



Ordinary Meeting

TRC Coordination Centre, 15 Vernon Street, Atherton

Thursday, 28 September 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), S Lisle (Executive Manager Development Services), D O'Connor (Senior Planning Officer), S Dean (Senior Advisor Disaster Management), S Savich (Manager Strategic Assets), D Fletcher (Manager Roads & Projects), B Gardiner (Manager Water & Waste), E Bowden (Manager Finance), R Barton (Financial Accountant), P Turner (Coordinator Legal & Governance), M Kerley (Legal & Governance Advisor), B Rutherford (Community Engagement) 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 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 David Clifton declared that he has a **Declarable Conflict of Interest**, (as defined in 150ES of the *Local Government Act 2009*), in relation to *ITEM-16.4 Councillor Complaint Investigation*, as he is the Councillor in the complaint. **Cr Clifton** declared that he proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

Cr Annette Hayden declared that she has a **Declarable Conflict of Interest** (as defined in 150ES of the *Local Government Act 2009*) in relation to *Item 12.5 Rail Trail Development*, as her husband's Uncle and Aunt (Raymond and Cheryl Fitzgerald) own a block of land that backs onto the Rail Trail. Her husband's uncle is not a related party for the purpose of Section 150EN *Local Government Act 2009*, however Cr Hayden declared that she has had discussions with them to assist them in understanding what is being proposed and that she proposes to exclude herself from the meeting while this matter is debated and the vote is taken.

Mayor Rod Marti declared that he has a **Declarable Conflict of Interest**, (as defined in 150ES of the *Local Government Act 2009*), in relation to *ITEM-16.4 Councillor Complaint Investigation*, as he submitted the complaint. **Mayor Marti** declared that he proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

Mark Vis, General Manager Infrastructure and Environment Services, 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 *Item-16-4 Councillor Complaint Investigation*, due to the fact that he



was participating in the investigation as a witness. Mr Vis declared that he proposes to exclude himself from the meeting while the item is discussed and decided.

Hilary Jackson, General Manager Community & Corporate Services, declared that she has a **Conflict of Interest**, pursuant to the *Public Sector Ethics Act 1994* and Council's Code of Conduct, in relation to *Item-16-4 Councillor Complaint Investigation*, due to the fact that she was participating in the investigation as a witness. Ms Jackson declared that she proposes to exclude herself from the meeting while the item is discussed and decided.

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 Cardew

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

CARRIED UNANIMOUSLY

Moved by Cr Hodge

Seconded by Cr Bilney

"That the Minutes of the Special Council Meeting held on 7 September 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

Moved by Cr Cardew

Seconded by Cr Haydon

"That the Minutes of the Planning Committee Meeting held on 7 September 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

Moved by Cr Wilce

Seconded by Cr Clifton

"That the Minutes of the Ordinary Council Meeting held on 24 August 2023, be confirmed as true and correct.

CARRIED UNANIMOUSLY

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

Planning Committee 13 September 2023, no business arising

Special Meeting 07 September 2023, no business arising

Planning Committee 07 September 2023, no business arising

Ordinary Meeting 24 August 2023, no business arising

9. DEPUTATIONS AND DELEGATIONS

DEPUTATION

Peter De Lai and Neal Rockley on behalf of the Tolga Industrial Estate Property/Business Owners Group attended the meeting at 9.07am and addressed the councillors regarding extension of industrial properties, Tolga Industrial Estate. The deputation concluded at 9.13am.

DEPUTATION

Rolf Straatemeier, (Yungaburra Association) and David Blair, (Yungaburra Landcare) attended the meeting at 9.14am and addressed the councillors regarding ITEM-11.2 *Malcolm & Gina Macleod – Minor Change to a Development Approval - Reconfiguring of a Lot – Subdivision (1 Into 8 Lots) - Lot 3 on RP703626 - 1 – 3 Penda Street, Yungaburra – RAL23/0034 (RAL23/0001)* and their previous representations regarding Petersen Creek Walking Trail. The deputation concluded at 9.25am.

DEPUTATION

Malcolm Macleod and Matt Andrejic (Freshwater Planning) attended the meeting at 9.26am and addressed the councillors regarding the Peterson Creek Walking Trail that traverses his property located on 1 – 3 Penda Street, Yungaburra. The deputation concluded at 9.32am.

