

# Tablelands Regional Council

## AGENDA

### Planning Committee

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

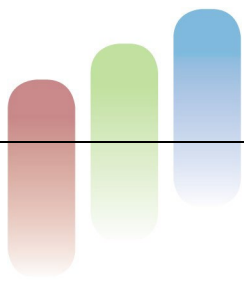
**Thursday, 09 February 2023**

**Commencing at 9:00 AM**

THE PLANNING COMMITTEE MEETING OF THE TABLELANDS REGIONAL COUNCIL WILL BE HELD AT DISASTER COORDINATION CENTRE, 15 VERNON STREET, ATHERTON ON THURSDAY, 09 FEBRUARY 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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Tablelands Regional Council is bound by the Information Privacy Act 2009 to protect the privacy of personal information.

## Principles for Local Government

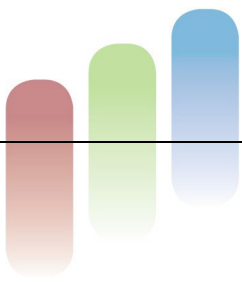
The **local government principles** stated in the Local Government Act 2009 are:

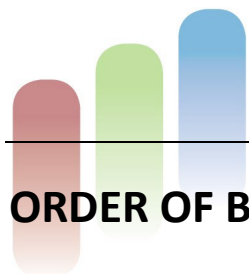
- (a) transparent and effective processes, and decision-making in the public interest;
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance 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

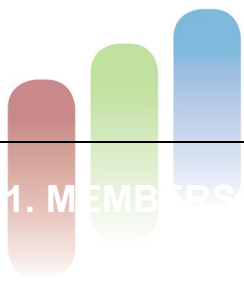






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## 8. CHIEF EXECUTIVE OFFICER

### 8.1. ATHERTON VETERINARY INVESTMENTS C/- PLANZ TOWN PLANNING PTY LTD - VETERINARY SERVICES - LOT 2 RP710744 - 114-122 HERBERTON ROAD, ATHERTON MCU22/0028

#### REPORT DETAIL

Report Author: Senior Planner

Department: Development Services

#### APPLICATION DETAILS:

<b>Applicant:</b>	Atherton Veterinary Investments C/- Planz Town Planning Pty Ltd
<b>Applicant Reference:</b>	MCU22/0028
<b>Landowner:</b>	M & Y Atherton Land Nominees Pty Ltd
<b>Proposal:</b>	Development Permit for MCU – Veterinary services
<b>Properly Made Date:</b>	17 September 2022
<b>Street Address:</b>	114-122 Herberton Road ATHERTON
<b>RP Description:</b>	Lot 2 on RP710744
<b>Lot Area:</b>	8,094 m <sup>2</sup>
<b>Planning Scheme:</b>	Tablelands Regional Council Planning Scheme 2016 (v4)
<b>Designations:</b>	Strategic Framework: Rural Residential Local Plan: Atherton Local Plan (No Precinct) Zone: Low density residential Applicable Overlays: Bushfire hazard, Transport Noise Corridor
<b>Assessment Type:</b>	Impact
<b>Number of Submissions:</b>	One (1) submission
<b>Referral Agencies:</b>	Department of Transport & Main Roads (C/- SARA)
<b>Referred Internal Specialists:</b>	<ul style="list-style-type: none"> <li>• Project Engineer Development</li> <li>• Water &amp; Wastewater Group</li> <li>• Environmental Health Officer</li> </ul>

**ATTACHMENTS:**

1. Plans of Development
2. Referral Agency Response
3. Submitter letter
4. Statement of Reasons

**EXECUTIVE SUMMARY**

*Council is in receipt of a development application described in the above application details.*

*The development is proposed as the existing veterinary service has outgrown their current location. The proposed location within the Low density residential zone is proposed as it is submitted by the Applicant that there is no suitable alternative land available in the non-residential zones of Atherton.*

*The application is impact assessable and underwent public notification from 15 November 2022 to 7 December 2022. During that time, one (1) properly made submission was received. The submission raised concerns with the use being inconsistent with the Low density residential zone and potential impacts on neighbours including traffic generation.*

The proposal has been assessed against the relevant statutory planning instruments, including the Tablelands Regional Council Planning Scheme 2016 (V4) and is substantially consistent with the relevant planning instruments. Some conflicts with the Acceptable Outcomes in the Low density residential zone code are evident, including that the building is not at a scale that is consistent with the surrounding residential area, however, the proposal can meet the corresponding Performance Outcomes. These include addressing environmental impacts (e.g. noise, odour, lighting, privacy and outlook). In addition, the proposal is inconsistent with some elements of the planning scheme's Strategic Framework as the development is not a low-density residential development characterised by traditional housing and dual occupancy development. There are, however, sufficient grounds to approve the development despite these conflicts as discussed below, given that the proposed use would service a day-to-day need of the immediate residential community.

The key issues of the proposed development are that the proposed development is inconsistent with the scale and character of the surrounding neighbourhood, however, it will not compromise future residential development, impact unreasonably on the amenity of surrounding residential properties or compromise the safety and efficiency of the local and State controlled road networks.



