



Ordinary Meeting

TRC Coordination Centre, 15 Vernon Street, Atherton

9.00am, Thursday, 25 January 2024

MINUTES

1. MEMBERS IN ATTENDANCE

Members Present: Cr R Marti (Mayor), Cr K Cardew (Deputy Mayor), Crs A Haydon, D Bilney, 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), S Lisle (Executive Manager Development Services), D O'Connor (Senior Planning Officer), S Savich (Manager Strategic Assets), D Fletcher (Manager Roads & Projects), J King (Project Officer), T Tanase (Manager Environment & Natural Assets), C Wolfe (Natural Assets Advisor), E Bowden (Manager Finance), S McHardie (Manager Community Services), G Nevard (Coordinator Tourism, Culture & Events), G Breeuwer (Community Development Officer), M Smart (Coordinator Community Development), B Rutherford (Community Engagement Officer), T Vallance (Strategic Communications), K Coutts (Executive Assistant Mayor & Councillors) and J Hunter (Minute Secretary).

3. APOLOGIES/LEAVE OF ABSENCE

Cr David Clifton was not in attendance having previously been granted leave of absence at Council's Ordinary Meeting held on 27 August 2023.

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 Dave Bilney declared that he has a Declarable Conflict of Interest (as defined in 150EQ4(a) of the *Local Government Act 2009*, in relation to *ITEM-13.6 Event Sponsorship Funding Request*, in particular point 2 providing cash to the Malanda Chamber of Commerce Inc for the Queensland Day community event to be held on 9 June 2024. He will be assisting in the organisation of the event. He proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

In respect of Item 10 the Mayoral Minute Cr Hayden made the following statement:

“I have previously declared a conflict of interest in the Tolga Industrial Estate matter pursuant to section 150EO of the Local Government Act on the basis that a family member owns land that may be affected by the proposed Tolga Industrial Estate Expansion.

I consider the matter before Council will not affect the outcome of the process of potentially expanding the Tolga Industrial Estate and my intention is to remain in the chamber and vote upon this matter.

In reaching this decision I have considered the exemption afforded to a Councillor pursuant to Section 150 EF (c) of the LG Act. That provision allows a Councillor to participate in decisions concerning the Council budget. The matter placed before us today seeks clarification in relation to potential impacts on current and future Council budgets. Further, the motion calls for a report and no decision is being made. However, if Councillors are of a different view, then I will respect that view and leave the chamber while the matter is discussed.”

ATTENDANCE

Cr Hayden left the meeting at 9.05am while Councillors considered whether Cr Hayden should be permitted to remain in the meeting while Item 10 Mayoral Minute was considered.



ADHOC-1 COUNCILLOR ATTENDANCE – CR ANNETTE HAYDON

Moved by Cr Marti

Seconded by Cr Bilney

"That Councillor Haydon does not have either a declarable or prescribed conflict of interest with the Mayoral Minute and is accordingly free to participate in the meeting while this matter is discussed, including by voting on the matter."

LOST 2-3

ATTENDANCE

Cr Hayden returned to the meeting at 9.09am.

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 Ordinary Council Meeting held on 14 December 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

Moved by Cr Cardew

Seconded by Cr Bilney

"That the Minutes of the Planning Committee Meeting held on 11 January 2024, be confirmed as true and correct.

CARRIED UNANIMOUSLY

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

No business arising for the Ordinary Meeting held on 14 December 2023

No business arising for the Planning Committee held on 11 January 2024

9. DEPUTATIONS AND DELEGATIONS

Matt Lachlan and Carolyn Emms (President, Rainforest Reserves Australia) attended the meeting at 9.12am regarding *Item-12.6 Vegetation Management Policy* on the agenda. The presentation concluded at 9.23am.

Max Slade and John Cole of Cole Auto Group attended the meeting at 9.24am regarding 11.1. *Cole Auto Group Pty Ltd - Variation Request to Establish Turpin Drive Precinct & ROL - Lot 901&902 SP245606 - 7813 Kennedy Highway & Kennedy Highway Atherton MCU22/0027* on the Agenda. The presentation concluded at 9.33am.

10. MAYORAL MINUTE

ATTENDANCE

As per the councillor vote at Item 6, Cr Haydon left the meeting at 9.33am.

The Mayor raised a Mayoral Minute as per section 7 of the Standing Orders.

ADHOC-2 SUSPEND STANDING ORDERS

Moved by Cr Hodge

“That the Standing Orders are suspended to allow discussion on the content of the Mayoral Minute.”

CARRIED UNANIMOUSLY

ADHOC-3 RESUME STANDING ORDERS

Moved by Cr Hodge

“That Standing Orders are resumed.”

CARRIED UNANIMOUSLY

MAYORAL MINUTE – TOLGA INDUSTRIAL EXPANSION

Moved Cr Marti

“That in respect of the Tolga Industrial Expansion (TIE) Council request the Chief Executive Officer to provide a report to Council detailing:

- a) All external costs incurred to date in advancing this project.
- b) Estimated future external costs to be incurred by Council in relation to the progression of this project (eg legal and survey costs that will be incurred regardless of whether the project proceeds).
- c) Estimated costs to be incurred by Council as 1 of the landowners the subject of the proposed expansion of the TIE.”

