

# Tablelands Regional Council

# AGENDA

## Planning Committee

**Coordination Centre, 15 Vernon Street, Atherton Qld 4883**

**9.00am Thursday, 13 July 2023**

THE PLANNING COMMITTEE MEETING OF THE TABLELANDS REGIONAL COUNCIL WILL BE HELD AT DISASTER COORDINATION CENTRE, 15 VERNON STREET, ATHERTON ON THURSDAY, 13 JULY 2023 AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

GARY RINEHART  
CHIEF EXECUTIVE OFFICER





**Council Members:**

Mayor, Councillor Rod Marti  
Deputy Mayor, Councillor Kevin Cardew  
Division 1 - Councillor Kevin Cardew  
Division 2 - Councillor Annette Haydon  
Division 3 - Councillor Dave Bilney  
Division 4 - Councillor David Clifton  
Division 5 - Councillor Peter Hodge  
Division 6 - Councillor Bernie Wilce

At this meeting contributions made by members of the public may be recorded by way of audio recording which will be used for the purpose of developing the minutes of the meeting and decision making of Council.

The Council Meeting will be streamed live, recorded and published on Council's website for future viewing.

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## Principles for Local Government

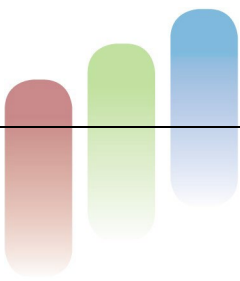
The **local government principles** stated in the Local Government Act 2009 are:

- (a) transparent and effective processes, and decision-making in the public interest;
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government;
- (e) ethical and legal behaviour of councillors and local government employees.

## Key Priorities and Strategic Goals from the TRC Corporate Plan

### Strategic Themes

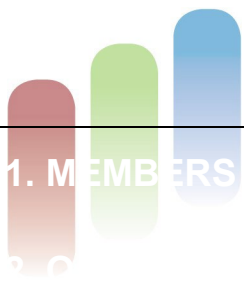






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## 8. CHIEF EXECUTIVE OFFICER

### 8.1. TABLELANDS REGIONAL COUNCIL - RECONFIGURATION OF A LOT (2 INTO 4 LOTS) & NEW ROAD - LOT 11 SP310236 & LOT 21 SP306387 - RAILWAY LANE, ATHERTON RAL23/0015

#### REPORT DETAIL

Report Author: Planning Officer

Department: Development Services

#### APPLICATION DETAILS:

<b>Applicant:</b>	Tablelands Regional Council
<b>Landowner:</b>	Tablelands Regional Council
<b>Proposal:</b>	Reconfiguration of a Lot (2 into 4 Lots)
<b>Properly Made Date:</b>	24 March 2023
<b>Street Address:</b>	Railway Lane, Atherton
<b>RP Description:</b>	Lot 21 on SP306387 Lot 11 on SP310236
<b>Lot Area:</b>	Lot 21 on SP306387 - 579m <sup>2</sup> Lot 11 on SP310236 - 9,907m <sup>2</sup>
<b>Planning Scheme:</b>	Tablelands Regional Council Planning Scheme 2016 (V4)
<b>Designations:</b>	Strategic Framework: Centre, Future Local Connection (road)  Local Plan/Precinct: Atherton, Town Centre Core  Zone: Centre  Applicable Overlays: Bushfire Hazard
<b>Assessment Type:</b>	Code
<b>Number of Submissions:</b>	Not Applicable – Code Assessable
<b>Referral Agencies:</b>	DTMR C/- SARA
<b>Referred Internal Specialists:</b>	<ul style="list-style-type: none"> <li>• Development Engineer</li> <li>• Project Engineer - Water &amp; Wastewater</li> <li>• Executive Manager Economic Development</li> </ul>
<b>Recommendation:</b>	Approve subject to conditions

**ATTACHMENTS:**

1. Plans of Reconfiguration
2. Referral Agency Response
3. Statement of Reasons

**EXECUTIVE SUMMARY**

In 2018, Council worked with the community to develop a vision and master plan for the Prior’s Creek area of Atherton. The Prior’s Creek Master Plan outlined the development of the Prior’s Creek area (adjacent to Railway Lane in Atherton) to create a family-oriented, mixed-use and leisure area comprising commercial, residential, and retail space. Preliminary designs for the project were endorsed at Council’s ordinary meeting on 25 May 2023.

The application seeks to create four (4) new lots and a new one-way access road between Vernon Street and Jack Street. The proposed reconfiguration of a lot is a critical component of project implementation. The four (4) new Centre-zoned lots will provide development opportunities for a range of mixed-use commercial, short-term accommodation and residential elements consistent with the purpose and intent of the Centre Zone and the Atherton Local Plan, complementing existing development in the Atherton town centre.

The application is code assessable and was not required to undergo public notification.

The proposal has been assessed against the relevant statutory planning instruments, including the Tablelands Regional Council Planning Scheme 2016 (V4) and does not conflict with any relevant instrument.

The key issues for the assessment relate to frontage works to the new lots and servicing arrangements.

Draft conditions were circulated to the project team and have been agreed.

It is recommended that the application be approved subject to conditions.

