



Ordinary Meeting

**TRC Community Education and
Disaster Coordination Centre
15 Vernon Street, Atherton
Thursday, 28 May 2020
at 9:00am**

MINUTES

1. MEMBERS IN ATTENDANCE

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

OFFICERS IN ATTENDANCE

H Jackson (General Manager Organisational Services), M Vis (General Manager Infrastructure Services), B Owen (General Manager Community, Planning and Environment), T Tanase (Manager Planning & Regulatory Services), S McHardie (Manager Community & Customer Services), E Bowden (Manager Finance), N van Beuningen (Senior Executive Officer) T Vallance (Strategic Communication Advisor), A Loudon (Executive Assistant Community, Planning & Environment) and J Hunter (Minute Secretary).

2. APOLOGIES/LEAVE OF ABSENCE

Nil

3. ACKNOWLEDGEMENT OF COUNTRY

The Mayor read the following Acknowledgement of Country: *'I would like to acknowledge the traditional custodians of this land we are meeting on and pay respect to their Elders both past, present and emerging.'*

4. BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who had passed away during the previous month.

ADHOC-1 SUSPEND STANDING ORDERS

Moved by Cr Cardew

Seconded by Cr Hodge

"That Standing Orders are suspended."

CARRIED UNANIMOUSLY

CHIEF EXECUTIVE OFFICER RESIGNATION

The Mayor read the following statement: Late yesterday the Chief Executive Officer resigned from Tablelands Regional Council effective immediately. Justin Commons came to Council in 2018, in the first instance as Acting Manager Finance, to address the 2017/2018 rates issue, and soon after became Council's Chief Executive Officer immediately following the departure of the former Chief Executive Officer. I believe Justin was an accountant by profession, called South Australia home, but had served in local government in Queensland before arriving on the Tablelands.

In the short time I've known Justin, he proved himself to be professional and extremely hard working. And for Councillors Bilney and Haydon who worked with him in the previous Council, they held him in very high regard.

On behalf of those of us elected as well as those officers and staff working in the organisation, I'd like to take this opportunity to acknowledge the contribution of Justin to navigate and steer this significant ship over the last couple of years. Leading a council of any size in the 21st century is no mean feat. Council wishes Justin all the best for the future.

ADHOC-2 CHIEF EXECUTIVE OFFICER RESIGNATION

Moved by Cr Wilce

Seconded by Cr Cardew

"The Council resolve to accept the immediate resignation of Mr Justin Commons in accordance with the terms of his Contract of Employment, dated 14 May 2018."

CARRIED 5-2
Crs Haydon and Bilney voted against the motion

ADHOC-3

RESUMPTION OF STANDING ORDERS

Moved by Cr Cardew

Seconded by Cr Wilce

"That the standing orders are resumed."

CARRIED UNANIMOUSLY

5. DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST BY COUNCILLORS AND SENIOR COUNCIL OFFICERS

Cr Hodge declared that he has a **Material Personal Interest**, (as defined in Section 175 of the *Local Government Act 2009*), in relation to *ITEM-11.1* on the agenda, due to the fact that he is undertaking consultancy work for the applicant. Cr Hodge declared that he proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

Cr Marti declared that he has a **Conflict of Interest**, (as defined in Section 175 of the *Local Government Act 2009*), in relation to *ITEM-11.1* on the agenda, due to the fact that he leases land to Richard Cuda. Cr Marti declared that he proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

Bob Owen, General Manager Community, Planning and Environment, declared that he has a **conflict of interest**, pursuant to the *Public Sector Ethics Act 1994* and Council's Code of Conduct, in relation to the proposed draft Mayoral Minute raised, due to the fact that he is referred to in the Mayoral Minute as the proposed appointee as Chief Executive Officer. Mr Owen declared that he proposes to exclude himself from the meeting while the Mayoral Minute is discussed and decided.

There were no other Material Personal Interests or Conflicts of Interest declared by any Councillor or senior Council officer in relation to the items of business listed on the Agenda.

6. MOTION TO ALTER THE ORDER OF BUSINESS

Nil

7. CONFIRMATION OF MINUTES

Moved by Cr Hodge

Seconded by Cr Bilney

"That the Minutes of the Ordinary Council Meeting held on 30 April 2020 be confirmed as true and correct."

CARRIED UNANIMOUSLY

8. DEPUTATIONS AND DELEGATIONS

Alan & Mia Isherwood of Tableland Action Alliance Inc attended the meeting at 9.10am and addressed Council regarding climate crisis and what actions TAA may expect from Council.

The Isherwoods left the meeting at 9.27am at the conclusion of their presentations.

