



Ordinary Meeting

TRC Coordination Centre, 15 Vernon Street, Atherton

Thursday, 27 April 2023

at 9:00 AM

MINUTES

1. MEMBERS IN ATTENDANCE

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

2. OFFICERS IN ATTENDANCE

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

3. APOLOGIES/LEAVE OF ABSENCE

No apologies

4. ACKNOWLEDGEMENT OF COUNTRY

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

5. BEREAVEMENTS/CONDOLENCES

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

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

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 Wilce

Seconded by Cr Haydon

"That the Minutes of the Ordinary Council Meeting held on 23 March 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

Moved by Cr Hodge

Seconded by Cr Clifton

"That the Minutes of the Planning Committee Meeting held on 13 April 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

Moved by Cr Bilney

Seconded by Cr Cardew

"That the Minutes of the Special Council Meeting held on 18 April 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 |
|--------------|---------------------------------------|---------|--|--|
| 23/03/2023 | 13.1 Financial report – FEBRUARY 2023 | FM | <i>Cr Bilney requested further information on Capital item C000561 – Malanda Falls CV replace grey water pipe.</i> | <p>Please find response to the March 2023 Council Meeting question on notice in relation to the Malanda Falls Caravan Park capital grey water infrastructure replacement, Project Code - C000561.</p> <p>Grey water is essentially any domestic wastewater that doesn't originate from a toilet. That includes wastewater from washing machines, kitchen sinks, bathroom sinks and showers.</p> <p>As a rule, most caravan parks will provide a grey water drain where visitors can direct their grey water using their outlet hoses. Some are purpose-built drains into which the grey water hose outlet is inserted. Others may be no more than an open drain in which the grey water hose outlet just sits.</p> <p>You will also find many caravan parks do not provide a grey water disposal system and, instead, they may simply request the park guest to direct grey water onto the grass or garden surrounding the site.</p> <p>The grey water drains at top end near the Bowls Club at the Malanda Falls Caravan Park have been inspected and defected as blocked mostly with tree roots. In order to rectify the blockage, the old piping has to be removed and new piping installed.</p> <p>In accordance with TRC procurement policy we will obtaining quotes in the near future with works requested to be completed in May 2023 due to the low occupancy projections. The average occupancy rate for May currently sits around the 3.5% of park capacity. I have attached an occupancy</p> |

| Meeting Date | Item | Officer | Questions on Notice | Question Response |
|---------------------|---|----------------|---|--|
| | | | | calendar report pulled today, 17 April 2023, for your perusal. This should allow for the least disturbance to our guests. Once the quote is awarded, we will work with our current Park Managers to update bookings during the time of delivery. I trust this answers your questions and am happy to discuss further. |
| 23/03/2023 | BUSINESS WITHOUT NOTICE Traffic Control Services | GMI&E CEO | <i>Cr Cardew requested officers investigate the request from the local supplier to be added to the prequalified list for provision of traffic control services.</i> | Requested report will address this question on notice. |

9. DEPUTATIONS AND DELEGATIONS

Mr Matt Lachlan attended to the Council Meeting at 9.05am giving a presentation to Councillors regarding late agenda Item-12.2 'Malanda Falls Caravan Park – Expression of Interest for Freehold Land' and the presentation concluded at 9.09am.

Mr Greg English and Ms Jeanette Suffield attended the Council meeting at 9.10am giving a presentation to Councillors regarding late agenda 'Item-12.2 Malanda Falls Caravan Park – Expression of Interest for Freehold Land' and the presentation concluded at 9.16am.

10. MAYORAL MINUTE

No Mayoral Minute

ADHOC-1 STANDING ORDERS

Moved by Cr Marti

Seconded by Cr Bilney

"That Standing Orders be set aside to allow consideration of Item-12.2 'Malanda Caravan Park – Expression of Interest for Freehold Land' as the first item of business."