ADHOC-1 SUSPEND STANDING ORDERS

Moved by Cr Clifton

Seconded by Cr Hodge

“That Council suspend standing orders to advance Business Without Notice proposed motion and ITEM-11.2 *Malcolm and Gina Macleod – Minor Change to a Development Approval – Reconfiguring a Lot – Subdivision (1 lot into 8 lots) – Lot 3 on RP703626 – 1-3 Penda Street, Yungaburra – RAL23/0034 (RAL23/0001)* as the next items of business.”

CARRIED UNANIMOUSLY

15. BUSINESS WITHOUT NOTICE

ADHOC-2 PETERSEN CREEK WALKING TRAIL

Moved by Cr Clifton

Seconded by Cr Wilce

“Given the deputations received from G & M MacLeod and the Yungaburra Association Inc.

Council resolve:

- The Chief Executive Officer is instructed to continue negotiations between Council and M & G Macleod to finalise the question of the land on Peterson Creek adjoining their property.
- A final report is to be provided to the TRC Council meeting of 26 October 2023.

CARRIED UNANIMOUSLY

10. MAYORAL MINUTE

No Mayoral Minute

11. CHIEF EXECUTIVE OFFICER

11.2. MALCOLM & GINA MACLEOD - MINOR CHANGE TO A DEVELOPMENT APPROVAL - RECONFIGURING OF A LOT – SUBDIVISION (1 INTO 8 LOTS) - LOT 3 ON RP703626 - 1 – 3 PENDA STREET, YUNGABURRA – RAL23/0034 (RAL23/0001)

Moved by Cr Clifton

Seconded by Cr Wilce

“It was resolved that in accordance with the *Planning Act 2016*:

1. The application RAL23/0034 for a minor change to the development approval for Reconfiguring a lot – One (1) into Eight (8) subdivision be approved and a new decision notice of approval be issued to replace the decision notice dated 27 June 2023, reflecting the approved changes with respect to the following:

(A) The approved plan/s be amended as follows:

Plan No.	Rev.	Plan Name	Date
Reference: 9187	-	Development Plan – Plan of Lots 3-10 Cancelling Lot 3 on RP703626, prepared by Twine Surveys Pty Ltd	24.05.2023 18.08.2023

(B) Condition 4.10 be amended as follows:

Environmental Covenant

The applicant/developer will be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of

the preservation, protection and maintenance of native vegetation associated with the northern-eastern bank of Peterson Creek within the proposed Lots 6 and 8. The covenant area must extend 25m above the defined bank to the existing fenceline as per depicted on the approved plan and covenant documentation must stipulate that:

- i. The registered owners of the lots are to obtain written consent from Council's delegated officer prior to undertaking any earthworks, clearing of native vegetation, fencing or placement of water pumps and pipelines within or across the covenant area;*
- ii. New or replacement wastewater disposal systems, buildings or structures and cultivation will be specifically excluded from within the covenant area;*
- iii. It is for the express purpose of vegetation and habitat preservation, including the preservation of native plants and the natural features of the lots, including the water in the unnamed tributary and the soil contained in the covenant area;*
- iv. Domestic pets and stock shall be kept within enclosures that prevent them from wandering within the covenant area; and*
- v. Any maintenance required to be performed in respect of the covenant area will be the responsibility of the relevant landowner.*

The covenant location and documentation must be to the satisfaction of Council's delegated officer and the applicant/developer will be responsible for the cost of preparation and registration. The covenant agreement must be signed by the registered owners of the land prior to endorsement of the relevant survey plan by Council and the signed covenant must be lodged in conjunction with the relevant survey plan for registration by the Registrar of Titles.”

CARRIED UNANIMOUSLY

STANDING ORDERS

Moved by Cr Hodge

“That Standing Orders are resumed.”

CARRIED UNANIMOUSLY

11.1. R. CIOBO – RECONFIGURATION OF A LOT (1 INTO 48 LOTS PLUS BALANCE LOT AND PARK/DRAINAGE RESERVE) – LOT 4 ON SP230973 – WEAVER STREET, ATHERTON – RAL23/0029

Moved by Cr Hodge

Seconded by Cr Wilce

That Council:

- (A) Resolve that the application does not conflict with a relevant instrument.
- (B) Approve a Development Permit for Reconfiguring a Lot (1 into 48 residential lots plus balance lot and drainage/park reserve) on land described as Lot 4 on SP230973 and located at Weaver Street, Atherton subject to the following:

APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2750-C06, Revision G (Sheet 1 of 1)	Proposed Concept Development Layout	Contour	11/08/23

ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

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: <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 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 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.
3.5	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.
3.6	<p>Charges</p> <p>All outstanding rates, charges and expenses pertaining to the land are to be paid in full.</p>
4	<p>Development Staging & Lot-by-Lot Releases</p> <p>The development need not be staged in strict adherence to the staging arrangement indicated by the approved plan of reconfiguration (Contour Drawing 2750-C06, Revision G, dated 11 August 2023), however, any alternative 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 Stormwater Management Plan/Report prepared by Contour Engineers (Ref. 2750-SWMP01. Revision A, dated 16 August 2023) must be submitted for the endorsement of Council's delegated officer.</p> <p>(b) The "Stormwater Management Area" and "Western Drainage Reserve" shown on Contour Drawing Numbers 2750-C05, Revision B, dated 19 December 2022 and 2750-C06, Revision G, dated 11 August 2023, must be constructed and transferred to Council in freehold upon registration of the first plan of survey associated with this approval.</p> <p>(c) At the operational works stage, the Stormwater Management Plan/Report must include a Stormwater Quality Management Plan/Report, prepared and certified</p>

	<p>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>(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), to the satisfaction of Council's delegated officer.</p> <p>(e) All constructed or retained stormwater channels through the balance area must be within a registered easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.</p> <p>(f) 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, being the approved detention basin and drainage reserve in/to the north-west of the site.</p> <p>(g) Stormwater drainage infrastructure shall be incorporated and designed as a landscape feature within the open space corridors/areas of the development site to the satisfaction of Council's delegated officer.</p> <p>(h) Any detention basin(s) (if applicable) 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.</p> <p>(i) Any necessary temporary drains and associated drainage easements within the balance area will be provided as part of the relevant stage works and survey plans.</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>
6	<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</p>

	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.
7	<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; - 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 & Sewerage Infrastructure</p> <p>(a) The Applicant/Developer is required to connect the proposed lots to Council’s existing water supply and sewerage 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. Where the existing external reticulated water supply and sewerage infrastructure is not at an adequate capacity, the Applicant/Developer is required to extend/upgrade the 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). Prior to water supply and sewerage works commencing, plans for the works must be approved as part of an Operational Works application.</p>

- (b) A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided for the endorsement of Council's delegated officer as part of an application for Operational Works demonstrating how the development can be serviced.
- (c) As part of an application for Operational Works, an updated water supply infrastructure plan and supporting information, including hydraulic network analysis, must be submitted demonstrating how the development will be serviced by Council's infrastructure. In particular, the plan must:
- i. Identify external catchments that will be connected to the internal sewer or water networks;
 - ii. Identify any trunk infrastructure external to the development that may require upgrading to accommodate the development;
 - iii. Determination of the pressure zone boundaries in AHD in relation to the staging to identify those lots that can be serviced by the existing water infrastructure;
 - iv. Set out the timing and staging of the development that is consistent and/or inconsistent with the timing and sizing of the infrastructure provision identified in the LGIP (e.g. any upsizing and/or bring forward of timing);
 - v. Hydraulic calculations for all scenarios; and
 - vi. Concept design information on any interim servicing options that are proposed to provide acceptable service to stages developed prior to implementation of the future trunk infrastructure identified in the LGIP.
- (d) As part of an application for Operational Works, an updated sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's infrastructure. In particular, the plan must:
- i. Include a determination of the limiting capacity in EP/EDU of the existing sewerage network and identify the lots able to be serviced. The CONCEPT DESIGN REPORT (PHASE 3) FOR ATHERTON SEWERAGE UPGRADES PREPARED FOR TABLELANDS REGIONAL COUNCIL (July 2023) prepared by Trinity Engineering and Consulting can be used for this.
 - ii. Set out the timing and staging of the development that is consistent and/or inconsistent with the timing and sizing of the infrastructure

