



# Ordinary Meeting

**TRC Community Education and  
Disaster Coordination Centre  
15 Vernon Street, Atherton  
Thursday, 12 March 2020  
at 9:00am**

## MINUTES

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### 1. MEMBERS IN ATTENDANCE

**Members Present:** Cr J Paronella (Mayor), Cr K Mellick (Deputy Mayor), Crs K Eden, A Haydon, S Banks, D Bilney and O Byrnes.

### OFFICERS IN ATTENDANCE

J Commons (Chief Executive Officer), H Jackson (General Manager Organisational Services), M Vis (General Manager Infrastructure Services), T Tanase (Manager Planning & Regulatory Services), P Want (Coordinator Planning), D O'Connor (Planning Officer), S McHardie (Manager Community Services and Customer Services), Y Ruppin (Community Programs Officer), N van Beuningen (Senior Executive Officer) T Vallance (Strategic Communication Advisor) A Loudon (Assistant Minute Secretary) 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. OPENING PRAYER

Pastor John White of the Baptist Church attended the meeting at 9.03 am and blessed those in attendance.

Pastor John White left the meeting at 9.05 am.

#### 5. BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who had passed away during the previous month. Special mention was made of the Lockhart River plane crash.

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

Cr Byrnes declared that he may have a **Perceived Conflict of Interest**, (as defined in Section 175(d) of the Local Government Act 2009), in relation to ITEM 12.1 on the agenda as he has an investment property in the vicinity of the development and his earthmoving company may be requested to quote on proposed works. Cr Byrnes declared he has determined that this personal interest is not of sufficient significance that it will lead him to making a decision on this matter that is contrary to the public interest. Cr Byrnes declared that he will best perform his responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

##### CR BYRNES - CONFLICT OF INTEREST

It was resolved that Cr Byrnes does have a **Perceived Conflict of Interest** and Council resolved that he may participate in the meeting in relation to the matters, including by voting on the matter.

Cr Mellick declared that she may have a **Perceived Conflict of Interest**, (as defined in Section 175(d) of the Local Government Act 2009), in relation to ITEM 12.2 on the agenda as she has an interest in land on Pinnacle Pocket Road. Cr Mellick declared she has determined that this personal interest is not of sufficient significance that it will lead her to making a decision on this matter that is contrary to the public interest. Cr Mellick declared that she will best perform her responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

##### CR MELLICK- CONFLICT OF INTEREST

It was resolved that Cr Mellick does have a **Perceived Conflict of Interest** and Council resolved that she may participate in the meeting in relation to the matters, including by voting on the matter.

Cr Mellick declared that she has a **Real Conflict of Interest**, (as defined in Section 175(D) of the *Local Government Act 2009*), in relation to *ITEM-13.1* on the agenda, due to the fact that she is a board member for Tablelands Regional Council Enterprise Pty Ltd. Cr Mellick declared that she proposes to exclude herself from the meeting while this matter is debated and the vote is taken.

Cr Haydon declared that she has a **Real Conflict of Interest**, (as defined in Section 175(D) of the *Local Government Act 2009*), in relation to *ITEM-13.1* on the agenda, due to the fact that she is a board member for Tablelands Regional Council Enterprise Pty Ltd. Cr Haydon declared that she proposes to exclude herself from the meeting while this matter is debated and the vote is taken.

Mr Justin Commons, Chief Executive Officer, 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-13.1* on the agenda, due to the fact that he is a former Board Member of TRCE and currently providing administrative support to Tablelands Regional Council Enterprises Pty Ltd. Mr Commons proposes to stay in the meeting to present the report and answer questions regarding the contents of the report, however will exclude himself from the room should discussion extend beyond the contents of the report.

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.

## 7. MOTION TO ALTER THE ORDER OF BUSINESS

Nil

## 8. CONFIRMATION OF MINUTES

Moved by Cr Eden

Seconded by Cr Haydon

"That the Minutes of the Ordinary Council Meeting held on 27 February 2020 be confirmed as true and correct."