CARRIED UNANIMOUSLY

11.3 PRIORS CREEK DEVELOPMENT – RAILWAY LANE PROPOSED TRAFFIC CHANGES

Moved by Cr Marti

Seconded by Cr Wilce

"That 'Item-11.3 Priors Creek Development – Railway Lane Proposed Traffic Changes' be deferred until the next meeting of Council."

LOST 3-4

12.2. MALANDA FALLS CARAVAN PARK - EXPRESSION OF INTEREST FOR FREEHOLD LAND

Moved by Cr Bilney

Seconded by Cr Haydon

"That Council receive the officer's report and open it for discussion."

CARRIED UNANIMOUSLY

Amendment to the Officer's Recommendation

Reason for amendment

Council wishes to explore the market interest in a longer-term (30 year) lease.

Moved by Cr Bilney

Seconded by Cr Haydon

"That Council:

1. Resolve that in accordance with s 228 (3) (a) of the Local Government Act 2009 it is in the public interest to invite expressions of interest (EOIs) for the lease of the business, land and building comprising of Malanda Falls Caravan Park for a period of up to 30 years, prior to inviting written tenders.
2. Appoint external Agent who specialises in Caravan Parks to facilitate the EOI process and that the external agent report back to Council with their recommendations by July Ordinary Meeting.
3. Delegate the power to the Chief Executive Officer to do all things and prepare all documents to facilitate the Expression of Interest process."

CARRIED UNANIMOUSLY

ADHOC-2 MALANDA FALLS CARAVAN PARK

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council officers investigate options to ensure that the land on which the Malanda Falls Caravan Park is situated on remains in Council ownership as a caravan park."

CARRIED UNANIMOUSLY

11. CHIEF EXECUTIVE OFFICER

11.1. FNQ SPEC HOMES PTY LTD - RECONFIGURING A LOT (1 INTO 37 LOTS) VARIATION REQUEST - LOT 3 ON RP18878 - 188 ROCKLEY ROAD, ATHERTON MCU22/0021

Moved by Cr Cardew

Seconded by Cr Wilce

Cr Cardew withdrew moving the motion and

Moved by Cr Hodge

Seconded by Cr Wilce

Amendment to the officer's recommendation

Moved by Cr Cardew

- (A) That Council resolves that the application on land described as Lot 3 on RP718878 and located at 188 Rockley Road, Atherton, does not conflict with the relevant instruments and approves the following:

1. Preliminary Approval for a Material Change of Use that includes a Variation Approval to establish development rights consistent with the Rockley Road Structure Plan; and
2. Development Permit for a Reconfiguration of a Lot (1 lot into 37 residential lots plus roads and drainage land).

The application is approved subject to the following plans, documents and conditions:

(B) APPROVED PLANS/DOCUMENTS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|------------------------------------|-------------------------------|----------------------------------|----------|
| WP22 017 SP 2.0 2022 (Version 4.0) | Rockley Road Structure Plan | wildPLAN Pty Ltd | 3/4/23 |
| R-21006-001 (Rev 1) | Engineering Assessment Report | Progression Design & Development | 30/06/22 |

(C) ASSESSMENT MANAGER CONDITIONS

| PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE THAT INCLUDES A VARIATION APPROVAL | |
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| 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, and subject to any alterations: <ul style="list-style-type: none"> - found necessary by the 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 | Any future Material Change of Use for a “Dwelling house” over Lot 3 on RP718878 and its child lots will be assessed against the provisions of the approved Rockley Road Structure Plan (wildPlan Document No. WP22 017 SP 2.0 2022, Version 4.0, dated 3/4/23), all other development proposals will have the level of assessment, and be assessed against the relevant assessment benchmarks, identified by Council’s Planning Scheme current at the time. |
| 3 | To the extent that there is a conflict between this approval and the relevant Planning Scheme, this approval prevails. |
| RECONFIGURATION OF A LOT | |
| 1 | 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: |