LOST 3-2

ATTENDANCE

Cr Haydon returned to the meeting at 9.42am

11. CHIEF EXECUTIVE OFFICER

11.1. COLE AUTO GROUP PTY LTD - VARIATION REQUEST TO ESTABLISH TURPIN DRIVE PRECINCT & ROL - LOT 901&902 SP245606 - 7813 KENNEDY HIGHWAY & KENNEDY HIGHWAY ATHERTON MCU22/0027

Moved by Cr Cardew

Seconded by Cr Wilce

“That the application seeking the following over land described as Lots 901 and 902 on SP245606, situated at 7813 Kennedy Highway and Kennedy Highway, Atherton:

1. A Preliminary Approval for a Variation Request to vary the effect of the Tablelands Regional Council Planning Scheme 2016 (V4) for Development Rights consistent with the *Turpin Drive Industry (Trades and Services) Precinct and Turpin Drive Development Code - Part A*; and
2. A Development Permit for Reconfiguring a Lot (1 into 8 Lots, new road and balance) – Part B;

is approved, and while the application displays conflicts with the relevant instrument, there are sufficient grounds to justify the decision despite the conflicts for the reasons identified below:

Conflicts with the TRC Planning Scheme 2016 (V4)	Reasons for approval despite conflicts
<p>The application displays conflicts with the following parts of the Planning Scheme:</p> <p><u>Variations:</u></p> <p>Part 5 - Tables of Assessment for the Rural Zone (Table 5.5.1.1), Reconfiguration of a Lot (Table 5.6.1.1), Building Work (Table 5.7.1.1), Operational Work (Table 5.8.1.1) and the Atherton Local Plan (5.9.1.1) to be overridden by the Tables of Assessment accompanying the Turpin Drive Development Code.</p> <p>Part 6.2.1 – Rural Zone Code to be overridden by the Turpin Drive Development Code.</p> <p>Part 7.2.1 – Atherton Local Plan Code to be overridden by the Turpin Drive Development Code.</p> <p>Part 9.3 – Use Codes to be overridden by the Turpin Drive Development Code in instances where the proposed Tables</p>	<p>The application is assessed as being in substantial compliance with the relevant benchmarks of the Tablelands Regional Council Planning Scheme 2016 (V4) as expressed by the higher-order statements of intent comprising the Strategic Framework. While some conflicts with the benchmarks of the planning scheme are apparent, the assessment has concluded that, on balance, sufficient grounds for approval exist despite the conflicts. The grounds are summarised as follows:</p> <ul style="list-style-type: none"> • As the higher-order instrument, the FNQ Regional Plan 2009-2031 does not resist rural land inside the urban footprint being developed for specific land uses (including commercial and industrial purposes) where such development would occur in response to a demonstrated need; • The Applicants have sufficiently demonstrated economic need for approximately 16,400m² of additional Large Format Retail floor space to the year 2027, albeit that this includes what is assessed as an acceptable degree of oversupply (4,527m²); • The proposed Turpin Drive Industry (Trades and Services) Precinct Tables of Assessment and the Turpin Drive Development Code have been formulated so as not to compete with, or undermine, the role of Atherton’s Major Regional Activity Centre as the focus for commercial investment in TRC by specifically targeting

Conflicts with the TRC Planning Scheme 2016 (V4)	Reasons for approval despite conflicts
<p>of Assessment identify it as an applicable assessment benchmark.</p> <p><u>Conflicts:</u></p> <p><u>Part 3 - Strategic Framework</u></p> <p>Specific Outcomes:</p> <ul style="list-style-type: none"> - 3.3.3.1.2 - 3.3.5.1.2 - 3.6.1.4 - 3.6.8.1.1 - 3.6.8.1.3 - 3.6.8.1.5 <p><u>6.2.1 – Rural Zone Code</u></p> <ul style="list-style-type: none"> - Purpose statements (a), (b) and (c) - Overall Outcomes (a), (b), (d) and (i) - Agricultural Land Precinct purpose statement PO5 <p><u>7.2.1 – Atherton Local Plan Code</u></p> <ul style="list-style-type: none"> - Northern Approach Precinct purpose statement - Overall Outcome (xi) <p><u>9.4.4.3 – Reconfiguration of a Lot Code</u></p> <ul style="list-style-type: none"> - Overall Outcomes (a), (j) and (k) - AO1 / PO1 	<p>Large Format Retail uses that would have difficulty locating in-centre;</p> <ul style="list-style-type: none"> • The proposed Large Format Retail precinct stands to generate approximately 164 full time jobs and would reduce escape spending outside the region by approximately 12% thereby promoting self-containment in line with the key themes of the FNQ Regional Plan 2009-2031 and the TRC Planning Scheme 2016 (V4); • An assessment of potential alternative sites concludes that neither the Atherton Local Plan's Bulky Retail Precinct on Grove Street, nor the Town Centre Expansion Precinct on Nye Street, are suitable to accommodate the proposed development; • Council's resolution of 8 December 2022, relating to the proposed Atherton Industrial Estate Precinct Master Plan, represents an in principle acknowledgement that the highest and best use of the site is for some form of urban development (NB: Council's resolution is a "relevant matter" for the assessment pursuant to section 45(5)(b) of the <i>Planning Act 2016</i>); • The proposed development would not adversely impact upon the functionality of surrounding centres, nor would it constrain adjacent rural activities or the expansion of nearby industrial uses because of infrastructure impacts (e.g. traffic) or reverse amenity issues. • Conditions of approval relating to acoustic fencing would protect the amenity of adjacent residential uses; • The site is readily accessible by a range of transport modes, including walking and cycling, and the development has been designed to accommodate the movements of heavy vehicles; • The scenic amenity and value of the site to function as an inter-urban break has been severely compromised by development such that the relevance of provisions contained in the Atherton Local Plan Code, as pertains to the Northern Approach Precinct, is questionable; and • The site is unconstrained by natural hazards (e.g. slopes, flooding, bushfire) and environmental features of significance and conditions require the development to be responsive to the characteristics land and would ensure it is serviced in accordance with the desired standards identified by Council's Local Government Infrastructure Plan. <p>In consideration of the above, the application has been approved subject to reasonable and relevant conditions.</p>