ADHOC-4 CHANGE IN ORDER OF BUSINESS

Moved by Cr Cardew

Seconded by Cr Wilce

"That the Mayoral Minute is moved to the confidential section of the Agenda."

CARRIED UNANIMOUSLY

9. MAYORAL MINUTE

Moved to 17. Confidential Items

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

Nil

11. COMMUNITY, PLANNING & ENVIRONMENT

ITEM-11.1 BARLETTA INVESTMENTS PTY LTD - RECONFIGURING A LOT (BOUNDARY REALIGNMENT) - LOT 1 ON RP726511 AND LOT 2 ON SP306266 (FORMERLY LOT 2 ON RP861058) - 8386 KENNEDY HIGHWAY AND 52 HASTIE ROAD, ATHERTON - RAL19/0035

ATTENDANCE

*The Mayor dealt with the declared **Perceived Conflict of Interest** by leaving the meeting at 9.30am and the Deputy Mayor assumed the Chair.*

*Cr Hodge dealt with the declared **Material Personal Interest** by leaving the meeting at 9.30am.*

Moved by Cr Wilce

Seconded by Cr Clifton

APPROVED PLANS/DOCUMENTS:


Plan No.	Rev.	Plan Name	Date
8427	-	Development Plan – Plan of Lots 1 & 2 cancelling Lot 1 on RP726511 and Lot 2 SP306266	17/02/2019

ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General
 - 3.1 The Applicant/Developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 The Applicant/Developer must relocate (in accordance with FNQROC Development Manual 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.
 - 3.3 Where utilities would traverse one lot to service another lot, easements must be registered over the servient tenement for access and maintenance purposes to the satisfaction of Council's delegated officer. The Applicant/Developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.4 Any existing buildings or structures and/or incidental works that straddle the realigned boundaries must be altered, demolished or removed, as required, to align with the property boundaries unless otherwise approved by Council's delegated officer.
 - 3.5 Where existing buildings and structures are to be retained, setbacks to the realigned property boundaries are to be in accordance with the Planning Scheme requirements for the relevant building/structure, and/or the Queensland Development Code in the case of domestic buildings.



3.6 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

ASSESSMENT MANAGER'S ADVICE

(a) 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.

(A) Any intensification or scale of the use of the premises on Lot 1 on RP726511 may trigger a Material Change of Use under the *Planning Act 2016*. Please contact Council planning officers for further information.

(B) Access Approval – Kennedy Highway

Under sections 62 and 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a State-controlled road. Prior to undertaking access works within the State-controlled road reserve please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application.

(C) 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.

CURRENCY PERIOD

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

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

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

FURTHER DEVELOPMENT PERMITS REQUIRED

- Nil

OTHER APPROVALS REQUIRED FROM ASSESSMENT MANAGER (COUNCIL)

- Nil"

CARRIED UNANIMOUSLY

ATTENDANCE

Cr Hodge and the Mayor returned to the meeting at 9.33am and the Mayor resumed the Chair.

ITEM-11.2 TABLELANDS HOME ASSIST ASSOCIATION INCORPORATED

Moved by Cr Hodge

Seconded by Cr Cardew

"That Council:

1. Endorse Option 5 as the recommended model for future delivery of the HAS Program, such that the Association becomes the directly funded organisation for delivery of the Home Assist Secure Program in the Tablelands Regional Council local government area, and in the Mareeba, Etheridge and Croydon Shires for the balance of the term of the current Service Agreement between the Department and Council;
2. Delegate authority to the CEO to enter into formal negotiations with the Department and the Association to give effect to this resolution through the Assignment of the Service Agreement to the Association;
3. Subject to Departmental approval of this course of action, that this resolution be implemented by 30 June 2020, or as soon as practicable thereafter; and
4. In the event that the Department rejects this proposed course of action, Council officers will provide a further Report to Council outlining alternative delivery options for the HAS Program."

CARRIED UNANIMOUSLY

12. CHIEF EXECUTIVE OFFICER

ITEM-12.1 COMMITTEE REPRESENTATION

Moved by Cr Bilney

Seconded by Cr Wilce

"That Council:

1. Adopt the Advisory Committees Policy provided as Attachment 1 to the officer's report.
2. Endorse the following advisory committees, Councillor representatives and terms of reference for each committee provided as Attachments 2-19 to the officer's report.