**CARRIED UNANIMOUSLY**

## 9. DEPUTATIONS AND DELEGATIONS

Rex Hutchinson from SAO's to attend the meeting at 9.12am to provide an update on further work that has taken place with Ministers. Presentation concluded at 9.23am

Michael Montgomery attended the meeting at 9.24am to present in relation to *ITEM 12.1 BJ Cuda Material Change of Use for short term accommodation at 43 Tinaroo Falls Dam Road*. Presentation concluded at 9.35am

Robert Peever attended the meeting at 9.36am to present in relation to *ITEM 12.1 BJ Cuda Material Change of Use for short term accommodation at 43 Tinaroo Falls Dam Road*. Presentation concluded at 9.46am.

Bevan Reis attended the meeting at 9.47am to present in relation to *ITEM 12.1 BJ Cuda Material Change of Use for short term accommodation at 43 Tinaroo Falls Dam Road*. Presentation concluded at 9.52am

Bruno Cuda and Matthew Andrejic Freshwater Planning Pty Ltd attended the meeting at 9.52am to present on *ITEM 12.1 BJ Cuda Material Change of Use for short term accommodation at 43 Tinaroo Falls Dam Road*. Presentation concluded at 10.01am.

## 10. MAYORAL MINUTE

Nil

## 11. BUSINESS ARISING/ACTIONS OUT OF MINUTES OF PREVIOUS MEETINGS

Cr Mellick raised the issue regarding the Audit Review deficiency which was to be reviewed by April 2020. Officers confirmed that this deficiency has been resolved.

## 12. COMMUNITY, PLANNING & ENVIRONMENT

### ADMINISTRATION

#### ITEM-12.1 **B J CUDA MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION AND RECONFIGURATION OF A LOT (1 INTO 2) LOT 587NR6145, 43 TINAROO FALLS DAM ROAD, ATHERTON MCU18/0039**

Cr Byrnes recorded a **Perceived Conflict of Interest** but remained for the discussion and vote in accordance with the resolution of Council.

Moved by Cr Byrnes

Seconded by Cr Banks

- (A) That Council resolve that the application does not conflict with a relevant instrument.
- (B) That Council approve a Development Permit for a Material Change of Use for Short-term Accommodation and Reconfiguration of a Lot (1 into 2 Lots) on land described as Lot 587 on NR6145 and located at 43 Tinaroo Falls Dam Road, Atherton, subject to the following:

#### APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1397-SK11 (Revision C)	General Arrangement of Works	Jim Papas Civil Engineering Designer Pty Ltd	31/01/20
1397-SK15 (Revision C)	Building Details	Jim Papas Civil Engineering Designer Pty Ltd	25/11/19
8022-LL1A (Revision B)	Cuda Development Plan (Plan of Reconfiguration)	-	13/01/18

#### ASSESSMENT MANAGER'S CONDITIONS – MATERIAL CHANGE OF USE

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the Applicant/Developer must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

## 3. General

- 3.1 The Applicant/Developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Infrastructure Charges Notice must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.4 Plan Amendments
  - (a) Prior to the lodgement of a subsequent application for Building Work, professionally drafted building plans are to be submitted for endorsement by Council's delegated officer demonstrating compliance with the conditions of this approval.
  - (b) The above-described plans must depict all buildings as being setback a minimum of 25m from the common boundary with the buffer area associated with the Atherton by-pass resumption area and 6m from the buffer area associated with the Tinaroo Falls Dam Road / Maunds Road resumption area.
  - (c) The above-described plans must include details of the proposed earth batters such that the batters would not encroach upon the buffer areas associated with the Atherton by-pass or Tinaroo Falls Dam Road / Maunds Road resumption areas unless otherwise accompanied by written consent from the Department of Transport and Main Roads.
- 3.5 Use Requirements
  - (a) A minimum of one (1) full-time caretaker must reside, and be present, on the premises whilst the accommodation is occupied by guests to ensure that potential impacts on the amenity of adjacent residential uses, such as noise and anti-social behaviour, are minimised. Any caretaker(s) must not be persons engaged in rural work such that the accommodation would be left unattended during daylight hours.