APPROVED PLANS/DOCUMENTS:

Plan Reference/TRC Document No.	Rev.	Plan/Document Name	Prepared by	Date
M 16 - 4451 (Sheet No. A102b)	-	Proposed Subdivision Plan	Max Slade Designs P/L	14/12/22

TRC Document Set ID: 4541609	2	Turpin Drive Industry (Trades and Services) Precinct and Turpin Drive Development Code	Urban Sync	13/12/23
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ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

PART A - VARIATION APPROVAL

1	Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the matter as submitted with the application, subject to any alterations found necessary by Council’s delegated officers to ensure compliance with the following conditions of approval.
2	<p>(a) Future Material Change of Use proposals for “Garden Centre”, “Hardware and Trade Supplies” and/or “Showroom” (as defined by Schedule 24 of the <i>Planning Regulation 2017</i>) over Lot 902 on SP245606, and any child lot thereof, will have the Level of Assessment, and be assessed against, the Assessment Benchmarks identified by the <i>Turpin Drive Industry (Trades and Services) Precinct</i> Tables of Assessment and the <i>Turpin Drive Development Code</i> attached to this approval.</p> <p>(b) Future proposals for Reconfiguration of a Lot and/or Operational Work and/or Building Work over Lot 902 on SP245606, and any child lot thereof, will have the Level of Assessment, and be assessed against, the Assessment Benchmarks identified by the <i>Turpin Drive Industry (Trades and Services) Precinct</i> Tables of Assessment and the <i>Turpin Drive Development Code</i> attached to this approval.</p> <p>(c) Where the <i>Turpin Drive Industry (Trades and Services) Precinct</i> Tables of Assessment refer to codes other than the <i>Turpin Drive Development Code</i>, for the purposes of this approval, the referenced codes are taken to be those contained in the Tablelands Regional Council Planning Scheme 2016 (as amended).</p> <p>(d) Any development proposals not captured by the <i>Turpin Drive Industry (Trades and Services) Precinct</i> Tables of Assessment and the <i>Turpin Drive Development Code</i> shall have the Level of Assessment, and be assessed against, the Assessment Benchmarks identified by local planning instrument(s) in effect at the time.</p>

3	This Variation Approval does not apply to Lot 901 on SP245606, or any child lot thereof, and therefore does not vary the Level of Assessment and/or Assessment Benchmarks applicable to development on said lot(s) pursuant to the local planning instrument(s) in effect at the time.
4	Any use commenced on Lot 902 on SP245606 or any child lot thereof pursuant to this Variation Approval shall be subject to infrastructure charges as are leviable pursuant to Council's Adopted Infrastructure Charges Resolution (as amended), or the equivalent charging instrument, in effect at the time.
5	To the extent of any conflict between this approval and/or any subsequent related development permit and/or local planning instrument, this approval prevails. To the extent of any conflict between this approval and a State or Federal planning instrument, the State/Federal planning instrument(s) prevails.
6	This Variation Approval remains current until such time as it has been appropriately integrated into a future the local planning instrument(s), be it a new instrument or an amended version of the TRC Planning Scheme 2016.
7	Prior to this Variation Approval taking effect, the subject land must have been provided with access to a constructed road (other than the Kennedy Highway), with the extent of any road construction dedicated as road reserve to the satisfaction of Council's delegated officer.
8	Prior to this Variation Approval taking effect, the <i>Turpin Drive Industry (Trades and Services) Precinct</i> Tables of Assessment and the <i>Turpin Drive Development Code</i> must be amended, to the satisfaction of Council's delegated officer, such that all references to a Gross Floor Area cap of 20,000m ² are replaced with a cap of 16,400m ² .

PART B - RECONFIGURATION OF A LOT

1	<p>Development must be carried out substantially in accordance with the approved plans and the facts and circumstances submitted with the application, subject to any alterations:</p> <ul style="list-style-type: none"> - 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

	The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in the 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 works required by any condition of this approval.
3.2	All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the relevant plan of survey and at the rate applicable at the time of payment.
3.3	Any existing buildings, structures or incidental works that straddle the new boundaries must be altered, demolished or removed to address potential encroachments and to achieve compliance with the relevant setback requirements, unless otherwise approved by Council's delegated officer.
3.4	The Applicant/Developer must relocate (in accordance with FNQROC standards) any existing services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless otherwise approved by these conditions of approval or Council's delegated officer.
3.5	Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The Applicant/Developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
3.6	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.
3.7	Charges All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to Council endorsing any relevant plan of survey.
4	Amended Plan of Reconfiguration Prior to seeking endorsement of the first plan or survey associated with this approval, an amended plan of reconfiguration must be provided to the satisfaction of Council's delegated officer that removes the proposed Lot 4. The area of Lot 4 must be either entirely incorporated into Lot 3 or Lot 5 or divided between Lots 3 and 5.