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| | <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 | <p>Timing of Effect</p> <p>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.</p> |
| 3 | <p>General</p> |
| 3.1 | <p>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.</p> |
| 3.2 | <p>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 plan of survey and at the rate applicable at the time of payment.</p> |
| 3.3 | <p>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.</p> |
| 3.4 | <p>The Applicant/Developer must relocate (in accordance with FNQROC standards) any 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 approved by Council's delegated officer.</p> |
| 3.5 | <p>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.</p> |
| 3.6 | <p>Charges</p> <p>All outstanding rates, charges and expenses pertaining to the land are to be paid in full.</p> |

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| 4 | <p>Development Staging & Lot-by-Lot Releases</p> <p>Any staging arrangement or request to release titles on a lot-by-lot basis will be considered in the context of Council’s Survey Plan Sealing Policy (CORP 051). Should it be determined that a request for plan endorsement is contrary to the policy, Council reserves the right to withhold endorsement until such time it has been demonstrated to the satisfaction of Council’s delegated officer that the request would achieve the intent of the policy.</p> |
| 5 | <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 to the satisfaction of Council’s delegated officer.</p> <p>(b) The Stormwater Management Plan/Report will be generally in accordance with the approved Engineering Assessment Report (Progression Document No. R-21006-001, Revision 1, dated 30/06/22), 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.</p> <p>(c) The lot containing the “Drainage Detention Basin” shown on the approved plans must be constructed and transferred to Council in freehold upon registration of the first plan of survey associated with this approval.</p> <p>(d) 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 Queensland Water Quality Guideline and the FNQROC Development Manual (specifically, section D5) to the satisfaction of Council’s delegated officer.</p> <p>(e) 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), to the satisfaction of Council’s delegated officer.</p> <p>(f) All constructed or retained stormwater channels through the balance area must be within a registered easement for drainage purposes in favour of Council. All</p> |

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| | <p>documentation leading to the registration of the easement must be completed at no cost to Council.</p> <p>(g) 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>(h) Any detention basin(s) will be constructed to be free-draining and capable of being mowed, landscaped and maintained. All earthworks, finished surface levels and batter slopes must comply with the FNQROC Development Manual (as amended).</p> <p>(i) Any necessary temporary drains and associated drainage easements within the balance area will be provided to the satisfaction of Council's delegated officer.</p> <p>(j) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site other than the approved drainage lot.</p> <p>(k) Prior to endorsement of the first plan of survey, the Developer must reprofile the existing table drain located on the western side of Rockley Road, from the new intersection to the existing culvert located at the corner (approximately 100m to the south of the site) and must facilitate free-drainage. The new stormwater pipe must have a diameter equal to, or greater than, that of the stormwater detention basin outlet.</p> |
| <p>6</p> | <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> |
| <p>7</p> | <p>Bulk Earthworks Master Plan</p> <p>At the time of seeking a Development Permit for Operational Works:</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; |

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| | <ul style="list-style-type: none"> - 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> |
| 8 | <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 (excluding meters) must be provided to each proposed residential lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer.</p> <p>(b) Prior to works commencing, as part of an Operational Works application, an updated water network analysis that uses flow test results taken during peak demand periods (i.e. 6.30 to 7.30am or 6.30 to 7.30pm) must be submitted demonstrating the network performance meets peak hour performance requirements (with and without firefighting conditions). In particular, the analysis must demonstrate:</p> <ul style="list-style-type: none"> - All nodes in the subdivision reticulation exhibit satisfactory pressures of greater than 22m at Peak Hour flows; and - The network satisfies design parameters for fire flows of 15 L/s with background demand of 2/3 Peak Hour, and pressure at the critical hydrant node remains above 12m with all other nodes above 6.0m. |
| 9 | <p>Sewerage connection / Effluent disposal</p> <p>(a) The Applicant/Developer must connect all proposed lots comprising the Rockley Road Residential Precinct to Council’s reticulated sewerage system substantially in accordance with FNQROC Development Manual standards (as amended) and the approved Engineering Assessment Report (Progression Document No. R-21006-001, Revision 1, dated 30/06/22), to the satisfaction of Council’s delegated officer. Prior to works commencing, plans for the works must be approved as part of an Operational Works application.</p> |