- (b) A maximum of eighty (80) persons, including staff and caretaker(s), may be accommodated at the premises at any time.
- (c) The maximum length of stay for guests (excluding caretaker(s) and staff) must not exceed ninety (90) consecutive days.
- (d) The owner/operator of the Short-term Accommodation is required to maintain an Accommodation Register, which is to be made available for inspection by Council's delegated officer upon request. The Accommodation Register is required to record each guest's contact details and the dates on which they were accommodated.
- (e) Under no circumstances are guests to be accommodated in temporary or mobile buildings, structures or vehicles including tents, demountables, caravans, recreational vehicles or the like.

### 3.6 Building Appearance

- (a) All external wall-mounted plant, including air-conditioning motors and the like, are either to be located on non-street facing walls or are to be provided with screening that compliments the materials and finishes of the subject building.
- (b) Building finishes (excluding signage) must comprise neutral colours, which are in keeping with residential character, and must not incorporate un-painted or un-rendered finishes.

### 3.7 Development Exclusion Covenant – Vegetated Agricultural Buffer

- (a) Prior to commencement of the approved use, the Applicant/Developer shall be responsible for the preparation and registration of a statutory covenant pursuant to S97A of the Land Title Act that prohibits development (i.e. buildings, structures, roads, effluent disposal) save for fencing and landscaping, within a 20m wide strip corresponding with, and extending for the full length of, the north-eastern extent of the Low Density Residential Zone albeit excluding any part of the zone that is subject to the buffer area associated with the Atherton by-pass resumption route. The covenant shall preserve the subject area for vegetation buffering purposes at such time as the balance of the land in the Low Density Residential Zone is developed for residential purposes consistent with the planning scheme intent.
- (b) The covenant will be in a form that is acceptable to the Registrar of Titles and Council's delegated officer. The covenant agreement shall be signed by the registered owner(s) prior to endorsement of the survey plan and associated documentation by Council.
- (c) The Applicant/Developer shall be responsible for the cost of preparing and registering of the covenant.

### 3.8 Communal Facilities

The Short-term Accommodation must be provided with the following facilities for the exclusive use of occupants:

- clothes drying facilities;
- a covered area for general storage; and
- an unobstructed area of communal open space, which comprises at least 20% of the internal compound area and has a minimum dimension of 50m<sup>2</sup>. The area

must be turfed, well-drained and relatively flat making it suitable for outdoor recreational activities.

### 3.9 Noise Nuisance

- (a) At any time, noise emanating from the premises (e.g. audio-visual equipment, PA systems) must not exceed 5dB(A) above background noise levels when measured at a nearby sensitive receptor.
- (b) Any outdoor entertainment areas within the compound (e.g. pool area, outdoor seating) are to be off limits to guests after 10pm on weeknights.
- (c) Externally mounted air-conditioning equipment, pumps, compressors and/or mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

### 3.10 Rural Activities – Low Density Residential Zone

- (a) Upon commencement of the approved use, all cropping activities occurring within the Low Density Residential Zone must have ceased.
- (b) Light grazing may continue within the Low Density Residential Zone provided that such activities do not constitute assessable development pursuant to the relevant local planning instrument and provided that stock are excluded from the Short-term Accommodation compound.

### 3.11 Charges

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

## 4. Infrastructure Services and Standards

### 4.1 Access

- (a) A commercial access crossover (minimum 6m width), including a suitably-sized culvert and headwalls, must be constructed from the edge of the Gargans Lane road pavement to the property boundary of the subject lot generally in accordance with the approved plans and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (b) Direct access to the Short-term Accommodation compound from Tinaroo Falls Dam Road or Maunds Road is not permitted unless written evidence of agreement to such from the Department of Transport and Main Roads is provided to Council in advance.
- (c) Prior to access works commencing, RPEQ certified documentation/plans for the works must be submitted to Council for endorsement as part of an application for Operational Works.

## 4.2 Stormwater Drainage

- (a) All necessary steps must be taken to ensure that the development has a non-worsening effect on surrounding land, including the State and Council controlled road reserves, and all stormwater is to be directed to an approved lawful point of discharge.
- (b) Prior to works commencing, a Stormwater Management Plan and Report must be submitted for endorsement, prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing, a Stormwater Quality Management Plan and Report must be submitted for endorsement, prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) Prior to works commencing, the above-described plans/reports must be submitted to Council as part of an application for Operational Works.
- (f) Stormwater drainage infrastructure must be constructed in accordance with the above-described plans/reports following endorsement by Council.
- (g) During construction, temporary drainage, erosion and sediment control infrastructure must be installed to direct run-off to a lawful point of discharge clear of works.
- (h) Stormwater drainage works must be completed to the satisfaction of Council's delegated officer prior to the commencement of any approved use.