<p>5</p>	<p>Access</p> <p>(a) Commercial standard crossovers (x4) must be constructed, from the edge of the pavement of the proposed new road that would back onto the existing car yard development to the property boundary of the new lot that will contain the existing car yard, substantially in accordance with the FNQROC Development Manual and the approved plans, to the satisfaction of Council's delegated officer.</p> <p>(b) Prior to works commencing, the above-described works must be approved as part of an application for Operational Works and the crossovers must have been constructed prior to Council endorsing the first plan of survey for the development.</p>
<p>6</p>	<p>Development Staging & Lot-by-Lot Releases</p> <p>Any proposed 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.</p>
<p>7</p>	<p>Stormwater Drainage/Water Quality</p> <p>(a) As part of a subsequent Operational Works application, the Applicant/Developer must submit a Stormwater Management Plan and Report 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 (as amended) to the satisfaction of Council's delegated officer.</p> <p>(b) The Stormwater Management Plan/Report will be generally in accordance with the Engineering Report prepared by CivilWalker Consulting Engineers (201-002-001R, Revision C, dated December 2022), must ensure a non-worsening effect on surrounding land as a consequence of the development, and all reasonable and practicable measures must be taken to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual (as amended).</p> <p>(c) The Stormwater Management Plan/Report must include a Stormwater Quality Management Plan/Report, prepared and certified by a suitably qualified design engineer (RPEQ), which meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline, the</p>

	<p>Queensland Water Quality Guideline and the FNQROC Development Manual (as amended) to the satisfaction of Council’s delegated officer.</p> <p>(d) The Stormwater Quality Management Plan/Report must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia – as amended), to the satisfaction of Council’s delegated officer.</p> <p>(e) Stormwater drainage infrastructure must be designed and constructed to accept upstream developed flows in addition to those collected from the development site and all discharges must be to an approved legal point of discharge.</p> <p>(f) Any detention basin(s) will be constructed to be free-draining and capable of being mowed, landscaped and maintained. The maximum batter slopes will be 1 in 6 for open space and road frontages and 1 in 4 in all other instances.</p> <p>(g) Any constructed and/or retained stormwater basins/channels in the proposed Lots 6 and 7 or the balance area must be within registered easements for drainage purposes in favour of Council. All documentation leading to the registration of easements must be completed at no cost to Council.</p> <p>(h) Any necessary temporary drains and associated drainage easements within the balance area will be provided in connection with the relevant survey plans.</p> <p>(i) Temporary drainage is to be provided and maintained during the construction phase of the development and discharged to a lawful point clear of construction works.</p>
8	<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>
9	<p>Bulk Earthworks Master Plan</p> <p>As part of a subsequent Operational Works application:</p> <p>(a) A Bulk Earthworks Master Plan is to be submitted, prepared and certified by a suitably qualified RPEQ, which demonstrates compliance with the TRC Planning Scheme’s Works, Services and Infrastructure Code, to the satisfaction of Council’s delegated officer, and that includes the following details:</p>

	<ul style="list-style-type: none"> - Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary; - Preservation of all drainage structures from the effects of structural loading generated by the earthworks; and - Protection of adjoining properties and roads from ponding or nuisance from stormwater. <p>(b) All site earthworks, drainage and pavement construction are to be designed and supervised by a RPEQ. Testing is to be carried out by NATA Registered Laboratories and results submitted as part of the “As Constructed” information. The Supervising Engineer must submit a certificate demonstrating that all work has been satisfactorily completed to the quality control criteria for the site and in accordance with AS3798 (as amended).</p>
10	<p>Water Supply</p> <p>(a) 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 (including 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.</p> <p>(b) Where the existing reticulated water supply is not at adequate capacity 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).</p> <p>(c) Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application. At the time of seeking operational works approval, the water reticulation design must not propose dead end mains.</p>
11	<p>Sewerage Connection / Easement</p> <p>(a) The Applicant/Developer must connect the proposed lots to Council’s reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer.</p> <p>(b) Where existing sewer connections are not satisfactory to service the development, the Applicant/Developer is required to extend/upgrade the reticulated sewerage infrastructure to connect the site to Council’s existing</p>