	<p>provision identified in the LGIP (e.g. any upsizing and/or bring forward of timing) and Council’s current planning study;</p> <ul style="list-style-type: none"> iii. Hydraulic calculations for all scenarios; and iv. Concept design information on any interim servicing options that are proposed to provide acceptable service to stages developed prior to implementation of the future trunk infrastructure identified in the LGIP. <p>(e) All works must be carried out in accordance with the approved plans, to the satisfaction of the Council’s delegated officer, prior to Council’s endorsement of the relevant survey plan.</p>
9	<p>Access</p> <ul style="list-style-type: none"> (a) Residential access crossovers must be constructed to the proposed Lots 52 and 89 in accordance with the FNQROC Development Manual (as amended) and to the satisfaction of Council’s delegated officer. (b) Sealed driveways (bitumen, asphalt or concrete) must be provided within the battle-axe lot handles of the proposed Lots 52 and 89. The driveway must: <ul style="list-style-type: none"> - have a minimum sealed width of 3 metres; - be constructed for the full length of the access handle; - be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle; and - be provided with service and utility conduits for the full length of the access handle. (c) Details of the above must be provided as part of the Operational Works application for the relevant stage and the access works must be delivered prior to the endorsement of the relevant plan of survey. (d) Until such time as an alternative, fully constructed, road connection is provided via the adjoining land to the east and/or west and/or south, all proposed lots (including balance lots) are to be accessed via Quadrio Street.
10	<p>Roadworks Internal/External</p> <ul style="list-style-type: none"> (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 100 residential lots). (b) Prior to Council endorsing a plan of survey containing any residential lot (proposed Lots 1 - 48), at a minimum, the Quadrio Street extension and Roads

	<p>“A”, “B”, “D” and “E” (as shown by Contour Drawing No. 2750-C05, Revision B, dated 19 December 2022) must be (or must have been) constructed in substantially accordance with the conditions and plans attached to TRC Approval Reference: RAL23/0003.</p> <p>(c) At the time of seeking survey plan endorsement, the area shown as “Proposed Open Space” between the proposed Lots 93 and 94 must be placed into road reserve.</p> <p>(d) Temporary gravel turnarounds must be provided at road stubs in accordance with the FNQROC Development Manual (as amended).</p> <p>(e) Removable/lockable bollards, or similar measures to the satisfaction of Council’s delegated officer, must be installed along the road frontage where the “Western Drainage Reserve” (as shown on Contour Drawing 2750-C06, Revision G, dated 11 August 2023) and the road reserve required between the proposed Lots 93 and 94 would interface with Roads “E” and “F”. 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>(f) Prior to the above works commencing, plans for the works must be approved as part of an application for Operational Works.</p>
11	<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> <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>
12	<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>
13	<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>

	(b) Prior to works commencing, street lighting plans must be approved as part of an application for Operational Works.
14	<p>Street Trees</p> <p>The Applicant/Developer is to provide street trees substantially in accordance with section D9.07 of the FNQROC Development Manual (as amended) and a planting plan identifying species must be submitted to Council for approval as part of a subsequent 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 must be approved as part of an Operational Works application.</p>
16	<p>Vegetated Agricultural Buffer</p> <p>Prior to Council endorsing the first plan of survey:</p> <ul style="list-style-type: none"> (a) A minimum 10m wide vegetated agricultural buffer (5m planted width with 2.5m wide clear maintenance strips on either side) must be established, substantially in accordance with the approved plan of reconfiguration. (b) A planting and management plan must be developed by a suitably qualified professional in accordance with Appendix 1 of Planning Scheme Policy 11 – <i>Separating Agriculture from other land uses</i> and must be endorsed by Council's delegated officer prior to any plantings being undertaken. (c) The buffers must be planted in accordance with the endorsed planting and management plan and must be maintained at all times by the landowner. (d) Buildings, structures and non-buffer landscaping species are not permitted within the buffer areas. (e) Appropriate native species must be used in the plantings and must achieve a minimum height at maturity of 5 metres. (f) The required buffer must have reached a state of maturity acceptable to Council's delegated officer, prior to Council endorsing the plan of survey for the relevant stage.
17	<p>Agricultural Buffer Covenant</p> <p>Prior to Council endorsing the first plan of survey:</p> <ul style="list-style-type: none"> (a) The Applicant/Developer shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the <i>Land</i>