## 4.3 Earthworks

As part of a subsequent application for operational works, RPEQ certified plans detailing the proposed earthworks are to be submitted for endorsement, which demonstrate compliance with the TRC Planning Scheme's Works, Services and Infrastructure Code and that include details of the following:

- Maintenance of access roads to and from the site such that they remain free of fill material and are cleaned as is 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.



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).

#### 4.4 On-site Parking and Manoeuvring Areas

- (a) Prior to the commencement of the approved use, a minimum of 28 on-site car parking spaces for standard vehicles, including at least 1 disabled space, must be constructed substantially in accordance with AS2890.1 and AS2890.6 (as amended) and the approved plans.
- (b) A bus parking bay capable of accommodating a minimum of three (3) 22-seater buses must be provided substantially in accordance with the approved plans and AS2890.2 (as amended). When necessary, the bus parking area shall be made available for use by other service vehicles (i.e. deliveries).
- (c) On-site parking facilities are to be kept available solely for the parking of vehicles associated with the use of the premises and must be sealed, line-marked and appropriately drained prior to the commencement of the use.
- (d) No parking or loading/unloading is to occur in the road reserve and all vehicles are to enter and exit the site in forward gear.
- (e) A bike rack capable of accommodating at least 10 bicycles is to be installed adjacent to the communal amenities building to the satisfaction of Council's delegated officer.
- (f) Pavements for on-site parking and manoeuvring areas are to have one of the following surface treatments:
  - compacted gravel base of 75mm minimum thickness with reinforced concrete surface of 100mm minimum thickness for parking areas and 150mm minimum thickness for access ways; or
  - compacted gravel base of 150mm minimum thickness with a minimum thickness of 25mm of asphalt surfacing; or
  - compacted gravel base of 150mm minimum thickness with a two-coat sprayed bitumen seal.
- (g) Prior to internal access and parking works commencing, RPEQ certified documentation/plans for the works must be submitted to Council for endorsement as part of an application for Operational Works.

#### 4.5 Waste Management

- (a) An on-site refuse storage area must be provided generally in accordance with the approved plans and must be screened from view from adjacent properties and roads by a 1.8m high solid fence, dense landscaping or similar, to the satisfaction of Council's delegated officer.
- (b) The kerb-side collection of refuse receptacles is not permitted, all refuse collection must occur internal to the site.

- (c) As part of a subsequent application for operational works, RPEQ certified engineering plans must be submitted demonstrating that the proposed internal access arrangements would be of adequate design and construction to allow refuse collection vehicles to enter and exit the site in a forward gear, safety and efficiently.

#### 4.6 Outdoor Lighting

Where outdoor lighting is required, it must be designed and installed to prevent the potential for light spillage to cause nuisance to adjacent residential uses or to pose a safety hazard to motorists in accordance with AS4282 (Control of the Obtrusive Effects of Outdoor Lighting) and AS1158.1 (Lighting for Roads and Public Spaces).