	<p>infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).</p> <p>(c) Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.</p> <p>(d) Where Council sewerage infrastructure would traverse any of the proposed lots on non-standard alignment, easements for access and maintenance must be registered in favour of Council using Council's standard form of easement.</p> <p>(e) At the time of seeking Operational Works approval, the application must include as-constructed plans for the section of 150mm diameter sewer main extending from the north-western corner of the proposed Lot 3 into Lot 901 on SP245606.</p>
12	<p>Roadworks Internal/External</p> <p>(a) The proposed internal road, external local roads fronting the proposed lots and associated intersections must be dedicated, designed and constructed to a full-width Industrial Collector standard substantially in accordance with the FNQROC Development Manual (as amended) and the approved plan of reconfiguration, to the satisfaction of Council's delegated officer.</p> <p>(b) A temporary gravel turnaround must be provided within any balance lot that has a minimum diameter of 30m and which is either dedicated as road or registered as easement in gross, to the satisfaction of Council's delegated officer.</p> <p>(c) Prior to the above works commencing, plans for the works must be approved as part of an application for Operational Works.</p> <p>(d) At the time of seeking Operational Works approval, the road design must include a permanent cul-de-sac turning head where the road fronting the proposed Lots 3 and 5 would ultimately terminate. The minimum kerb radii must be as follows:</p> <ul style="list-style-type: none"> i. Approach and departure curves - 30m ii. Turning circle - 15m <p>(e) The extent of road construction within Easements C and B on SP245606 is to be dedicated as road reserve either prior to, or in conjunction with, endorsement of the first plan of survey associated with this approval.</p>
13	<p>Electricity Supply</p> <p>(a) The Applicant/Developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.</p>

	(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 underground power reticulation.
14	<p>Electricity Service Provider Conditions</p> <p>Items 1 to 8 of Ergon Energy's advice agency response dated 2 December 2022, save for any variations required by the other conditions of this approval, are taken to be conditions imposed and enforceable by Council.</p>
15	<p>Telecommunications</p> <p>The Applicant/Developer must enter into an agreement with a telecommunications carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.</p>
16	<p>Street Lighting</p> <p>(a) Street lighting must be provided to the new road substantially in accordance with section D8.07 of the FNQROC Development Manual (as amended).</p> <p>(b) Prior to works commencing, street lighting plans must be approved as part of an application for Operational Works.</p>
17	<p>Balance Lot Buffer/Maintenance</p> <p>The Applicant/Developer will ensure a minimum 5m wide buffer within any balance lot is grassed, slashed and maintained to the satisfaction of Council's delegated officer. Any undeveloped parts of the site, including buffer areas, must be kept free of noxious weeds and must not become overgrown or harbour vermin.</p>
18	<p>Landscaping, Fencing and Site Maintenance</p> <p>(a) Prior to Council endorsing the first plan of survey associated with this approval, a Landscaping and Fencing Plan must be submitted for the endorsement of Council's delegated officer that details the boundary treatments proposed for the new lot that will contain the existing car yard would front onto any section of newly constructed road.</p> <p>(b) The above-described Plan must include 1.5m wide landscaping strips extending for the full length of the newly constructed road frontages, excluding vehicle/pedestrian access points and must be prepared in accordance with Planning Scheme Policy No. 6, comprising densely planted screening species with a minimum mature height of 2m.</p> <p>(c) Any fencing treatments to the newly constructed road frontages must not comprise chain-link and/or barbed-wire fencing.</p>

	<p>(d) Landscaping and fencing of the new lot that will contain the existing car yard are to be carried out substantially in accordance with the endorsed landscaping and fencing plan prior to the Council endorsing the first plan of survey associated with this approval, and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer until cessation of the approved uses on that lot.</p> <p>(e) Landscaping/site maintenance of the development site (subdivision) must be carried out as per the conditions of this approval and substantially in accordance with section D9 of the FNQROC Development Manual (as amended) for all areas, including covenant areas, easements and road verges as follows:</p> <ul style="list-style-type: none"> - replacement of trees/shrubs/plantings as required; - regular mowing/slashing of all areas outlined above; and - landscaping/site maintenance is to be continued throughout the Defects Liability Period until the date of Final Acceptance.
<p>19</p>	<p>Acoustic Fencing</p> <p>(a) An acoustic fence must be constructed for the full length of the southern and eastern boundaries of Lot 902 on SP245606.</p> <p>(b) Acoustic fencing may be staged, but the relevant sections of fencing must be constructed to the satisfaction of Council's delegated officer, prior to Council endorsing the plan of survey for any relevant lot (excludes balance).</p> <p>(c) The acoustic fence must be a 2m high, solid, cyclone-rated fence and must be designed and constructed for low maintenance and long operational life.</p> <p>(d) The acoustic fence will be imperforate with no gaps below and of a minimum mass of 10 kg/m² such that it is generally capable of achieving a 7 dDBA reduction in noise levels when measured on opposite sides of the fence throughout its operational life, to the satisfaction of Council's delegated officer.</p> <p>(e) The requirement for the fencing along the site's eastern boundary to be noise attenuating may be relaxed subject to the Applicant/Developer providing a Noise Impact Assessment for the estate, to the satisfaction of Council's delegated officer, that has been prepared by a suitably qualified acoustic specialist, and which meets the requirements contained in the Department of Environment and Science Guideline – <i>Application requirements for activities with noise impacts</i>. The assessment should demonstrate how the proposal would achieve the relevant acoustic quality objectives identified by the <i>Environmental Protection (Noise) Policy 2019</i>.</p>

ASSESSMENT MANAGER'S ADVICE

- (a) The Decision Notice and Infrastructure Charges Notice do 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.
- (b) 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.
- (c) Compliance with applicable codes/policies
The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by this approval or a condition of this approval.
- (d) Cultural Heritage
The *Aboriginal Cultural Heritage Act 2003* requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal cultural heritage. The duty of care applies to any activity where Aboriginal cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database. Consultation with the Aboriginal party for an area may be necessary if there is a high risk that the activity may harm Aboriginal cultural heritage. The cultural heritage duty of care can be met by acting:
- in compliance with gazetted cultural heritage duty of care guidelines available at: <https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care> ;
 - under an approved Cultural Heritage Management Plan (CHMP) developed under Part 7 of the Acts; or
 - under a native title agreement or another agreement with an Aboriginal party that addresses cultural heritage.