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| | <p>(b) At the time of dwelling construction, all lots comprising the Rockley Road Residential 2000 Precinct must be serviced by on-site effluent disposal pursuant to AS/NZS 1547 (as amended) and the Queensland Plumbing and Wastewater Code (as amended).</p> |
| 10 | <p>Access</p> <p>No created residential lot is to be afforded direct vehicle access to Rockley Road.</p> |
| 11 | <p>Roadworks Internal/External</p> <p>(a) All internal roads and intersections must be designed and constructed in accordance with the FNQROC Development Manual (as amended) and the applicable standard drawings as is necessary to accommodate the ultimate residential lot yield of the parent parcel (i.e. approximately 64 residential lots).</p> <p>(b) Temporary gravel turnarounds must be provided at road stubs in accordance with the FNQROC Development Manual (as amended). Where a temporary turnaround is to be provided at the end of a road reserve within the balance lot, the Applicant/Developer must provide Council with an access easement over the balance lot.</p> <p>(c) Removable/lockable bollards, or similar measures to the satisfaction of Council's delegated officer, must be installed along the road frontages of the "Drainage Detention Basin" lot shown on the approved plans. Any keys or combinations required for Council staff/vehicles to access the aforementioned areas, must be provided to Council prior to the assets being placed on Council's maintenance register.</p> <p>(d) The recommendations and warrants in the Traffic Impact Assessment (Langtree Consulting Document No. R-NP0291, Revision A, dated 13/01/23) must be undertaken prior to the release of the first lot.</p> <p>(e) Prior to the above works commencing, plans for the works must be approved as part of an application for Operational Works.</p> <p>(f) Prior to endorsement of the first plan of survey, the right-hand turn movement into Rockley Road must be closed to prevent north-bound vehicles from accessing Rockley Road via the Kennedy Highway intersection, to the satisfaction Council's delegated officer and the Department of Transport and Main Roads.</p> <p>(g) Prior to endorsement of the first plan of survey, Rockley Road (at the location of the new intersection) must be widened as is appropriate to facilitate the turning movements of general access vehicles (e.g. semi-trailers, truck and dog) such that vehicle movements would be contained to the respective traffic lane.</p> |
| 12 | <p>Electricity Supply</p> |

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| | <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> <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.</p> |
| 13 | <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> |
| 14 | <p>Street Lighting</p> <p>(a) Street lighting must be provided to the development 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> |
| 15 | <p>Pedestrian/Cycle Paths</p> <p>A 2m wide concrete pedestrian/cycle path network must be provided generally in accordance with the requirements of the FNQROC Development Manual (as amended), and to the satisfaction of Council's delegated officer, prior to Council endorsing a relevant survey plan. Prior to works commencing, plans for the works described above must be approved as part of an Operational Works application.</p> |
| 16 | <p>Conflicting Land Uses</p> <p>Cropping and/or animal husbandry activities must not occur on any balance lot, with the exception of hay production and/or low impact grazing on natural pasture. Any balance lot must be kept substantially free of noxious weeds and must not become overgrown or harbour vermin. The Applicant/Developer will ensure that a 5m wide buffer to the new lots is grassed, slashed and maintained to the satisfaction of Council's delegated officer at all times. Barbed wire fencing must not be used where a balance lot shares a common boundary with residential lots or road stubs.</p> |
| 17 | <p>Landscaping and Site Maintenance</p> <p>Landscaping/site maintenance 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> |

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| | <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. |
| 18 | <p>Electricity Easement</p> <p>At the time of seeking endorsement of the first plan of survey, a 10m wide easement for access and services must be registered in favour of Ergon Energy for the full length of the site's eastern boundary.</p> |

ASSESSMENT MANAGER'S ADVICE

- (a) A notation will be placed on Council's rates record to alert future purchasers to the existence of the Variation Approval over the site.
- (b) This Decision Notice and the Infrastructure Charges Notice do not identify all charges associated with this approval. A number of other charges may be associated with the conditions of approval. The applicable fees are set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) **Water Service Connection**
 Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged, and the required connection fee paid prior to the signing of the survey plan.
- (d) **Easement Documents**
 The Tablelands Regional Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Development Services section for more information regarding the drafting of easement documents for Council easements.
- (e) **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.