#### 4.7 Landscaping and Fencing

- (a) A 1.8m high solid timber-paling fence must be erected along the top of the proposed batters for the full perimeter of the accommodation compound excluding vehicle and pedestrian access points, save that fencing erected on the north-eastern side of the compound must be setback a minimum of 1m from the buffer area associated with the Atherton by-pass resumption area.
- (b) The above-described fencing must extend across Easement A on RP738885 adjacent to the southern extent of the proposed on-site parking facilities and must incorporate a series locked gate of sufficient width to facilitate vehicle access that is locked using an Ergon padlock. Ergon must be contacted to obtain both the padlock and a design drawing for the gate. Written evidence that the proposed fencing, the gate and the lock are to the satisfaction of Ergon must be provided to Council prior to the commencement of fencing works. The gate must remain locked at all times when Ergon do not require access to the easement.
- (c) A 1m wide landscaping strip comprising dense low-level shrubs, maximum 3.5m height, must be planted on all street-facing sides of the above-described fencing for the full perimeter of the compound, excluding vehicle and pedestrian access points and excluding any part of the site subject to Easement A on RP738885. The plantings must comprise species selected from Schedule A of Planning Scheme Policy 6 and be spaced no greater than 1m apart.
- (d) A plan detailing the proposed internal landscaping treatments, prepared in accordance with Planning Scheme Policy 6, must be submitted for the endorsement of Council's delegated officer prior to commencement of the use. The landscaping plan must nominate species in accordance with Schedule A of that policy and must incorporate low-level garden beds (minimum width 1m) and shade-tree species throughout the compound.
- (e) Landscaping and fencing of the site are to be carried out generally in accordance with the endorsed plans prior to commencement of the approved use and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer for the life of the approved use.

#### 4.8 Water Supply

- (a) A water service connection and meter must be provided to the development in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- (b) The development must be connected to the main located in Gargans Lane, at a suitable point along the frontage of Lot 285 on SP208328 via under-bore, in accordance with FNQROC Development Manual standards (as amended) and generally in accordance with the approved plans, save for any variations required by Council's delegated officer at the time of seeking a development permit for operational works.
- (c) Fire hydrants are to be installed to service the development in accordance with the FNQROC Development Manual and the Building Code of Australia (as amended) subject to the conditions contained in subsequent development permits for operational work and building work.
- (d) Ownership of water supply infrastructure installed within private property will vest in the registered landowner, who will also be responsible for its maintenance.
- (e) Prior to water supply connection works commencing, RPEQ certified documentation/plans for the works must be submitted to Council for endorsement as part of an application for operational works.

#### 4.9 Sewerage Connection

- (a) The development must be connected to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) and generally in accordance with the approved plans, save for any variations required by Council's delegated officer at the time of seeking a development permit for operational works.
- (b) Ownership of sewerage infrastructure installed within private property will vest in the registered landowner, who will also be responsible for its maintenance.
- (c) Prior to sewerage connection works commencing, RPEQ certified documentation/plans for the works must be submitted to Council for endorsement as part of an application for operational works.

#### 4.10 Electricity Supply and Service Provider Conditions

- (a) An appropriate level of electricity supply must be provided to the development in accordance with FNQROC Development Manual standards to the satisfaction of the Electricity Service Provider and Council's delegated officer.
- (b) Written advice from the Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of electricity reticulation to the development.
- (c) For the purposes of this approval, and save for any variation required by the other conditions of this approval, the conditions contained in the advice agency response from Ergon Energy, dated 31 January 2019, are taken to be conditions imposed and enforceable by Council.

#### 4.11 Pedestrian/Cycle Paths

- (a) The proposed buildings and on-site parking facilities must be connected via an internal footpath network comprising minimum 2m wide paths that are concrete, bitumen or asphalt sealed.
- (b) A minimum 2m wide footpath must be provided to facilitate direct access between the compound and Maunds Road, in the vicinity of the Gargans Lane intersection.
- (c) The footpath described in sub-condition (b) must be constructed to a concrete, bitumen or asphalt sealed standard save for the section located within the road resumption area or associated buffer area, which must be constructed to an all-weather, compacted gravel standard and appropriately drained with one-way crossfall.
- (d) The footpath described in sub-condition (b) must be maintained to the satisfaction of Council's delegated officer including by slashing a minimum width of 5m on either side at least fortnightly during the wet season and monthly during the dry season.
- (e) Path lighting (bollard or similar) must be installed to all internal pedestrian/cycle paths at maximum intervals of 4.5m and must operate from dusk until dawn. Path lighting is subject to the requirements of condition 4.6 (Outdoor Lighting).