**OFFICER’S RECOMMENDATION**

(A) That Council determines that the application seeking a Development Permit for Reconfiguring a Lot (2 into 4 Lots) and new road on land described as Lot 11 on SP310236 and Lot 21 on SP306387, located at Railway Lane, Atherton, does not conflict with a relevant instrument and that a development permit be issued, subject to the following conditions and plans:

**APPROVED PLANS/DOCUMENTS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9256 (Sheet 1)	Development Plan Stage 1 Plan of Lots 1 & 10 Cancelling Lot 21 on SP306387 and Lot 11 on SP310236	Twine Surveys P/L	15/03/23



Plan/Document Number	Plan/Document Title	Prepared by	Dated
9256 (Sheet 2)	Development Plan Stage 2 Plan of Lots 2 & 10 Cancelling Lot 21 on SP306387 and Lot 11 on SP310236	Twine Surveys P/L	15/03/23
9256 (Sheet 3)	Development Plan Stage 3 Plan of Lots 3 & 4 Cancelling Lot 21 on SP306387 and Lot 11 on SP310236	Twine Surveys P/L	20/03/23

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"> <li>- 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</li> <li>- to ensure compliance with the following conditions of approval.</li> </ul>
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 otherwise approved by these conditions of approval or 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 &amp; Lot-by-Lot Releases</p> <p>Any proposed staging arrangement or request to release titles on a lot-by-lot basis will be considered in the context of Council's Survey Plan Sealing Policy (CORP 051). Should it be determined that a request for plan endorsement is contrary to the policy, Council reserves the right to withhold endorsement until such time it has been demonstrated to the satisfaction of Council's delegated officer that the request would achieve the intent of the policy.</p>
5	<p>Stormwater Drainage/Water Quality</p> <p>(a) As part of a subsequent Operational Works application, the Applicant/Developer must submit the Stormwater Management Plan/Report prepared by Premise Water (Report No. RPS-0061, Revision 1, dated 17 July 2019) for the endorsement of Council's delegated officer.</p> <p>(b) The Stormwater Management Plan/Report must be accompanied by a Stormwater Quality Management Plan/Report, prepared and certified by a suitably qualified design engineer (RPEQ), which meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline, the Queensland Water Quality Guideline and the FNQROC Development Manual (specifically, section D5) to the satisfaction of Council's delegated officer.</p> <p>(c) The Operational Works application 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>(d) Any necessary temporary drains and associated drainage easements within the balance area will be provided to the satisfaction of Council's delegated officer.</p> <p>(e) 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 documents must be submitted at the same time the Applicant/Developer seeks endorsement of the relevant plan of survey and must be lodged and registered with the Registrar of Titles in conjunction with the relevant plan of survey.</p>
7	Bulk Earthworks Master Plan

	<p>As part of a subsequent Operational Works application:</p> <p>(a) A Bulk Earthworks Master Plan is to be submitted, prepared and certified by a suitably qualified RPEQ, which demonstrates compliance with the TRC Planning Scheme’s Works, Services and Infrastructure Code, to the satisfaction of Council’s delegated officer, and that includes the following details:</p> <ul style="list-style-type: none"> <li>- Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary;</li> <li>- Preservation of all drainage structures from the effects of structural loading generated by the earthworks; and</li> <li>- Protection of adjoining properties and roads from ponding or nuisance from stormwater.</li> </ul> <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><b>Water Supply</b></p> <p>The Applicant/Developer is required to extend the reticulated water supply infrastructure to connect the proposed lots to Council’s existing infrastructure and water service connections (including meters) must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer. Prior to works commencing, plans for the works must be approved as part of an Operational Works application.</p>
9	<p><b>Sewerage Connection / Easement</b></p> <p>(a) The Applicant/Developer must connect the proposed lots to Council’s reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer.</p> <p>(b) Where existing sewer connections are not satisfactory to service the development, the Developer is required to extend or upgrade the 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).</p> <p>(c) Where existing sewerage infrastructure would traverse any of the proposed lots on a non-standard alignment, a 4m wide easement for access and maintenance purposes must be registered in favour of Council over the full length of the sewer main, to the satisfaction of Council’s delegated officer.</p>
10	<p><b>Access</b></p> <p>Any allotment accesses constructed in conjunction with this approval must be to a commercial standard and have a minimum 6m width, substantially in accordance with</p>

	<p>section D1.17 of the FNQROC Development Manual and Standard Drawing No. S1015 (as amended), to the satisfaction of Council's delegated officer. Prior to commencing, plans for the access works must be approved as part of an application for Operational Works.</p>
11	<p><b>Roadworks</b></p> <p>The proposed new road and on-street parking facilities must be constructed substantially in accordance with the civil designs included in the Prior's Creek Development Engineering Services Report (5KF Report No. 035-2201-R-00, Revision B, dated 30 May 2023), the FNQROC Development Manual (as amended) and AS890.5 (as amended), to the satisfaction of Council's delegated officer. Prior to commencing, plans for the works must be approved as part of an application for Operational Works.</p>
12	<p><b>Electricity Supply</b></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>
13	<p><b>Telecommunications</b></p> <p>The Applicant/Developer must enter into an agreement with a telecommunications carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.</p>
14	<p><b>Street Lighting</b></p> <p>(a) Street lighting must be provided to the new road substantially in accordance with section D8.07 of the FNQROC Development Manual (as amended).</p> <p>(b) Prior to works commencing, street lighting plans must be approved as part of an application for Operational Works.</p>
15	<p><b>Street Trees</b></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>
16	<p><b>Frontage Works</b></p> <p>The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) save for any variations agreed to the satisfaction of Council's delegated officer:</p> <p>(a) With the exception of the proposed Lot 1, a clay-paved footpath must be constructed where any proposed lot would have frontage to a constructed road (excluding access driveways/crossovers) substantially in accordance with Planning Scheme Policy 10.</p>