(f) 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.

(g) Transportation of Soil

All soil transport to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(h) Cultural Heritage

In carrying out the activity the Applicant/Developer must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The Applicant will comply with the cultural heritage duty of care if the Applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from <https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

CURRENCY PERIOD

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

A part of a development approval lapses at the end of the following period (the currency period)-

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

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

OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Operational Works

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

| Calculation | | | | |
|--|--|--------------------------------|----------------------------|---------------------|
| Catchment/s | Credits/Charge Exclusions | Additional demand | Charge Category | Charge amount |
| Atherton – Outside PIA | Not applicable to lots comprising the Rockley Road Residential Precinct. | 23 additional residential lots | \$22,500.00/additional lot | \$517,500.00 |
| | -30% of per lot charge for lots comprising the Rockley Road 2000 Precinct as no reticulated sewerage connection. | 13 additional residential lots | \$15,750.00/additional lot | \$204,750.00 |
| Total Charge less Charge Exclusions | | | | \$722,250.00 |

CARRIED 5-2

ATTENANCE

Paul Stubbs, Project Manager and Craig Caplick, 5KF attended the meeting to present regarding the Priors Creek Development reports.

11.2 PRIORS CREEK DEVELOPMENT – RAILWAY LANE PROPOSED TRAFFIC CHANGES

Moved by Cr Marti

Seconded by Cr Wilce

"That Council:

1. Adopt Railway Lane Traffic Option A, which includes reversing the one-way travel direction of Railway Lane (between Vernon St & Jack St) to north-south in lieu of south-north.
2. Delegate authority to the Chief Executive Officer pursuant to the Local Government Act 2009 to finalise all matters associated with this report."

LOST 2-5

Reason for not accepting the Officers Recommendation:

Council by majority dispute the findings of the traffic engineering study that reversing the flow of traffic on Railway Lane will decrease congestion on Main Street.

Council by majority accept the representation of the proprietors of the Barron Valley Hotel that reversing the traffic flow in Railway Lane may adversely impact on the turnover of the Barron Valley Hotel bottle shop.

ADHOC-3 STANDING ORDERS

Moved by Cr Clifton

Seconded by Cr Hodge

“That standing orders be set aside to allow consideration of Item 14.1 ‘Cr David Clifton – Notice of Motion - Railway Lane Atherton’ as the next item of business.”

CARRIED 6-1

14.1. CR DAVID CLIFTON - NOTICE OF MOTION - RAILWAY LANE, ATHERTON

Moved by Cr Clifton

Seconded by Cr Hodge

“That Council resolve that the one-way traffic flow for Railway Lane remain in the current direction of south to north between Vernon Street and Jack Street.”

CARRIED 4-2

MORNING TEA ADJOURNMENT

The meeting adjourned for morning tea at 10.24am and resumed at 10.37am.

11.3. PRIORS CREEK DEVELOPMENT - ERGON OFFER FOR RELOCATION SERVICES

Moved by Cr Marti

Seconded by Cr Cardew

"That Council:

1. Accept the offer from Ergon Energy to relocate the existing overhead high voltage network to underground as per attached concept plan, for the Priors Creek Development.
2. Approve the amendment of the Priors Creek capital works budget in 2022/23 by bringing forward the sum of \$527,810.32 (Ex. GST) from the 2023/24 capital budget.
3. Delegate the power to the Chief Executive Officer to accept the offer from Ergon Energy Corporation Limited and/or its subsidiaries to carry out the works and to negotiate, finalise and execute any and all matters associated with or in relation to this contract.