#### 4.12 Vegetation Screen – Gargans Lane

- (a) A 10m wide vegetation buffer will be established and maintained, to the satisfaction of Council's delegated officer, where the part of the site located in the Low Density Residential Zone has frontage to Gargans Lane, excluding vehicle/pedestrian access points and areas within Easement A on RP738885 (Ergon).
- (b) The vegetation buffer will consist of a 10m wide strip that is free of encumbrances and that is mulched and contains at least a single row of trees planted at a maximum spacing of 5m. The selected species must:
  - i. be fast-growing with dense foliage;
  - ii. achieve a minimum height of 5m at maturity;
  - iii. be endemic to the Tablelands; and
  - iv. be capable of achieving foliage to the ground so as to form a solid visual screen.
- (c) The plantings must be irrigated until they are past the die-off phase and must be maintained by:
  - i. excluding grass/weeds from the base of the stems;
  - ii. by replacing lost trees; and
  - iii. by taking steps to prevent stock from accessing the plantings (e.g. electric fencing).
- (d) All plantings must be completed prior to commencement of the approved Short-term Accommodation use and must be maintained until cessation of the use.

## ASSESSMENT MANAGER'S CONDITIONS – RECONFIGURATION OF A LOT

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 the conditions of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.3 Where utilities traverse a lot to service another lot, easements must be created in favour of either Council or the relevant lot for access and maintenance purposes reflecting the circumstances. The Applicant/Developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
  - 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 otherwise approved by Council's delegated officer.
  - 3.5 Any existing buildings, structures or incidental works that straddle the new boundaries must be altered, demolished or removed by the Applicant/Developer, to address potential encroachments and achieve compliance with the relevant setback requirements, unless otherwise approved by Council's delegated officer.
  - 3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.7 Rural Activities – Low Density Residential Zone
    - (a) Prior to Council endorsing the plan of survey, all cropping activities occurring within the Low Density Residential Zone must have ceased.

- (b) Light grazing may continue within the Low Density Residential Zone provided that such activities do not constitute assessable development pursuant to the relevant local planning instrument.

### 3.8 Development Exclusion Covenant – Vegetated Agricultural Buffer

- (a) Prior to Council endorsing the plan of survey, the Applicant/Developer shall be responsible for the preparation and registration of a statutory covenant pursuant to S97A of the Land Title Act that prohibits development (i.e. buildings, structures, roads, effluent disposal) save for fencing and landscaping, within a 20m wide area of the proposed Lot 2 corresponding with, and extending for the full length of, its north-eastern boundary. The covenant shall preserve the subject area for vegetation buffering purposes at such time as the balance of Lot 2 is developed for residential purposes consistent with the planning scheme intent.
- (b) The covenant will be in a form that is acceptable to the Registrar of Titles and Council's delegated officer. The covenant agreement shall be signed by the registered owner(s) prior to endorsement of the survey plan and associated documentation by Council.
- (c) The Applicant/Developer shall be responsible for the cost of preparing and registering of the covenant.

### 3.9 Charges

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

## 4. Infrastructure Services and Standards

### 4.2 Access

- (a) A residential standard access crossover must be constructed from the edge of the Gargans Lane road pavement to the property boundary of the proposed Lot 2 in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (b) Direct access to the proposed Lot 2 from Tinaroo Falls Dam Road or Maunds Road is not permitted unless written evidence of agreement to such from the Department of Transport and Main Roads is provided to Council in advance.
- (c) Prior to access works commencing, RPEQ certified documentation/plans for the works must be submitted to Council for endorsement as part of an application for Operational Works.

NB: Compliance with this condition is not applicable if the above-approved Material Change of Use has commenced and the associated conditions have been complied with to the satisfaction of Council's delegated officer.

#### 4.3 Water Supply

- (a) A water service connection and meter must be provided to the proposed Lot 2 in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) The Applicant/Developer is required to extend or upgrade Council's reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (c) Prior to works commencing, plans for the above-described works must be approved as part of an application for Operational Works.

NB: Compliance with this condition is not applicable if the above-approved Material Change of Use has commenced and the associated conditions have been complied with to the satisfaction of Council's delegated officer.

#### 4.3 Sewerage Connection

- (a) The proposed Lot 2 must be connected to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) The Applicant/Developer is required to extend or upgrade Council's reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (c) Prior to works commencing, plans for the above-described works must be approved as part of an application for Operational Works.

NB: Compliance with this condition is not applicable if the above-approved Material Change of Use has commenced and the associated conditions have been complied with to the satisfaction of Council's delegated officer.