REFERRAL AGENCY RESPONSES

- A copy of the concurrence agency response/conditions from the Department of State Development, Infrastructure, Local Government and Planning dated 23 January 2023 is attached.

- A copy of the advice agency response from the Ergon Energy dated 2 December 2022 is attached.

CURRENCY PERIOD (*Planning Act 2016*, sections 85 & 88)

- Reconfiguring a Lot – **Four (4) years** starting the day the approval takes effect.
- This Variation Approval lapses if a change in use does not occur, pursuant to the conditions contained in Part A of the Decision Notice, within **five (5) years** of the approval taking effect (*Planning Act 2016*, s71).

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

Calculation				
Catchment/s	Credits/Charge Exclusions	Demand	Charge Category	Charge amount
Outside PIA	\$22,500.00 (Deemed credit x 1 Lot). Nil charge exclusions.	9 lots	\$22,500.00/lot	\$202,500.00
Total Charge less credit				\$180,000.00

CARRIED UNANIMOUSLY

11.2. REGIONAL DEVELOPMENT MANUAL PLANNING SCHEME POLICY - REVIEW OF SUBMISSIONS AND ADOPTION OF AMENDMENTS FOR VERSION 05/23 (ISSUE 9)

Moved by Cr Wilce

Seconded by Cr Bilney

"That Council:

1. Consider the submissions received during the public consultation period on the proposed FNQROC Regional Development Manual Planning Scheme Policy (PSP4) amendment and decides to adopt the FNQROC Regional Development Manual Planning Scheme Policy (PSP4) amendment in accordance with the requirements of the Planning Act 2016;
2. Publish a public notice regarding the adoption of the amendment in accordance with the requirements of the Planning Act 2016; and
3. Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 and the Planning Act 2016 to finalise all matters in relation to the FNQROC Regional Development Manual Planning Scheme Policy (PSP4) amendment."

CARRIED UNANIMOUSLY

11.3. PROPOSED ENTRY OF PLACE IN QUEENSLAND HERITAGE REGISTER - ATHERTON ARBORETUM (FORMALLY PART OF THE CSIRO TROPICAL RESEARCH CENTRE) - LOT 1 RP723695 - 46-47 MAUNDS ROAD, ATHERTON

ALTERNATE MOTION

Moved by Cr Cardew

Seconded by Cr Hodge

"That Council delegate authority to the Chief Executive Officer to respond in writing to the Department of Environment and Science to the listing on the Queensland Heritage Register of the Atherton Arboretum (formerly part of the CSIRO Tropical Research Centre) at 47-67 Maunds Road, Atherton, legally described as Lot 1 on RP723695 advising that Council objects to the proposal as it unnecessarily constraints the potential future development opportunities of the premises and places undue legislative burden on adjacent landowners"

CARRIED UNANIMOUSLY

11.4. CHANGE TO MEETING DATES – FEBRUARY & MARCH 2024

Moved by Cr Wilce

Seconded by Cr Hodge

"That Council:

1. Change the date of the March ordinary council meeting from 28 March 2024 to 14 March 2024 to allow for the Ordinary meeting to be held prior to local government Elections on 16 March 2024; and
2. Abandon the Planning Committee Meeting to be held on 8 February 2024 as there are no matter requiring determination on that date; and
3. Abandon the Planning Committee meeting to be held on 14 March 2024 as not required.
4. The public is notified of these changes through Council's communication tools."

CARRIED UNANIMOUSLY

12. INFRASTRUCTURE & ENVIRONMENT SERVICES

12.1. MALANDA FALLS CARAVAN PARK - LEASE AND OPERATION

Moved by Cr Bilney

Seconded by Cr Haydon

"That Council:

1. Resolve not to award Request for Tender T-TRC2023-18 Lease and Operation of Malanda Falls Caravan Park.
2. Continue delivering the Malanda Falls Caravan Park service through management agreements.

3. 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."

CARRIED UNANIMOUSLY

12.2. RAIL TRAIL ADVISORY COMMITTEE

Moved by Cr Bilney

Seconded by Cr Wilce

"That Council receive and note the unconfirmed minutes of the Rail Trail Advisory Committee meeting held on 20 December 2023."

CARRIED UNANIMOUSLY

ADHOC-4 SUSPEND STANDING ORDERS

Moved by Cr Wilce

Seconded by Cr Hodge

"That the Standing Orders be set aside to allow discussion on *Item-12.3 Vegetation Management Policy.*"

CARRIED UNANIMOUSLY

ADHOC-5 RESUME STANDING ORDERS

Moved by Cr Hodge

"That the Standing Orders are resumed."

CARRIED UNANIMOUSLY

12.3. VEGETATION MANAGEMENT POLICY

Moved by Cr Wilce

Seconded by Cr Bilney

"That Council adopt the Vegetation Management Policy."