CARRIED UNANIMOUSLY

11.4. LOCAL GOVERNMENT REMUNERATION COMMISSION - COUNCIL CATEGORY REVIEW

Moved by Cr Wilce

Seconded by Cr Hodge

"That Council receive and note the report entitled 'Local Government Remuneration Commission Category Review'."

CARRIED UNANIMOUSLY

12. INFRASTRUCTURE & ENVIRONMENT SERVICES

12.1. TRAFFIC CONTROL

Moved by Cr Hodge

Seconded by Cr Wilce

Amendment to the officer's recommendation

Moved by Cr Cardew

Seconded by Cr Clifton

"That Council:

1. Continue with the current procurement process being the pre-qualified supplier arrangement (T-TRC2020-08), and re-tender the traffic control pre-qualified supplier arrangement with the contract to be awarded before 1 July 2023."
2. Amend the tender documents for Pre- Qualified Suppliers to allow new suppliers into the existing arrangement at 6 monthly intervals during the term of the arrangement."

CARRIED UNANIMOUSLY

the amendment becomes the motion

CARRIED UNANIMOUSLY

13. COMMUNITY & CORPORATE SERVICES

13.1. FINANCIAL REPORT - MARCH 2023

Moved by Cr Hodge

Seconded by Cr Bilney

"That Council:

1. Receive and note the Financial Report for March 2023.
2. Receive and note the Operational Plan Quarterly Report for the period ending March 2023."

CARRIED UNANIMOUSLY

13.2. YOUTH STRATEGY

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. Endorse the Youth Strategic Plan 2023-2026
2. Endorse the updated Terms of Reference to reflect ages 12-25."

CARRIED 6-1

Cr Cardew voted against the motion

14. NOTICE OF MOTION

14.2. CR PETER HODGE - NOTICE OF MOTION – INFRASTRUCTURE CHARGES COMMERCIAL (BULK GOODS) POLICY

Moved by Cr Hodge

Seconded by Cr Clifton

"That the following motion that was adopted at the Ordinary Meeting held on 15 December 2022 be rescinded –

ITEM-11.3 Infrastructure Charges Commercial (Bulk Goods) Policy

"That Council:

1. *Endorse the Infrastructure Charges Commercial (Bulk Goods) Policy to provide capped infrastructure charges levied against a Commercial (Bulk Goods) development with a GFA of equal to or greater than 4,000m².*
2. *Delegates authority to the Chief Executive Officer pursuant to the Local Government Act 2009 to finalise any and all matters associated with the implementation of the Infrastructure Charges Commercial (Bulk Goods) Policy."*

LOST 3-4

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

Crs Hodge, Wilce and Clifton voted for the motion

Crs Marti, Bilney, Cardew and Haydon voted against the motion

14.3. CR PETER HODGE – NOTICE OF MOTION – LOCAL AREA PLAN ATHERTON INDUSTRIAL ESTATE

Moved by Cr Hodge

Seconded by Cr Clifton

"That the following motion that was adopted at the Planning Committee Meeting held on 8 December 2022 be rescinded –

RESOLUTION – ITEM-8.2 PRECINCT MASTERPLAN ATHERTON INDUSTRIAL ESTATE

“That Council:

- 1. Commences the preparation of a Local Area Plan for the Atherton Industrial Estate.*
- 2. Establishes a Stakeholder Reference Group for the purpose of undertaking a collaborative approach to design and drafting of the Local Area Plan.*
- 3. Endorses the engagement of a planning firm to assist in the project management and preparation of the Local Area Plan (“Project Partner”).*
- 4. Includes \$55,000 in the planning operational budget through the 2nd budget review to fund the development of the Local Area Plan.”*

CARRIED UNANIMOUSLY

LOST 2-5

ADJOURNMENT

The meeting adjourned at 11.32am and resumed at 11.37am.

15. BUSINESS WITHOUT NOTICE

No business without notice.