	<p>(b) Any existing sections of concrete footpath along the above-described frontages must be removed and all footpath paving must be constructed to the kerb.</p> <p>(c) During the construction phase, any damage to infrastructure in the road reserve (e.g. footpaths, kerb and channel, signage) must be repaired/replaced in accordance with FNQROC Development Manual standards.</p> <p>(d) The Applicant/Developer is responsible for all footpath earthworks, topsoiling and turf reinstatement of all disturbed footpath/verge areas fronting adjoining lots.</p> <p>(e) Footpath earthworks and paving must achieve a level transition between adjoining footpath and grassed verge surfaces.</p> <p>(f) The Applicant/Developer is responsible for all costs associated with adjustments and relocations necessary to public utility services and Council infrastructure resulting from frontage works, including (but not limited to) relocation of traffic signage, water meters and fire hydrants (where required).</p> <p>Prior to commencing, plans for the above-described works must be approved as part of an Operational Works application.</p>
17	<p><b>Landscaping and Site Maintenance</b></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"> <li>- replacement of trees/shrubs/plantings as required;</li> <li>- regular mowing/slashing of all areas outlined above; and</li> <li>- landscaping/site maintenance is to be continued throughout the Defects Liability Period until the date of Final Acceptance.</li> </ul>

**ASSESSMENT MANAGER'S ADVICE**

- (a) The Decision Notice and Infrastructure Charges Notice do not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) **Endorsement Fees**  
Please be advised that Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.
- (c) **Compliance with applicable codes/policies**  
The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.
- (d) **Cultural Heritage**

The *Aboriginal Cultural Heritage Act 2003* requires anyone who carries out a land-use activity to exercise a duty of care. Land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal cultural heritage. The duty of care applies to any activity where Aboriginal cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database. Consultation with the Aboriginal party for an area may be necessary if there is a high risk that the activity may harm Aboriginal cultural heritage. The cultural heritage duty of care can be met by acting:

- in compliance with gazetted cultural heritage duty of care guidelines available at: <https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care> ;
- under an approved Cultural Heritage Management Plan (CHMP) developed under Part 7 of the Acts; or
- under a native title agreement or another agreement with an Aboriginal party that addresses cultural heritage.

**REFERRAL AGENCY RESPONSE**

Department of State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency) response dated 16 Jun 2023.

**CURRENCY PERIOD**

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

- Reconfiguring a Lot involving Operational Works – Four (4) years starting the day the approval takes effect.

**OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

- Development Permit for Operational Works

**OTHER APPROVALS REQUIRED FROM COUNCIL**

- Nil

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

Calculation				
Catchment/s	Credits/Charge Exclusions	Additional demand	Charge Category	Charge amount
Inside PIA	N/A	2 additional lots	\$22,500.00/additional lot	\$45,000.00
<b>Total Charge</b>				<b>\$45,000.00</b>

THE SITE



The subject site comprises of two lots, Lot 11 on SP310236 (9,907m<sup>2</sup>) with frontage to Vernon Street and adjoining the Silo Central Shopping Centre to the south, and Lot 21 on SP306387 (579m<sup>2</sup>) with frontage to Jack Street and adjoining the Atherton Men’s Shed site to the north. The site adjoins the former rail corridor located to the west of the site (Lot 155 on SP120085), which has been developed as a recreation corridor and forms part of the Atherton Mountain Bike Park and Rail Trail. This section of the recreation corridor forms part of the Prior’s Creek Development (PCD) area.

Lot 11, owned by Tablelands Regional Council, is currently used informally for access and parking adjoining the Prior’s Creek corridor with formalised carparking over part of the lot. Access to the formal parking area is achieved via the adjoining carpark within Lot 154 on SP120085 fronting Railway Lane. Built structures comprise of a storage shed (earmarked for removal) and partial encroachment of a shed located on adjoining Lot 154. If retained, the shed would not impede the proposed reconfiguration, with the encroachment to be resolved through negotiations with the relevant stakeholders. There is an existing stormwater drain through Lot 11, discharging stormwater from Railway Lane to Prior’s Creek. The stormwater drain will be retained with an easement registered on title.

Lot 21, which is Crown land with the Registered Lessee being the State of Queensland represented by Transport and Main Roads, adjoins Jack Street. The lot is burdened by a sublease (Lease G) to Tablelands Regional Council and easement (Easement H) benefiting Lot 23 on SP306387 (Atherton RSL). The lot essentially facilitates access to the Prior’s Creek recreation corridor and access to the Atherton RSL and the Men’s Shed (Lot 22 on SP306387).

Discussions have commenced with the Department of Transport and Main Roads for the surrender of the sublease and easement and application to the Department of Resources to dedicate Lot 21 as road. The Department of Transport and Main Road are facilitating the process and have indicated they are supportive of the proposal.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The application seeks approval to create four (4) new lots and a new one-way access road between Vernon Street and Jack Street in three stages as per the proposal plans provided as Attachment 1. The proposed lots would be wholly contained within Lot 11 on SP310263, which is included in the Centre Zone. A new easement (Easement A) is proposed over the existing stormwater drain. On-street angle parking for approximately thirty-two (32) vehicles will be provided in the new access road. The direction of travel for the new access road will be south to north from Vernon Street to Jack Street. The existing travel direction of Railway Lane between Vernon Street and Jack Street (south to north) will not be changed.