CARRIED UNANIMOUSLY

MORNING TEA ADJOURNMENT

The meeting adjourned for morning tea at 10.34am and resumed at 10.46am.

12.4. GO TAK ROAD BRIDGE

Moved by Cr Haydon

Seconded by Cr Wilce

"That Council:

1. Endorse the decommissioning of the bridge and implementation of 'no through road' on Go Tack Road.
2. Endorse a crossing for Coolabi Creek to be included in the Bridge and Major Culvert program and delivered in accordance with competing priorities and budget availability."

CARRIED 5-1

Cr Cardew voted against the motion

12.5. WRIGHTS CREEK ROAD RENAMING REQUEST

ATTENDANCE

The Mayor left the meeting at 11.02am and the Deputy Mayor assumed the Chair.

The Mayor returned to the meeting at 11.04am and resumed the Chair.

Moved by Cr Bilney

Seconded by Cr Cardew

Cr Bilney as mover of the motion withdrew his support of the motion.

PROCEDURAL MOTION

Moved by Cr Hodge

"That the motion lie on the table until the next meeting of Council."

CARRIED UNANIMOUSLY

12.6. CASHMERE – KIRRAMA ROAD MAINTENANCE

Moved by Cr Haydon

Seconded by Cr Cardew

"That Council:

1. Note the 2022/23 Restoration of Public Assets program submitted to the Queensland Reconstruction Authority as it relates to Cashmere Kirrama Road, which will be tendered for construction once approved.
2. Endorse delivery of Council's annual grading program as it relates to Cashmere Kirrama Road as a priority once weather and pavement conditions allow.
3. Endorse inclusion of \$250,000 in the 2023/24 capital budget for the upgrade of parts of Cashmere Kirrama Road to gravel road standard in accordance with the desired design service standard for this road included in the Transport Strategy."

CARRIED UNANIMOUSLY

13. COMMUNITY & CORPORATE SERVICES

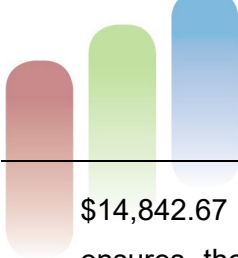
13.1. FINANCIAL REPORT - DECEMBER 2023

Moved by Cr Hodge

Seconded by Cr Bilney

"That Council:

1. Receive and note the Financial Report for December 2023.
2. Endorse a new addition to the specialised supplier list being S E Jenkins.
3. Endorse a capital budget increase of \$14,842.67 for a replacement mobile generator for water supply operations. This increase in budget will be supported by a reduction of



\$14,842.67 from an existing \$150,000 budget for bore level monitors. This relocation ensures there is no change in the total endorsed capital budget for council of \$46,354,203.00.”

ATTENDANCE

Cr Cardew left the meeting at 11.21am and returned 11.23am.

The Mayor left the meeting at 11.23am and the Deputy Mayor assumed the Chair.

CARRIED UNANIMOUSLY

The Mayor was not in attendance for the vote.

ATTENDANCE

The Mayor returned to the meeting at 11.25am and assumed the Chair.

13.2. PROPOSED AMENDMENT TO TRC LOCAL LAWS - DEFINITIONS TO INCLUDE URBAN

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

- 1. Resolve pursuant to section 29(2) of the *Local Government Act 2009* to make “Amending Local Law No. 1 (Miscellaneous Local Laws) 2024)

**Tablelands Regional Council
Amending Local Law No. 1
(Miscellaneous Local Laws) 2024**

Part 1 Preliminary

Short title

This amending local law may be cited as *Tablelands Regional Council Amending Local Law No.1 (Miscellaneous Local Laws) 2024.*

Object

The object of this amending local law is to –

- (a) define ‘urban area’.

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 rural residential zones; and
 - (b) land the subject of a preliminary approval overriding the planning scheme where the use proposed is a use ordinarily occurring in one of the included zones identified in paragraph (a) of this definition.”
2. Note that Council does not consider that the proposed amendments affect State Interests or contain anti-competitive provisions:
3. Delegate the power to the Chief Executive Officer pursuant to section 257 of the *Local Government Act 2009* to:
 - (a) Take all necessary steps to publish the Amending Local Laws in accordance with section 29B of the *Local Government Act 2009*;
 - (b) Provide copies of the consolidated versions of the Amending Local Laws to the Minister in accordance with section 32 of the *Local Government Act 2009*; and
 - (c) Update Council’s Local Laws Register in accordance with section 32(4) of the *Local Government Act 2009*.”

CARRIED 5-1

Cr Cardew voted against the motion

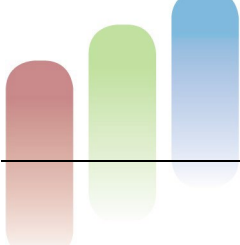
13.3. TRC COMMUNITY GRANT PROGRAM - 1 JULY 2023 TO 15 JANUARY 2024

Moved by Cr Bilney

Seconded by Cr Hodge

"That Council receive and note the report Community Grant Program from 1 July 2023 to 15 January 2024 has been expended’.

Cr Bilney and Cr Hodge withdrew the motion.