	<p><i>Title Act</i> for the establishment, protection and use of relevant land for vegetated agricultural buffering.</p> <p>(b) The covenant must be in a form deemed acceptable to the Registrar of Titles and Council's delegated officer and will apply to the full length and width of the buffer area described by Condition 16 of this approval.</p> <p>(c) The covenant must stipulate that the covenant area must be protected, preserved and conserved, including by adhering to the following (which may be varied by written agreement between the parties):</p> <ul style="list-style-type: none"> i. the requirements of Condition 16 of this approval; ii. the management plan for the covenant area; iii. no existing living vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed; iv. no buildings, structures or fences may be erected inside the covenant area (excluding boundary fencing); v. no other acts may be carried out on or in respect of the covenant area which, in the opinion of Council's delegated officer, may have a detrimental impact on the covenant area. <p>(d) Notwithstanding sub-condition (c), if any living or dead vegetation in the covenant area poses a risk to human safety, the vegetation may be cut down or trimmed with the prior written consent of Council's delegated officer, not to be unreasonably withheld so as to remove the risk.</p> <p>(e) Notwithstanding sub-condition (c), if any animal in the covenant area poses a risk to human safety, it may be removed or relocated with the prior written consent of Council's delegated officer, not to be unreasonably withheld so as to remove the risk, albeit subject to any necessary State and/or Federal approval(s) having been obtained.</p> <p>(g) The covenant agreement shall be to the satisfaction of Council's delegated officer and shall be signed by the registered owners prior to seeking endorsement of the relevant survey plan(s). The signed covenant shall be jointly lodged for registration with the relevant survey plan(s).</p>
18	<p>Fencing</p> <p>Solid 1.8m high fencing must be erected for the full Weaver Street frontage of the land, to the satisfaction of Council's delegated officer, prior to Council endorsing the first plan of survey.</p>
19	<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>
20	<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> <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.

ASSESSMENT MANAGER'S ADVICE

- (a) 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.
- (b) 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 Planning and Regulatory Services Section for more information regarding the drafting of easement documents for Council easements.
- (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.
- (d) 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.

(e) Transportation of Soil

All soil transported 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, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(f) 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.

(g) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*. The electric ant restricted zone exists in five local government areas including the Tablelands Regional Council. Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone.

Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the Applicant to check if the nominated property lies within the restricted zone. All persons have a **general biosecurity obligation** under the *Biosecurity Act 2014* to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation. For more information, please visit the electric ant website at www.daf.qld.gov.au/anthunt or contact Biosecurity Queensland 13 25 23.

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 **6 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

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

Calculation				
Catchment/s	Existing credit	Demand	Charge Category	Charge amount
Atherton PIA	\$22,500.00 (Deemed credit x 1 lot)	49 residential lots	\$22,500.00/lot	\$1,102,500.00
Total Charge less Credit				\$1,080,000.00

CARRIED 5-2

Cr Cardew voted against the motion

11.3. AUSTRALIAN WARNING SYSTEM (AWS)

Moved by Cr Wilce

Seconded by Cr Bilney

"That Council receive the report and notes the additional responsibilities placed on Council as a result of the Australian Warning System changes effective 1 November 2023."

CARRIED 6-1

Cr Cardew voted against the motion

11.4. PRIORS CREEK STEERING COMMITTEE - 5 SEPTEMBER 2023

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council receive and note the Unconfirmed Minutes of the Priors Creek Steering Committee held on 5 September 2023."

CARRIED UNANIMOUSLY

MORNING TEA ADJOURNMENT

The meeting adjourned for morning tea at 10.23am and resumed at 10.39am.

12. INFRASTRUCTURE & ENVIRONMENT SERVICES

12.1. T-TRC2023-10 – FLEET RENEWAL - BITUMEN PATCHING TRUCKS

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. In accordance with section 234 (1) of the Local Government Regulation 2012 award T-TRC2023-10 for the purchase of two (2) Medium Rigid Bitumen Patching Trucks to Flocon Engineering Pty Ltd for the total of \$717,037.82 including GST for the 2024/25 capital budget.
2. Approve the disposal of Unit 707 and 708 as per the TRC Asset Disposal Policy Section 4.4.7 Infrastructure Asset Disposed as part of a Capital Project Proceeding. The method of sale will be by Auction House with forecast Auction reserves to be obtained from two independent Auction houses closer to time of sale.
3. Delegates authority to the Chief Executive Officer in accordance with *the Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with these arrangements including variations to the contract within the constraints of Council's endorsed capital budget allocation."

CARRIED UNANIMOUSLY

12.2. RAIL TRAIL ADVISORY COMMITTEE

Moved by Cr Bilney

Seconded by Cr Wilce

"That Council receive and note the confirmed Minutes of the Rail Trail Advisory Committee meeting held on 24 May 2023."