The development application is seeking approval to undertake the development in stages to provide flexibility in the timing of release of commercial lots and final lot configuration depending on the level of commercial interest. The new lots will provide development opportunities for a range of mixed-use commercial, short-term accommodation and residential elements consistent with the purpose and intent of the Centre Zone and the Atherton Local Plan’s Town Centre Core Precinct. As part of the PCD masterplan, it is intended that a suite of Urban Design Outcomes be developed to ensure that future development of the commercial lots is complementary to the project objectives.

An Engineering Services report accompanied the application, addressing aspects including site grading, traffic/access, stormwater/flooding, water supply, wastewater disposal, electrical and telecommunications.

The following table provides a summary of the key proposal details.



Stage	Existing Lot	Proposed new road and lots	Proposed approx. lot size	Proposed future use
<b>Stage 1</b>	Lot 11 SP310236 Lot 21 SP306387	New road	5,073m <sup>2</sup>	Public road
		Lot 1	466m <sup>2</sup>	Retained by TRC - public amenities and possible commercial lease opportunity for a coffee shop/kiosk.
		Lot 10	4,945m <sup>2</sup>	Balance commercial lot to be further reconfigured in future stages (Stage 2 and 3) depending upon commercial expressions of interest
<b>Stage 2</b>	Lot 11 SP310236	Lot 2	2,245m <sup>2</sup>	Commercial uses and/or mixed use development with residential component above ground floor
		Lot 10	2,700m <sup>2</sup>	Commercial uses and/or mixed use development with residential component above ground floor
<b>Stage 3</b>	Lot 11 SP310236	Lot 2	2,245m <sup>2</sup>	Commercial uses and/or mixed use development with residential component above ground floor
		Lot 3	1,287m <sup>2</sup>	Retained by TRC – public carpark
		Lot 4	1,413m <sup>2</sup>	Commercial uses and/or mixed use development with residential component above ground floor

### ASSESSMENT FRAMEWORK

An assessment of the proposed development against the relevant planning instruments is summarised as follows:

#### FNQ Regional Plan 2009-2031

A separate assessment against the FNQ Regional Plan is not required as any relevant elements are adequately reflected by the TRC Planning Scheme 2016 (V4).

#### State Planning Policy 2017

A separate assessment against the State Planning Policy is not required as any relevant elements are adequately reflected by the TRC Planning Scheme 2016 (V4).

#### Tablelands Regional Council Planning Scheme 2016 (V4) Designations

Strategic Plan designation:	Centre, Future Local Connection (road)
Priority Infrastructure Area:	Inside Atherton PIA
Zone:	Centre
Local Area Plan/Precinct:	Atherton Local Plan, Town Centre Core Precinct
Overlays:	Bushfire Hazard

## Relevant Development Codes

The following Development Codes are applicable to the assessment of the application:

- 6.2.6 - Centre Zone Code
- 7.2.1 - Atherton Local Plan Code
- 8.2.2 - Bushfire Hazard Overlay Code
- 9.4.2 - Landscaping Code
- 9.4.3 - Parking and Access Code
- 9.4.4 - Reconfiguring a Lot Code
- 9.4.5 - Works, Services and Infrastructure Code

The application included an assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant codes set out above, provided reasonable and relevant conditions are attached to an approval. Where the application displays a conflict with an applicable Acceptable Outcome, it either complies with, or has been conditioned to comply with, the corresponding Performance Outcome. Further commentary on the assessment is included in the Statement of Reasons provided as Attachment 3.

## Planning Scheme Policies

The following planning scheme policies are relevant to the application:

### PSP 4 - FNQROC Regional Development Manual

This policy applies to the proposal and would generally be achieved through the recommended conditions and those attached to subsequent Operational Works permits.

### PSP 10 - Footpath Paving

The purpose of this policy is to enhance the character and amenity of TRC's main business streets via the implementation of a footpath paving policy applicable to the development, or redevelopment of premises. The recommended conditions would ensure that the footpath treatment to the proposed commercial lots is consistent with PSP 10. The recommended conditions allow for variations in keeping with the footpath treatments endorsed by Council as part of the Prior's Creek preliminary design.

## Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1 of 2019), infrastructure charges are leviable against the proposed reconfiguration, calculated as follows.

Calculation				
Catchment/s	Credits/Charge Exclusions	Additional demand	Charge Category	Charge amount
Inside PIA	N/A	2 additional lots	\$22,500.00/additional lot	\$45,000.00
<b>Total Charge</b>				<b>\$45,000.00</b>

## REFERRALS

### Concurrence

The application was referred to the Department of Transport and Main Roads (C/- the State Assessment and Referral Agency) as a concurrence agency for development potentially impacting upon the State controlled road network (Main Street). The Department responded on 16 June September 2023, advising that they have no requirements (Attachment 2).

### Advice

The application did not trigger referral to any advice agencies.