CLOSURE OF MEETING

Moved by Cr Wilce

Seconded by Cr Clifton

"That in accordance with Section 255(1) of the *Local Government Regulation 2012*, the meeting be closed to the public at 11.40am to discuss matters relative to:

16.1. Railway Lane Lease

- (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;

16.2. Routine Maintenance Performance Contract 2023/24

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

16.3. Ravenshoe WQIP Stage 2 - Potential Cost Savings

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

16.4. Approval of S87 Agreement - Jirrbal Native Title Determination

- (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;
- (i) a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

16.5. Aerodrome Lease Renewal 711990744 - Lease 18

- (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 Hodge

Seconded by Cr Wilce

"That the meeting be opened at 12.06pm."

CARRIED UNANIMOUSLY

16. CONFIDENTIAL ITEMS

16.1. RAILWAY LANE LEASE

Moved by Cr Hodge

Seconded by Cr Clifton

"That Council delegate to the Chief Executive Officer the power to take all steps necessary to:

- (a) Bring to an end any occupation right that exists in respect of the structures located at Lot 11 on SP 310236 and Lot 154 on SP 120085 ("**the Land**"), and resolve any outstanding issues associated with the existing occupation right (including dealing with any monies owed to Council by the occupant of the Land); and
- (b) Negotiate, finalise and sign on behalf of Council a Licence Agreement to permit Michael Nasser to continue occupying the shed located on Lot 154 on SP 120085 subject to the

structure in the land being altered so that is contained wholly within Lease A on Lot 154 on SP 120085".

CARRIED UNANIMOUSLY

16.2. ROUTINE MAINTENANCE PERFORMANCE CONTRACT 2023/24

Moved by Cr Cardew

Seconded by Cr Hodge

"That Council:

1. Resolve to enter into an agreement with the Department of Transport and Main Roads to provide Routine Maintenance Performance Contract (RMPC) services for 2023/24;
2. Investigate options for the delivery of the Routine Maintenance Performance Contract for 2024/25 and beyond;

and

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 the Routine Maintenance Performance Contract."

CARRIED UNANIMOUSLY

16.4. RAVENSHOE WQIP STAGE 2 - POTENTIAL COST SAVINGS

Moved by Cr Haydon

Seconded by Cr Wilce

"That Council note that it has been provided with a summary of the outcomes of investigations into potential cost saving measures put forward in the tender submission by HEH Civil Pty Ltd."

CARRIED UNANIMOUSLY

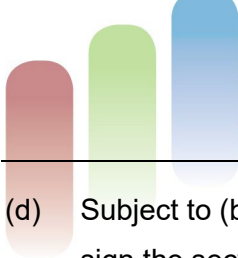
16.4. APPROVAL OF S87 AGREEMENT - JIRRBAL NATIVE TITLE DETERMINATION

Moved by Cr Haydon

Seconded by Cr Wilce

"That Council:

- (a) Note the report prepared by Moray & Agnew Lawyers;
- (b) Subject to (b) below that Council agrees to enter the section 87A agreement;
- (c) The Mayor and Chief Executive Officer be authorised to consider and decide whether to agree to any amendments required prior to the determination;



(d) Subject to (b) above that Martin Wright from Moray & Agnew Lawyers be authorised to sign the section 87A agreement on Councils behalf.

CARRIED UNANIMOUSLY

16.5. AERODROME LEASE RENEWAL 711990744 - LEASE 18

Moved by Cr Cardew

Seconded by Cr Bilney

"That Council resolve to:

1. Apply section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) and renew the Trustee Lease over Lease 18 on Lot 553 on CP NR5363 to David John Voyce and Barry Glen Kruyssen; and
2. Delegate the authority to the Chief Executive Officer to negotiate and finalise the terms of the Trustee Lease generally, including but not limited to the following salient terms:
 - a. Term is to be no more than 15 years;
 - b. Rent is to be determined by way of an independent valuation; and
 - c. Trustee Lessee to be responsible for Council costs, including 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 - 9:00 am on 11 May 2023

Ordinary Meeting - 9:00am on 25 May 2023

There being no further business, the meeting closed 12.09pm.

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Cr Rod Marti

Mayor

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Gary Rinehart

Chief Executive Officer