CARRIED UNANIMOUSLY

12.3. FNQROC REGIONAL RESOURCE RECOVERY PLAN

Moved by Cr Clifton

Seconded by Cr Wilce

"That Council note the report and that the FNQROC Regional Resource Recovery Plan has been released by the State Government and endorsed by the FNQROC Board."

CARRIED UNANIMOUSLY

12.4. RAIL TRAIL DEVELOPMENT

ATTENDANCE

Cr Haydon dealt with the declared **Declarable Conflict of Interest** by leaving the meeting at 10.51am.

Moved by Cr Wilce

Seconded by Cr Clifton

"That Council receive and consider the Tolga Industrial Estate and Rail Trail Reserve Development Plan v1.0 of 21 September 2023 and a final report be presented to the November Ordinary Meeting."

CARRIED UNANIMOUSLY

ATTENDANCE

Cr Haydon returned to the meeting at 11.16am.

13. COMMUNITY & CORPORATE SERVICES

13.1. FINANCIAL REPORT - AUGUST 2023

Moved by Cr Hodge

Seconded by Cr Clifton

"That Council:

1. Receive and note the Financial Report for August 2023
2. Receive and note the letter from the Department of Resources, included as Attachment 5, stating that the Tablelands Regional Council will not be included in the 2024 land valuation program."

CARRIED UNANIMOUSLY

13.2. LETTER OF SUPPORT POLICY

Moved by Cr Bilney

Seconded by Cr Hodge

"That Council adopt the updated *Letters of Support Policy* attached to the officer's report with the following alteration:

1. In section 4 paragraph 1 the addition of the of the words 'in accordance with Council's adopted Customer Experience Standards'.

Cr Hodge moved a procedural motion that the motion be Put

The Mayor advised he was about to put the motion. The procedural motion was withdrawn.

ATTENDANCE

Cr Cardew left the meeting at 11.37am and returned at 11.40am and was not present for the vote.

CARRIED 6-0



ADJOURNMENT

The meeting adjourned at 11.40am and resumed at 12.25am.

13.3. RURAL FIRE SERVICE TRAINING ROOM HIRE

Moved by Cr Wilce

Seconded by Cr Haydon

"That Council waive fees otherwise payable by the Rural Fire Service for the use of the Coordination Centre training room, where:

1. The room is being used for training of volunteers; and
2. The training is provided at no cost to participants; and
3. The training facilities have been booked following the approved booking procedure; and
4. The Rural Fire Service continues to be a tenant in Coordination Centre."

CARRIED UNANIMOUSLY

13.4. VOLUNTEER MANAGEMENT POLICY

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council adopt the revised Volunteer Management Policy and endorse the change from a Corporate Policy (requiring Council approval) to an Administrative Policy (requiring approval of Executive Leadership Team) policy."

CARRIED UNANIMOUSLY

14. NOTICE OF MOTION

14.1. NOTICE OF MOTION - CR PETER HODGE - MANTHEY ROAD CLOSURE MOTION

Moved by Cr Hodge

Seconded by Cr Wilce

"That, in addition to the Council resolution of the last meeting, the Chief Executive Officer write to the Department of Transport and Main Roads requesting a safety audit of the Manthey Road, Kennedy Highway Intersection to determine whether additional safety works, including signage and or intersection upgrades are required."

CARRIED UNANIMOUSLY

14.2. NOTICE OF MOTION -CR PETER HODGE - MOUNT GARNET WASTE TRANSFER STATION

Moved by Cr Hodge

Seconded by Cr Haydon

“That Council investigate options and report back to 23 November Ordinary Council Meeting on providing infrastructure that is safe for the public and staff at the Mount Garnet Waste Transfer Station in the event the Transfer Station is re-opened in the future.”

CARRIED 4-3

Cr Cardew voted against the motion

14.3. NOTICE OF MOTION - CR DAVID CLIFTON - FIG STREET CROSSING AND DISABLED ACCESS TO THE PUBLIC TOILETS AT BRUCE JONES PARK, YUNGABURRA

Moved by Cr Clifton

Seconded by Cr Wilce

“That the Chief Executive Officer be directed to prepare a Feasibility Report for each of the above projects to be put forward at the Budget Review meeting for consideration for inclusion in the current 2023/24 Capital Budget and the 10-year Capital Budget.”

CARRIED UNANIMOUSLY

15. BUSINESS WITHOUT NOTICE

No business without Notice.