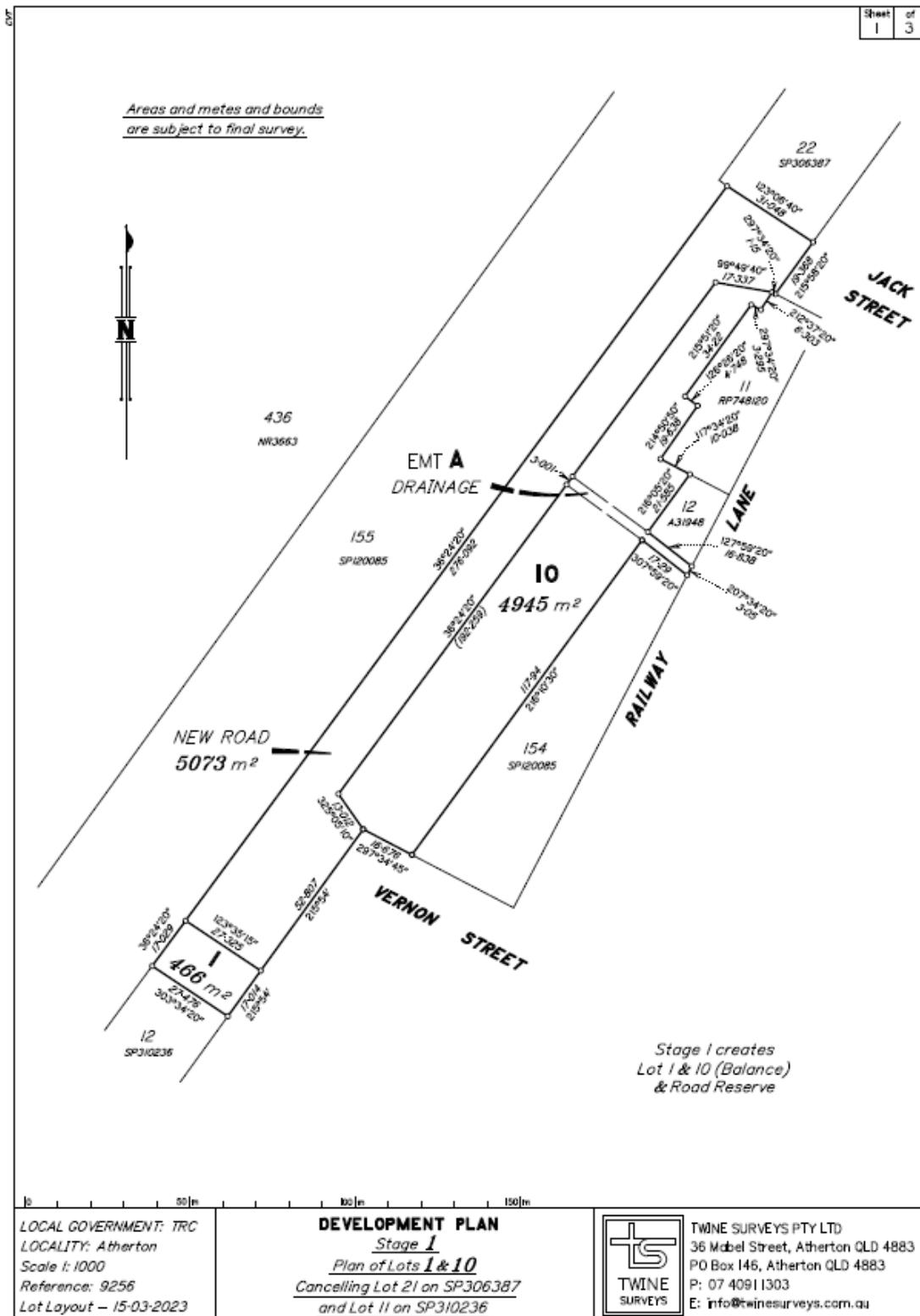
### Internal Referrals

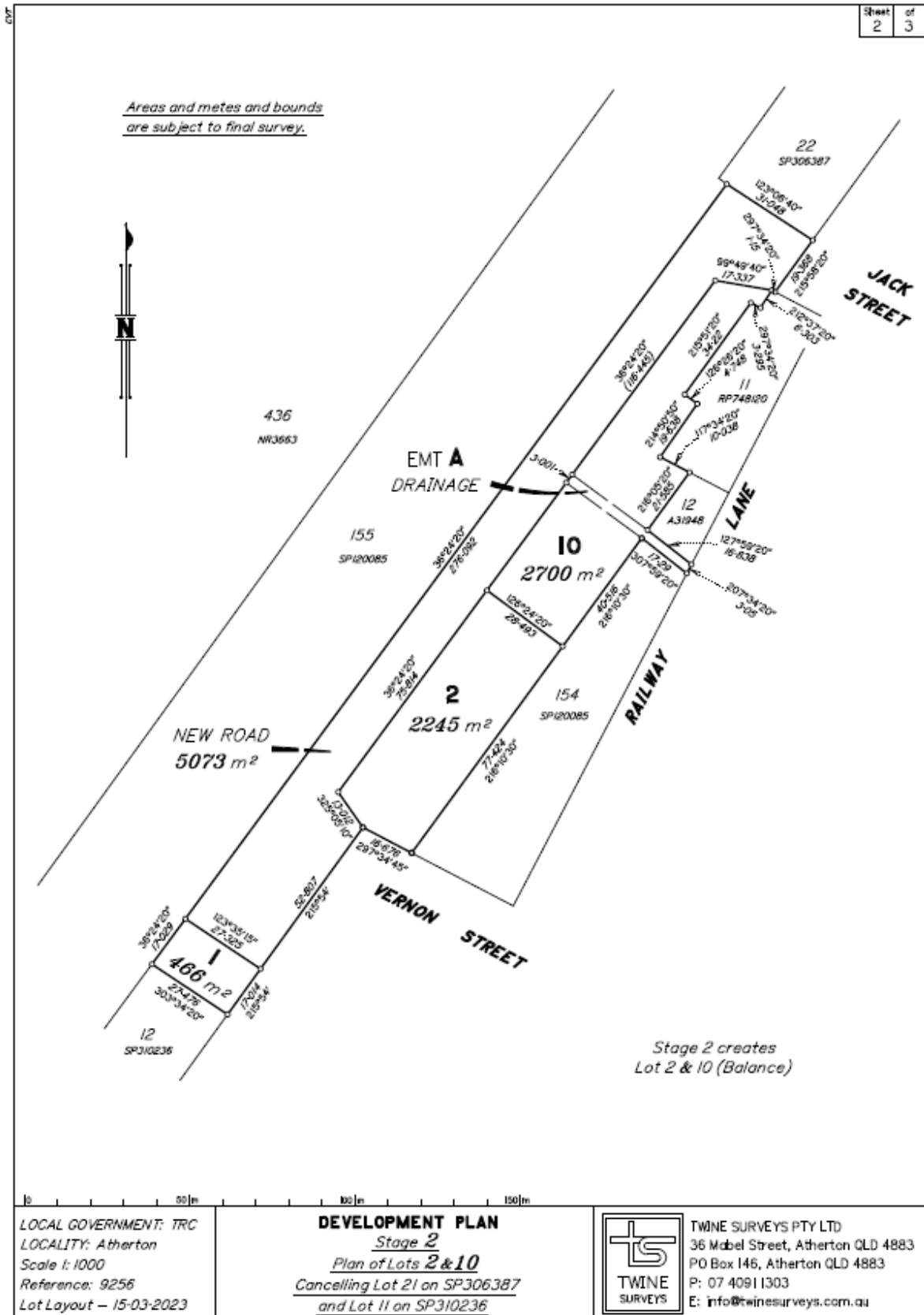
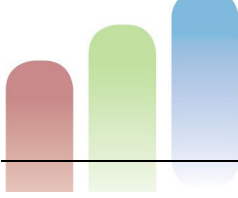
- Development Engineer
- Project Engineer - Water & Wastewater
- Executive Manager Economic Development