	Advisory committee	Councillor representative
2.1	Atherton Chinatown	
2.2	Audit, Risk and Improvement	Cr David Clifton and Cr Peter Hodge
2.3	Herberton Mining Centre Gift Fund	Cr Annette Haydon (Chair)
2.4	Inclusion	Cr Peter Hodge (Chair)
2.5	Local Disaster Management Group (LDMG) Built Environment and Infrastructure Subgroup (Note 1)	Cr Kevin Cardew and Cr Annette Haydon
2.6	LDMG Community Support Subgroup (Note 1)	Cr Dave Bilney
2.7	LDMG Economic Subgroup (as amended)	Cr David Clifton

13. ORGANISATIONAL SERVICES

ITEM-13.1 FINANCIAL REPORT APRIL 2020

Moved by Cr Hodge Seconded by Cr Haydon

"That Council receive and note the Financial Report for April 2020."

CARRIED UNANIMOUSLY

ITEM-13.2 REVENUE POLICY 2020-2021

Moved by Cr Hodge Seconded by Cr Bilney

"That Council adopt the Revenue Policy 2020/2021, pursuant to Section 193 of the *Local Government Regulation 2012*."

CARRIED UNANIMOUSLY

ITEM-13.3 COUNCIL PURCHASE CARDS

Moved by Cr Cardew Seconded by Cr Wilce

"That Council receive and note the officer's report on Council's purchase cards."

CARRIED UNANIMOUSLY

ADHOC-5 CHANGE IN ORDER OF BUSINESS

Moved by Cr Hodge Seconded by Cr Clifton

"That Council change the order of business to discuss further Cr Cardew's proposed motion regarding thresholds for quotes."

CARRIED UNANIMOUSLY

ADHOC-6 PROCUREMENT POLICY & COUNCIL PURCHASE CARDS

Moved by Cr Hodge Seconded by Cr Cardew

"That Council immediately reduce its quote-free threshold from \$5000 to \$2000 in the Procurement policy and each Department cull its credit cards to a more reasonable number and bring the new recommendation for fewer credit cards back to Council."

LOST 2-5

ADHOC-7

MORNING TEA ADJOURNMENT AND RESUMPTION

Moved by Cr Cardew

Seconded by Cr Hodge

"That Council adjourn the meeting for morning tea at 9.55am."

Moved by Cr Wilce

Seconded by Cr Bilney

"That Council resume the meeting resumed at 10.05am."

ITEM-13.4

DELEGATION OF STATUTORY POWERS - WATER REGULATION 2016

Moved by Cr Hodge

Seconded by Cr Haydon

"That, under Section 257 of the *Local Government Act 2009*, Council delegate the exercise of the powers contained in Schedule 1 of the Instruments of Delegation (attached to the officer's report) to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instrument of Delegation."

CARRIED UNANIMOUSLY

ITEM-13.5

DELEGATION OF STATUTORY POWERS - DISASTER MANAGEMENT ACT 2003 AND OTHER LEGISLATION

Moved by Cr Wilce

Seconded by Cr Bilney

"That, under Section 257 of the *Local Government Act 2009*, Council delegate the exercise of the powers contained in Schedule 1 of the Instruments of Delegation (attached to the officer's report) to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instrument of Delegation."

CARRIED UNANIMOUSLY

14. INFRASTRUCTURE SERVICES

ITEM-14.1

STATE EMERGENCY SERVICES (SES) SHED

Moved by Cr Cardew

Seconded by Cr Haydon

"That Council approve the delivery of the new SES Shed and associated infrastructure at the location corresponding with Option 1 within this report to support emergency response agencies within the region in accordance with the adopted 2019/20 capital budget."

LOST 1-6

ADHOC-7 MASTER PLAN - VERNON, ROBERT & MABEL STREET, ATHERTON

Moved by Cr Cardew

Seconded by Cr Hodge

"That Council consider providing funds in the 2020/2021 Budget for a Future Development Master Plan for this entire site between Vernon, Robert and Mabel Streets."

CARRIED UNANIMOUSLY

ITEM-14.2 REGISTER OF ROADS MAINTAINED POLICY

Moved by Cr Bilney

Seconded by Cr Haydon

"That Council rescind the Register of Roads Maintained Policy."

CARRIED UNANIMOUSLY

ITEM-14.3 WRIGHTS CREEK BRIDGE

Moved by Cr Clifton

Seconded by Cr Wilce

"That Council:

1. Note the temporary closure of Wrights Creek Bridge to vehicular traffic as of 15 June 2020 and to retain access for up to 20 pedestrians or cyclists at any time in accordance with the recommendations included in the Forcecor Infrastructure Consultants Wrights Creek Options Report of 4 April 2020.
2. Rescind Council's resolution of 22 June 2017 to decommission Wrights Creek Bridge as part of the 2019/20 capital budget.
3. Consider options for reopening the bridge to vehicular traffic as part of its prioritisation of required bridge construction works in accordance with Council's Transport Strategy principles and subject to budget allocation."