PROCEDURAL MOTION

ADHOC-3 STANDING ORDERS

Moved by Cr Hodge

“That Standing Orders are suspended to advance Item 16.4 to the next item of business.”

ATTENDANCE

Cr Clifton dealt with the declared Declarable Conflict of Interest by leaving the meeting at 1.13pm.

CARRIED 4-2

16.4. COUNCILLOR COMPLAINT INVESTIGATION

ATTENDANCE

Cr Clifton remained out of the meeting for the discussion and vote.

*Mayor Marti, dealt with the declared **Conflict of Interest** by leaving the meeting at 1.16pm and the Deputy Mayor assumed the Chair.*

General Manager Infrastructure & Environment Services & General Manager Corporate & Community Services dealt with the declared Conflict of Interest by leaving the meeting at 1.16pm.

Moved by Cr Wilce

Seconded by Cr Hodge

"That Council resolve:

- The allegation of inappropriate conduct against the subject Councillor is not sustained;
- The Council take no further action, except to advise the Councillor and update the Councillor Conduct Register as required by sections 150DX(1)(b) and 150DY of the Act."

CARRIED UNANIMOUSLY

ATTENDANCE

Cr Clifton, General Manager Infrastructure and Environment Services, General Manger Community & Corporate Services returned to the meeting at 1.23pm.

Mayor Marti returned to the meeting at 1.23pm and resumed the Chair.

ADHOC-4 STANDING ORDERS

Moved by Cr Hodge

"That Standing Orders resumed."

CARRIED UNANIMOUSLY

CLOSURE OF MEETING

Moved by Cr Wilce

Seconded by Cr Hodge

"That in accordance with Section 254J of the *Local Government Regulation 2012*, the meeting be closed to the public at 1.24pm to discuss matters relative to:

16.1. Atherton Performing Arts

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

16.2. Concession Request from Drill North

- (d) rating concessions;

16.3. Land Trust Concession

- (d) rating concessions;

16.5. Road Maintenance Performance Contract (RMPC)

- (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;

CARRIED UNANIMOUSLY

OPENING OF MEETING

Moved by Cr Wilce

Seconded by Cr Hodge

"That the meeting be opened at 1.48pm."

CARRIED UNANIMOUSLY

16. CONFIDENTIAL ITEMS

16.1. ATHERTON PERFORMING ARTS

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. Liaises with the Department of Resources to seek to facilitate the creation of an area to be dedicated as road within the existing car park area contained on Lot 14 on A31949 ("the Land");
2. Engages with relevant interest holders, Atherton Performing Arts Incorporated and Tableland Investments Pty Ltd, regarding the matters set out in paragraph 1 of this resolution;
3. Delegates to the Chief Executive Officer the power to give effect to paragraphs 1 and 2 of this resolution;
4. Otherwise notes this report and the effect of the resolution adopted by Council in relation to the Atherton Performing Arts Building on 23 March 2023."

CARRIED 6-1

16.2. CONCESSION REQUEST FROM DRILL NORTH

Moved by Cr Wilce

Seconded by Cr Cardew

"That Council decline the request for a \$4,000 reduction to the rates and charges applied to Property Number 37350."

CARRIED UNANIMOUSLY



16.3. LAND TRUST CONCESSION

Moved by Cr Clifton

Seconded by Cr Hodge

“That Council:

1. Resolve, pursuant to sections 120 and 122(1) of the *Local Government Regulation 2012*, to adopt the Rates and Charges Concession Policy 2023–24 listed in Attachment 3.
2. Resolve to write off all outstanding rates and charges for property numbers 36308 and 33761.”

CARRIED UNANIMOUSLY

16.5. ROAD MAINTENANCE PERFORMANCE CONTRACT (RMPC)

Moved by Cr Wilce

Seconded by Cr Bilney

“That Council continue to deliver the Road Maintenance Performance Contract for the benefit of the Tablelands Region beyond 2023/24, pending negotiations with the Department of Transport and Main Roads and endorsement by Council at contract renewal.”

CARRIED UNANIMOUSLY

17. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton
 Planning Committee - 9.00am on 12 October 2023
 Ordinary Meeting - 9.00am on 26 October 2023

There being no further business, the meeting closed 1.51pm.

.....
 Cr Rod Marti
 Mayor

.....
 Gary Rinehart
 Chief Executive Officer