ALTERNATE MOTION

Moved by Cr Bilney

Seconded by Cr Wilce

"That Council

1. Receive and note the report Community Grant Program from 1 July 2023 to 15 January 2024.
2. Approve an increase of \$25,000 to the current year (2023 – 2024) budget to support both community grants and event sponsorship, noting that the approved budget is now fully expended and to facilitate the transition to the requirements of the new policy.

CARRIED 4-2

Crs Cardew & Hodge voted against the motion.

13.4. RADF GRANT PROGRAM - 1 JULY 2023 - 31 DECEMBER 2023

Moved by Cr Haydon

Seconded by Cr Wilce

"That Council receive and note the report TRC RADF Grant Program 1 July 2023 to 31 December 2023."

CARRIED UNANIMOUSLY

13.5. CYCLING ADVISORY COMMITTEE

Moved by Cr Bilney

Seconded by Cr Wilce

"That Council receive and note the Cycling Advisory Committee meeting confirmed minutes of the 15 June 2023 and the unconfirmed minutes of the 7 December 2023."

CARRIED UNANIMOUSLY

13.6. EVENT SPONSORSHIP FUNDING REQUEST

ATTENDANCE

Cr Bilney dealt with the declared **Declarable Conflict of Interest** by leaving the meeting at 11.41am.

Moved by Cr Haydon

Seconded by Cr Wilce

"That Council:

1. Provide cash sponsorship of \$500 to the National Servicemen's Association – Tablelands Branch for National Servicemen's Day to be held on the 10 February 2024

2. Provide cash sponsorship of \$1,395 to the Malanda Chamber of Commerce Inc. for the Queensland Day community event to be held on the 9 June 2024.”

CARRIED 4-1

Cr Cardew voted against the motion.

ATTENDANCE

Cr Bilney returned to the meeting at 11.44am.

13.7. COMMUNITY PROJECT REQUEST - SPOKE'S NEST

Moved by Cr Hodge

Seconded by Cr Cardew

"That Council do not support the application by Tableland Outdoor Recreation Association to the Community Project Request program to install 'Spoke's Nest' public art on the Atherton Tablelands Rail Trail."

CARRIED UNANIMOUSLY

13.8. YOUTH ADVISORY COMMITTEE & INCLUSION ADVISORY COMMITTEE

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council receive and note the unconfirmed Minutes of the Youth Advisory Committee meeting held on 3 November 2023 and the Inclusion Advisory Committee meeting held on 20 November 2023.

CARRIED UNANIMOUSLY

14. NOTICE OF MOTION

No Notice of Motions submitted.

15. BUSINESS WITHOUT NOTICE

ADHOC-6 CUSTOMER REQUEST MANAGEMENT SYSTEM

Moved by Cr Cardew

Seconded by Cr Hodge

"That in respect of Council's CRM system the Chief Executive Officer provide a report to Council on:

- a) Council's overall performance in addressing customer requests including statistical analysis of past performance; and
- b) Advice on measures planned to ensure that Councils adopted Customer Service Standards are consistently met."

ATTENDANCE

Cr Hodge left the meeting at 11.52am and returned at 11.52am.

CARRIED UNANIMOUSLY

ADHOC-7 AFTERHOURS CALL INVESTIGATION

Moved by Cr Cardew

Seconded by Cr Hodge

"That a report is provided to Council, by the Ordinary March meeting, investigating if there are better options for provision of afterhours calls to be dealt with as opposed to using outsourced contractors."

CARRIED 5-1

CLOSURE OF MEETING

Moved by Cr Hodge

Seconded by Cr Cardew

"That in accordance with Section 254J of the Local Government Regulation 2012, the meeting be closed to the public at 12.11pm to discuss matters relative to:

16.1. Rate Debt Recovery - Sale of Land

- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

CARRIED UNANIMOUSLY

OPENING OF MEETING

Moved by Cr Hodge

Seconded by Cr Wilce

"That the meeting be opened at 12.02pm."

CARRIED UNANIMOUSLY

16. CONFIDENTIAL ITEMS

16.1. RATE DEBT RECOVERY - SALE OF LAND

Moved by Cr Wilce

Seconded by Cr Cardew

"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 as at 03/01/2024
34556	Lot 4 RP 809556	10,112.55
35925	Lot 22 SP 167278	10,558.91
34826	Lot 432 SP 106050	12,474.63
23350	Lot 41 RP 715339	12,465.40
23187	Lot 3 RP 702484	13,230.13
32168	Lot 26 RP 711761 Lot 27 RP 711761	13,919.60
24615	Lot 111 RP 737996	15,732.85
31516	Lot 13 RP 726372	16,619.72
33596	Lot 26 RP 880985	30,947.50
33595	Lot 12 R 5993	19,493.60
25430	Lot 54 RP 702443	12,944.18
33951	Lot 4473 CWL 839139	9,810.97
34159	Lot 1 MPH 24894	9,299.85
35352	Lot 21 GTP 70251	8,834.83
35436	Lot 1 MPH 24962	10,292.63
36440	Lot 4 RP 846931	7,869.60
32002	Lot 446 NR 2358	7,266.55

- 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



17. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton
Planning Committee - 9:00 am on 8 February 2024 (cancelled)
Ordinary Meeting – 9.00am on 22 February 2024

There being no further business, the meeting closed 12.03pm.

.....
Cr Rod Marti
Mayor

.....
Gary Rinehart
Chief Executive Officer