## CONCLUSION

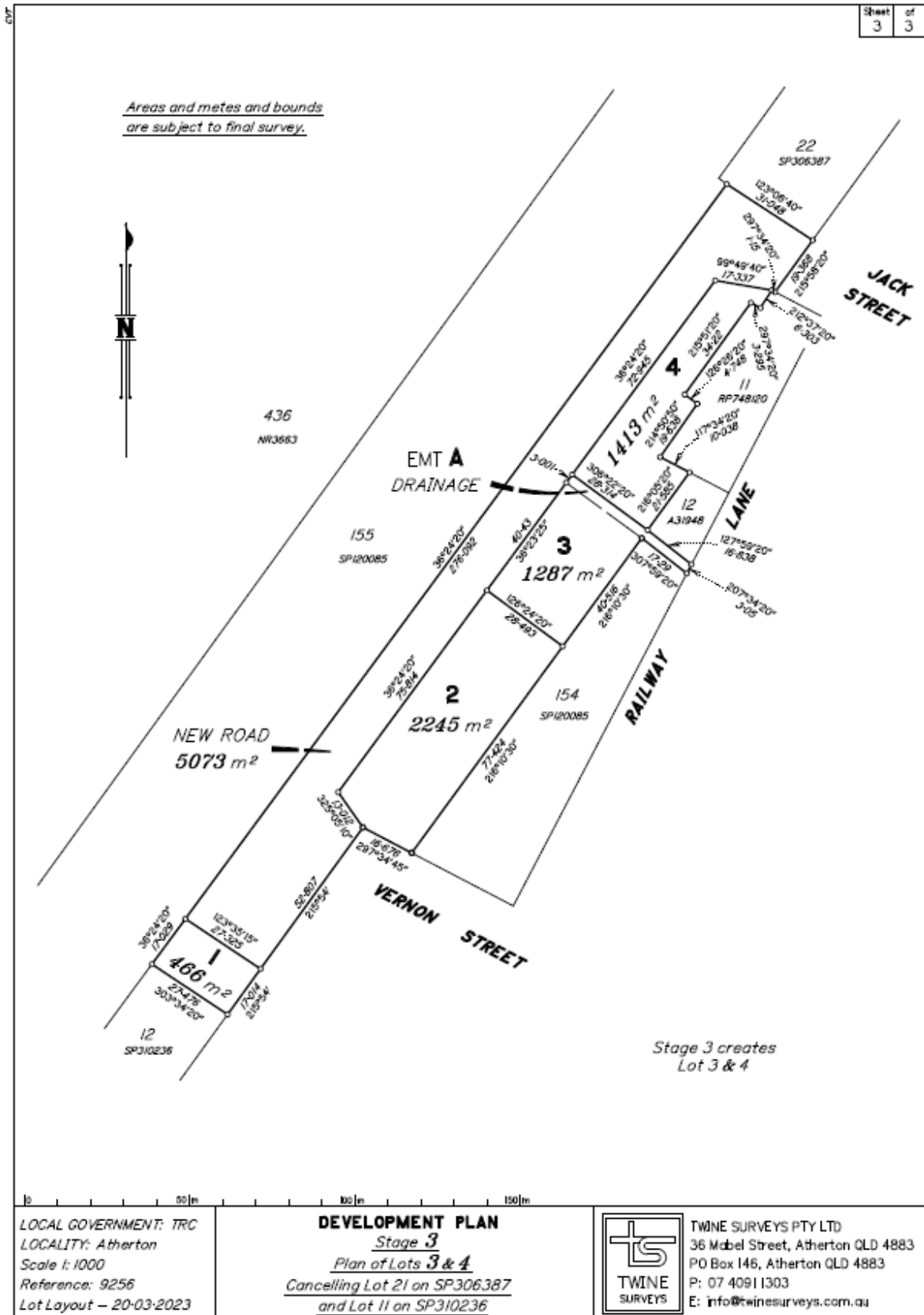
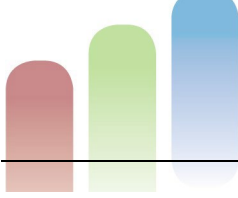
The proposed development is substantially consistent with the assessment benchmarks of the Tablelands Regional Council Planning Scheme 2016 (V4) and is in keeping with the planning scheme intent for the Centre Zone and Atherton's Town Centre Core Local Plan Precinct. Where the application displays conflicts with the Acceptable Outcomes contained in the applicable codes it either complies with, or can be conditioned to comply with, the relevant Performance Outcomes. The recommended conditions of approval are reasonable and relevant and would ensure that the development is responsive to the setting and physical constraints of the land while requiring it to be serviced in accordance with Council's desired standards.