#### 4.4 Electricity Supply and Service Provider Conditions

- (a) An appropriate level of electricity supply must be provided to the proposed Lot 2 in accordance with FNQROC Development Manual standards to the satisfaction of the Electricity Service Provider and Council's delegated officer.
- (b) Written advice from the Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of electricity reticulation to the development.
- (c) For the purposes of this approval and, save for any variation required by the other conditions of this approval, the conditions contained in the advice agency response from Ergon Energy, dated 31 January 2019, are taken to be conditions imposed and enforceable by Council.

NB: Compliance with this condition is not applicable if the above-approved Material Change of Use has commenced and the associated conditions have been complied with to the satisfaction of Council's delegated officer.

#### 4.5 Telecommunications

- (a) The Applicant/Developer must enter into an agreement with a telecommunications carrier to provide telecommunication services to the proposed Lot 2 and arrange provision of necessary conduits and enveloping pipes.
- (b) Written advice from a Telecommunications Provider is to be provided to Council indicating that an agreement has been made for the provision of telecommunications.

#### 4.6 Stormwater Drainage

All reasonable and practicable measures must be taken to ensure that the development has a non-worsening effect on surrounding land and that stormwater discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual (as amended).

#### 4.7 Drainage Easement

- (a) A drainage easement must be registered over the tributary of Mazlin Creek traversing the proposed Lot 1 in favour of Council for drainage, access and maintenance purposes to the satisfaction of Council's delegated officer.
- (b) The easement will generally extend 10m back from the defined bank to the extent that the area is contained within the boundaries of the proposed lots.
- (c) Easement documentation must contain conditions expressly excluding cropping and grazing activities within the easement.
- (d) 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 plan of survey and must be lodged and registered in titles office in conjunction with the plan of survey.

#### ASSESSMENT MANAGER'S ADVICE

- (a) An Infrastructure Charges Notice has been issued with respect to the approved development. The Infrastructure Charges Notice details the type of infrastructure charge, the amount of the charge and when the charge is payable.
- (b) This Decision Notice and the Infrastructure Charges Notice do not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.



(c) Water Meters/Water Service Connection

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

(d) Advertising signage for the proposed development may require a Development Permit for Operational Works. Please confirm with Planning and Regulatory Services prior to installing any advertising signage on the premises.

(e) 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.

(f) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(g) 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 Planning and Regulatory Services for more information regarding the drafting of easement documents for Council easements.

(h) 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.

(i) Cultural Heritage

In carrying out the activity the applicant 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 [www.derm.qld.gov.au](http://www.derm.qld.gov.au).

CURRENCY PERIOD

When approval lapses if development not started (*Planning Act 2016 s.85*)

- Material Change of Use and Reconfiguration of a Lot – Six (6) years (starting the day the approval takes effect).

OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

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

OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Budget Accommodation Licence (TRC Regulatory Services)

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

Calculation					
Development component	Catchment/s	Existing credit	Additional demand	Charge Category	Charge amount
RAL	Atherton PIA	Nil if the survey plan is registered before commencement of the approved Short-term Accommodation use <b>OR</b> \$100,000.00 if the survey plan is registered after commencement of the approved Short-term Accommodation use.	x1 additional lot	\$22,500.00	<b>\$22,500.00</b> (if no credit applicable) <b>OR</b> <b>Nil</b> (if credit applicable)

MCU	Atherton PIA	Nil if the approved Short-term Accommodation use commences before the survey plan for the approved reconfiguration is registered <b>OR</b> \$22,500.00 if the approved Short-term Accommodation use commences after the survey plan for the approved reconfiguration is registered.	\$2,500.00/bed x 40 beds	"Short-term Accommodation"	<b>\$100,000.00</b> (if no credit applicable) <b>OR</b> <b>\$77,500.00</b> (if credit applicable)
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**CARRIED 4-3**

**CR's BYRNES, EDEN AND BILNEY VOTED AGAINST THE MOTION**

## ADJOURNMENT

The meeting adjourned for at 10.52am and resumed at 11.03am.