CARRIED UNANIMOUSLY

15. NOTICE OF MOTION

ITEM-15.1 NOTICE OF MOTION - CR CLIFTON - REMUNERATION

Moved by Cr Clifton

Seconded by Cr Hodge

"That as a result of the impact of the COVID-19 virus, Council resolve:-

- a) That Councillors do not take the 2% wage increase as provided for by the Remuneration Tribunal determination, effective 1 July 2020, and therefore there will be no change to the current maximum amount payable to Councillors; and

- b) To commend the actions of Council's management to not pay an annual increment to executive and management staff employed under contract, noting that this is the second time in three years that this decision has been taken; and
- c) To freeze the Chief Executive Officer's salary until further notice."

CARRIED UNANIMOUSLY

ITEM-15.2 NOTICE OF MOTION - CR DAVID CLIFTON - KAIRI PARK

Moved by Cr Clifton

Seconded by Cr Cardew

"That:

1. Council note that only one expression of interest was received in response to the process inviting proposals for purchase or lease of Lot 10 on RP901633 known as Kairi Lions park.
2. Council discontinue with the process for purchase or lease of the Kairi Lions Park, pending further consideration by council of future potential land uses for this land.
3. Pending Council's consideration of future land uses, council close this land for overnight camping, and keep the public toilet on the land closed to discourage overnight camping in the park.
4. Council demolish the public toilet on the land and plan for a replacement adjacent the playground."

CARRIED UNANIMOUSLY

ITEM-15.3 NOTICE OF MOTION - CR DAVID CLIFTON - RESCISSION OF DECISION TO SELL FREEHOLD LAND - POGGIOLI STREET, KAIRI

Moved by Cr Clifton

Seconded by Cr Cardew

"That Council rescinds part of the 29 November 2019 Council decision, being the sale of Lot 3 on K7361 – 5 Poggioli Street, Kairi, 4872."

AMENDMENT TO THE MOTION WAS:

Moved by Cr Haydon

Seconded by Cr Wilce

"Council rescinds part of the 29 November 2019 Council decision, being the sale of Lot 3 on K7361 – 5 Poggioli Street, Kairi, 4872, but reserves the right to sell the land in future should Council have no further use for the subject lot."

**AMENDMENT CARRIED 5-2
AMENDED MOTION CARRIED UNANIMOUSLY**

16. BUSINESS WITHOUT NOTICE

Nil

CLOSURE OF MEETING

Moved by Cr Hodge

Seconded by Cr Wilce

"That in accordance with Section 275(1)(h) of the *Local Government Regulation 2012*, the meeting be closed to the public at 10.46am to discuss matters in relation to:

- (a) the appointment, dismissal or discipline of employees.

MAYORAL MINUTE

- (h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage

ITEM-17.1 LEASE OF HERBERTON CHILDCARE CENTRE

CARRIED UNANIMOUSLY

ATTENDANCE

All staff (with the exception of the General Manager Organisational Services) left the meeting at 11.05am.

Council staff returned to the meeting at 11.36am.

The General Manager Community, Planning & Environment remained out of the meeting.

OPENING OF MEETING

Moved by Cr Hodge

Seconded by Cr Cardew

"That the meeting be opened at 11.36am."

CARRIED UNANIMOUSLY

17. CONFIDENTIAL ITEMS

ITEM-17.1 LEASE OF HERBERTON CHILDCARE CENTRE

Moved by Cr Haydon

Seconded by Cr Bilney

"That Council resolve to seek tenders for the lease and operation of the Herberton Kindergarten and Child Care Centre (Little Scholars), more accurately described as Part of Lot 1 on CP K1241109 (former Lease A on SP266751) in accordance with s 227 *Local Government Regulation 2012*. "

CARRIED UNANIMOUSLY



9. MAYORAL MINUTE

The Mayor raised a Mayoral Minute in accordance with clause 4. of the Standing Orders

Moved by Cr Marti

ADHOC-8 APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER

Moved by Cr Marti

Seconded by Cr Cardew

"That Council resolve that in accordance with Section 194 of the *Local Government Act 2009*, to appoint Mr Robert Owen as the Interim Chief Executive Officer effective immediately until otherwise determined."

CARRIED UNANIMOUSLY

ATTENDANCE

The General Manager Community, Planning & Environment returned to the meeting at 11.39am.

18. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton at
9:00 am on Thursday 25 June 2020

There being no further business, the meeting closed at 11.40am.

.....
Cr Rod Marti
Mayor

.....
Bob Owen
Chief Executive Officer