# ATTACHMENT 1 - PLANS OF RECONFIGURATION





Document Set ID: 4432285  
Version: 1, Version Date: 28/03/2023



Document Set ID: 4432285  
Version: 1, Version Date: 28/03/2023

## ATTACHMENT 2 - REFERRAL AGENCY RESPONSE

RA6-N



SARA reference: 2303-34010 SRA  
 Council reference: RAL23/0015  
 Applicant reference: -

16 June 2023

Chief Executive Officer  
 Tablelands Regional Council  
 PO Box 573  
 Atherton QLD 4883  
 trcplanningadmin@trc.qld.gov.au

Attention: Dan O'Connor

Dear Sir/Madam

### SARA referral agency response – Railway Lane, Atherton

(Referral agency response given under section 56 of the Planning Act 2016)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 31 March 2023.

#### Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the Planning Act 2016, SARA advises it has no requirements relating to the application.
Date of response:	16 June 2023
Reasons:	The reasons for the referral agency response are in Attachment 1

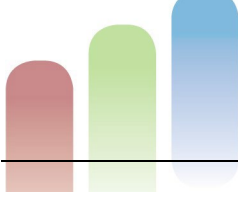
#### Development details

Description:	Development permit	Reconfiguring a Lot (2 lots into 4 lots and new road)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017) – Development impacting on State transport infrastructure (Commercial activities on a total site area of more than 3,000m <sup>2</sup> ) Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 (Planning	

Page 1 of 4

Far North Queensland regional office  
 Ground Floor, Cnr Grafton and Hartley  
 Street, Cairns  
 PO Box 2358, Cairns QLD 4870

Document Set ID: 4486437  
 Version: 1, Version Date: 16/06/2023



2303-34010 SRA

Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection

SARA reference: 2303-34010 SRA  
Assessment manager: Tablelands Regional Council  
Street address: Railway Lane, Atherton  
Real property description: Lot 11 on SP310236 and Lot 21 on SP306387  
Applicant name: Tablelands Regional Council  
Applicant contact details: C/- Reel Planning  
Unit 101, 27-20 Wharf Street  
Cairns City QLD 4870  
teresa@reelplanning.com

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the Human Right Act 2019 has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 2**.

A copy of this response has been sent to the applicant for their information.

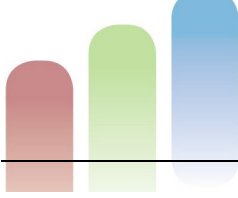
For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

David Hooper  
Manager

cc Tablelands Regional Council, teresa@reelplanning.com  
enc Attachment 1 - Reasons for referral agency response  
Attachment 2 - Representations about a referral agency response provisions





## Attachment 1—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

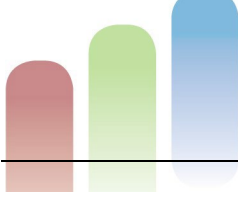
The reasons for the SARA's decision are:

The proposed development, with conditions, complies with the relevant provisions of State Code 1 and State Code 6 of the SDAP, in that:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Kennedy Highway, a state-controlled road, the Kennedy Highway / Jack Street intersection, or the state-controlled road network.
- The proposed development is not seeking additional vehicular access via a state-controlled road. Vehicular access for the proposed newly created commercial lots can be directly obtained by future road linkages onto the proposed new roadway that will provide formalized connection between Vernon Street and Jack Street.
- The two (2) nearby state-controlled road intersections are predominately left-in / left-out with each having capacity for a right turn vehicular movement.
- Required connections to council services, essential utilities and infrastructure for the proposed development can be obtained via the surrounding local roadways.
- Increased stormwater and drainage flow will be directed to Priors Creek, a lawful point of discharge, and is unlikely to adversely impact on the Kennedy Highway.
- The proposed development is not a noise sensitive development, and therefore no noise mitigation from vehicles using Kennedy Highway is required.
- SARA has carried out an assessment of the development application against State Code 1: Development in a state-controlled road environment and State Code 6: Protection of state transport networks and has found that the proposed development complies with the relevant performance outcomes.

Material used in the assessment of the application:

- the development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- Human Rights Act 2019

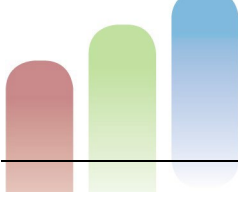


2303-34010 SRA

## **Attachment 2—Representations about a referral agency response provisions**

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## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding representations about a referral agency response

### Part 6: Changes to the application and referral agency responses

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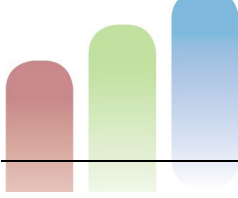
#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.