## ITEM-12.2

### **SIXTIES AND OVER (SAO'S) COMMUNITY PROJECT TO LINK ATHERTON TABLELANDS CYCLE NETWORK**

Moved by Cr Byrnes

Seconded by Cr Haydon

"That Council:

1. Adopt Option 2, to not support the Tablelands Cycle Network project. Cycle trail development is not currently a priority project for council, as Council has committed to fund other projects that more closely align with its strategies; and
2. Acknowledges the time and effort invested by Sixties and Over and Friends (SAOs) in developing this Project Proposal and provide written correspondence to this effect."

**LOST 7-0**

**Cr Eden put forward a new motion.**

Moved by Cr Eden

Seconded by Cr Byrnes

"That Council:

1. Provides in principle support for the Seven Sisters Cycleway project.
2. That a further report be provided regarding how best to resource and progress this project.

3. Acknowledges the time and effort invested by the Sixties and Over and Friends (SAOs) in developing the project proposal and provide written correspondence to this effect."

**CARRIED UNANIMOUSLY**

## 13. CHIEF EXECUTIVE OFFICER

### ADMINISTRATION

#### ITEM-13.1 TABLELANDS REGIONAL COUNCIL ENTERPRISE PTY LTD

##### ATTENDANCE

Crs Mellick and Haydon declared a **Perceived Conflict of Interest** and left the meeting at 11.46am.

Justin Commons recorded a conflict of interest but remained in discussions.

Moved by Cr Eden

Seconded by Cr Banks

"That Council notes this report."

**CARRIED 4-1  
CR BYRNES VOTED AGAINST THE MOTION**

##### ATTENDANCE

Crs Mellick and Haydon returned to the meeting at 12.03pm

## 14. ORGANISATIONAL SERVICES

### ADMINISTRATION


#### ITEM-14.1 SECOND BUDGET REVIEW 2019-2020

Moved by Cr Banks

Seconded by Cr Bilney

"That Council:

- a. Pursuant to section 170 part (3) of the *Local Government Regulation 2012*, Council's revised budget for the 2019-20 financial year incorporating the following will be updated in line with the 2<sup>nd</sup> Revised Budget once adopted.
  - i. Statement of Financial Position
  - ii. Income Statement
  - iii. Statement of Changes in Equity

- 
- iv. Statement of Cash Flows
  - v. Council's Business Activity Statement
  - vi. Long Term Financial Plans
  - vii. Financial Sustainability Measures
  - viii. 19-20 Revised Capital Budget
- b. Council note that following budget supporting documents remain unchanged from the versions previously adopted for the 2019-20 year on the 27<sup>th</sup> June 2019.
- i. Revenue Statement
  - ii. Revenue Policy
- c. Council note that all rates and utility charges remain as adopted on the 27<sup>th</sup> June 2019 for the 2019-20 year.
- d. Council receives the attached budget working papers as supporting documents for the 2019-20 2<sup>nd</sup> Revised Budget
- i. Operating Revised Budget Summary
  - ii. Capital Revised Budget Summary and Report"

**CARRIED UNANIMOUSLY**

## **15. INFRASTRUCTURE SERVICES**

### **ADMINISTRATION**

#### **ITEM-15.1 ASSET MANAGEMENT POLICY MARCH 2020**

Moved by Cr Eden

Seconded by Cr Banks

"That Council adopt the Asset Management Policy attached to this report (as amended)."

**CARRIED UNANIMOUSLY**

## **16. NOTICE OF MOTION**

Nil

## **17. URGENT BUSINESS WITHOUT NOTICE**

Cr Eden requested a verbal update on the progress of preparations for the Coronavirus. The Chief Executive Officer provided an update to confirm planning and preparation through the Continuity Leadership Team had commenced.



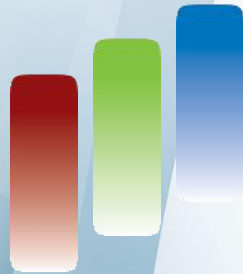
## NEXT MEETING OF COUNCIL

The next meeting of Council will be Council's Post-Election Meeting. The date and time for this meeting will be confirmed following determination of the election.

There being no further business, the meeting closed at 12.31 pm.

.....  
Mayor

.....  
Justin Commons  
Chief Executive Officer



*Live, discover and invest in a Tablelands community*



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#athertontablelands