.5. T-TRC2019-31 PROVISION OF IT MANAGED SERVICES - ENGAGEMENT OF ROBERTS & MORROW TECHNOLOGY FOR A FURTHER 1 YEAR PERIOD

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council resolve to engage Roberts & Morrow Technology for a further 12-month term from 1st September 2023, under the local buy agreement BUS-274 ICT Solutions & Services for the provision of IT Managed Services at the quoted price of \$456,300 (including GST)."

CARRIED 6-1

Cr Cardew voted against the motion

13.6. RADF GRANT PROGRAM - JULY 2022 TO JUNE 2023

Moved by Cr Haydon

Seconded by Cr Wilce

"That Council receive and note the report '*TRC RADF Grant Program 1 July 2022 to 30 June 2023.*'"

CARRIED UNANIMOUSLY

13.7. CYCLING ADVISORY COMMITTEE - MAY 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 18 May 2023."

CARRIED UNANIMOUSLY

3.8. WASTE REDUCTION & RECYCLING ACT 2011 - STATUTORY DELEGATION

Moved by Cr Wilce

Seconded by Cr Cardew

“That Council resolves to delegate its power under the Waste Reduction and Recycling Act 2011 to the Chief Executive Officer, as detailed in the attached instrument of delegation”.

CARRIED UNANIMOUSLY

14. NOTICE OF MOTION

No notice of motion.

15. BUSINESS WITHOUT NOTICE

Cr Hodge requested an update from on:

- Manthey Road
- Malanda Falls Caravan Park
- Davies Road Water Supply
- Mount Garnet Transfer Station

ATTENDANCE

*As Cr Clifton has previously declared a **prescribed conflict of interest** in relation to a development associated with the Davies Road Water Supply upgrade, the Councillor left the meeting at 10.35am whilst the update from officers was given.*

ATTENDANCE

Cr Clifton returned to the meeting at 10.38am after the discussion concluded.

CLOSURE OF MEETING

Moved by Cr Clifton

Seconded by Cr Wilce

"That in accordance with Section 254J of the *Local Government Regulation 2012*, the meeting be closed to the public at 10.40am to discuss matters relative to:

16.1. Lease N - Aerodrome Lease to Queensland Ship Surveyors

- (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 Cardew

"That the meeting be opened at 10.45am."

CARRIED UNANIMOUSLY

16. CONFIDENTIAL ITEMS

16.1. LEASE N - AERODROME LEASE TO QUEENSLAND SHIP SURVEYORS

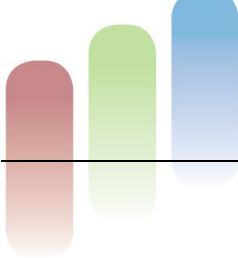
Moved by Cr Wilce

Seconded by Cr Clifton

"That Council resolve to:

1. Apply section 236(1)(e) of the *Local Government Regulation 2012* (Qld) and enter into a trustee lease with Queensland Ship Surveyors Pty Ltd ACN 101 119 304 over Lease N in Lot 553 on CP NR5363 on SP251441; and
2. Delegate the authority to the Chief Executive Officer to negotiate and finalise the terms of the Lease generally, including but not limited to:
 - a. Term is to be no more than 15 years;
 - b. Rent is to be determined with consideration to an independent valuation;
 - c. Council receiving and approving relevant due diligence information, including financial statements, to demonstrate that the proposed trustee lessee is a fit and proper tenant; and
 - d. Trustee Lessee to be responsible for Council costs involved in the preparation, stamping and registration of the Trustee Lease."

CARRIED UNANIMOUSLY



17. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton.

Planning Committee Meetings 7 & 13 September 2023

Ordinary Meeting 28 September 2023

There being no further business, the meeting closed 10.46am.

.....

Cr Rod Marti

Mayor

.....

Gary Rinehart

Chief Executive Officer