## Part 7: Miscellaneous

### 30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



## ATTACHMENT 3 - STATEMENT OF REASONS

### PLANNING ACT 2016 & PLANNING REGULATION 2017

This Notice is prepared in accordance with s63(5) and s83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- The relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- Any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meanings given them in the *Planning Act 2016*.

#### Application Details

<b>Application Number:</b>	RAL23/0015
<b>Property Address:</b>	Railway Lane, Atherton
<b>RPD:</b>	Lot 21 on SP306387 Lot 11 on SP310236
<b>Proposal:</b>	Reconfiguration of a Lot (2 into 4 Lots)
<b>Planning Scheme:</b>	TRC Planning Scheme 2016 (V4)

#### Reasons for the Decision

The approved development is substantially consistent with the assessment benchmarks of the Tablelands Regional Council Planning Scheme 2016 (V4) and is in keeping with the planning scheme intent for the Centre Zone and Atherton’s Town Centre Core Local Plan Precinct. Where the application displays conflicts with the Acceptable Outcomes contained in the applicable codes it either complies with, or has been conditioned to comply with, the relevant Performance Outcomes. The conditions of approval are reasonable and relevant and would ensure that the development is responsive to the setting and physical constraints of the land while requiring it to be serviced in accordance with Council’s desired standards.

#### Applicable Assessment Benchmarks

<b>Assessment Benchmarks:</b>	6.2.6 - Centre Zone Code 7.2.1 - Atherton Local Plan Code 8.2.2 - Bushfire Hazard Overlay Code 9.4.2 - Landscaping Code 9.4.3 - Parking and Access Code 9.4.4 - Reconfiguring a Lot Code 9.4.5 - Works, Services and Infrastructure Code
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**Compliance with Benchmarks**

Relevant Codes	Comments
6.2.6 - Centre Zone Code	<ul style="list-style-type: none"> <li>• AO8 – Condition 11 (Roadworks)</li> <li>• AO14.1 – Condition 16 (Frontage Works)</li> <li>• AO14.2 – Condition 11 (Roadworks)</li> <li>• AO14.3 – Condition 10 (Access)</li> <li>• PO20 – Condition 5 (Stormwater Drainage/Water Quality)</li> </ul>
7.2.1 - Atherton Local Plan Code	<ul style="list-style-type: none"> <li>• AO43 – Condition 16 (Frontage Works)</li> </ul>
8.2.2 - Bushfire Hazard Overlay Code	The proposal complies with the benchmarks of this code without conditions.
9.4.2 - Landscaping Code	<ul style="list-style-type: none"> <li>• PO1 - PO10 – Condition 17 (Landscaping and Site Maintenance)</li> </ul>
9.4.3 - Parking and Access Code	The proposal complies with the benchmarks of this code without conditions.
9.4.4 - Reconfiguring a Lot Code	<ul style="list-style-type: none"> <li>• PO9 – Condition 10 (Access)</li> <li>• PO22 – Condition 11 (Roadworks)</li> <li>• AO32 – Condition 11 (Roadworks)</li> <li>• PO37/38 – Condition 12 (Electricity Supply)</li> </ul>
9.4.5 - Works, Services and Infrastructure Code	<ul style="list-style-type: none"> <li>• AO1.2/PO1 – Condition 8 (Water Supply).</li> <li>• AO2.2/PO2 – Condition 9 (Sewerage Connection / easement)</li> <li>• AO4/PO4 &amp; AO19/PO19 – Condition 11 (Roadworks)</li> <li>• AO5/PO5 – Condition 10 (Access)</li> <li>• PO6 – Condition 7 (Bulk Earthworks Master Plan)</li> <li>• PO7 – Condition 13 (Telecommunications)</li> <li>• PO3, PO14, PO15, PO16 &amp; PO17 – Condition 5 (Stormwater Drainage/Water Quality)</li> <li>• PO9 &amp; PO13 – General Condition 3.1 (Protection and alteration of public utilities)</li> <li>• AO26.1/PO26 – Condition 12 (Electricity Supply)</li> </ul>



## 9. NOTICE OF MOTION

No items



## 10. BUSINESS WITHOUT NOTICE



## 11. CONFIDENTIAL ITEMS

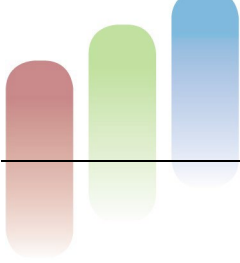
### 11.1. PETERSEN CREEK WALKING TRACK – OPTIONS UPDATE

#### REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 254J of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (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;

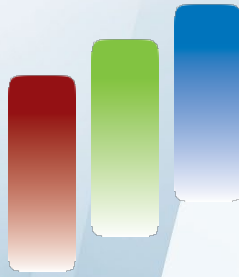
**Date Prepared:** 5 July 2023



## 12. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton

Ordinary Meeting 9:00 am on 27 July 2023



*Live, discover and invest in a Tablelands community*



Tablelands Regional Council

45 Mabel Street, Atherton Qld 4883

PO Box 573, Atherton Qld 4883

1300 362 242

[info@trc.qld.gov.au](mailto:info@trc.qld.gov.au)

[trc.qld.gov.au](http://trc.qld.gov.au)



#athertontablelands