*Draft conditions were provided to the Applicant, care of their consultant, and have been agreed.*

*It is recommended that the application approved in full subject to conditions.*

**OFFICER'S RECOMMENDATION**

- (A) That Council resolve that the application does not conflict with a relevant instrument.
- (B) That Council resolve to approve a Development Permit for a Material change of use – Veterinary Services on land described as Lot 2 RP 710744, situated at 114-122 Herberton Road Atherton subject to the following plans and conditions:

**APPROVED PLANS/DOCUMENTS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2601 S1 of 3	Site Plan	PD designs building designers	August 2022
2601 S2 of 3	Floor Plan / Elevations	PD designs building designers	August 2022

**ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

1.	Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations: <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
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 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 must be made prior to commencement of the use and at the rate applicable at the time of payment.
3.3	The approved use will generally be limited to veterinary consulting for small animal species only (dogs, cats, and other small domestic pets or wildlife). The use will also include surgery and associated recovery that may include overnight hospitalisation and associated supervision by veterinary staff.
3.4	<p>Hours of Operation</p> <p>The public consulting hours shall be between 8:00am and 5:00pm, Monday to Friday and between 8:00am to 12:00pm on Saturday. No public consulting is permitted on Sunday or Public Holidays.</p> <p>Note: These requirements do not extend to out-of-hours emergency treatment of sick, diseased or injured animals, or animals recovering from treatment or surgery that are so ill that they require onsite overnight hospitalisation and supervision.</p>
3.5	Noise Nuisance
3.5.1	The approved veterinary clinic must operate so that animal noise does not cause an unreasonable nuisance in accordance with 'Division 4 Minimum standards' contained in <i>Council Local Law No. 2 (Animal Management) 2019</i> .
3.5.2	Any new refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3 dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8 dB(A) above background levels as measured from commercial locations.
3.5.3	The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.
3.5.4	Only animals that are recovering from treatment or surgery, and that are so ill that they require overnight supervision, will be kept overnight on the premises.
3.5.5	No more than ten (10) animals will be kept overnight on any one night.

3.5.6	Any animal hospitalised overnight will be housed in the rooms labelled 'Dog Ward' and 'Cat Ward' on the approved plan.
3.5.7	The walls and ceilings in rooms where animals are kept overnight are insulated with a product that is designed for sound reduction, such as high fire resistance sheeting products (that being 9mm cement sheets on walls that are fully insulated), to assist with acoustic impacts and climatic comfort for animals.
3.5.8	The applicant will maintain a register of animals hospitalised overnight. The register shall record the number of animals hospitalised overnight along with the date. The register shall be made available for inspection by Council's delegated officer when requested.
3.6	Signage
	The freestanding signage shown on the approved Site Plan (PD Designs Drawing No. 2601 S1 of 3, dated August 2022) is to be installed and maintained substantially in accordance with the Performance Outcomes of the Tablelands Regional Council Planning Scheme 2016 (V4) - Advertising Devices Code, to satisfaction of Council's delegated officer.
4.	Infrastructure Services and Standards
4.1	Waste Management
4.1.1	An on-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1-metre-wide landscaped screening buffer OR a 1.8m high solid fence, to the satisfaction of Council's delegated officer.
4.1.2	Where bulk bins are used internal access is to be of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear. Bulk bins must not be placed in the road reserve for collection.
4.2	Trade Waste A Trade Waste Permit will be required prior to the commencement of use.
4.3	Access An access crossover must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer. Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.
4.4	Stormwater Drainage

4.4.1	The Applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
4.4.2	All stormwater drainage must be collected from the site and discharged to an approved lawful point of discharge.
4.5	Car Parking/Internal Driveways
4.5.1	Prior to commencement of the use the developer must ensure that the development is provided with 37 on-site car parking spaces, inclusive of one (1) Persons with Disabilities (PWD) space, which are available solely for the parking of vehicles associated with the use of the premises. In addition, the development is to provide one (1) Small Rigid Vehicle (SRV) parking space and one (1) Heavy Rigid Vehicle (HRV) parking space on-site.
4.5.2	All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
4.5.3	All car parking facilities, associated ramps, and driveways must be provided in accordance with the following latest amendments of the Australian/New Zealand Standards: <ul style="list-style-type: none"> <li>(i) compliant with Australian Standard AS2890.1: 2004 Parking facilities - Off-street car parking;</li> <li>(ii) compliant with Australian Standard AS2890.6: 2022 Parking facilities - Off-street car parking for people with disabilities; and</li> <li>(iii) compliant with Australian Standard AS2890.2: 2018 – Off-street parking commercial vehicle facilities.</li> </ul>
4.5.4	A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.
4.5.5	Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.
4.5.6	The parking area is compacted, sealed, drained and line marked and maintained. The type of seal is to be approved by Council's delegated officer prior to any works on the car parking/manoeuvring area commencing.
4.5.7	The car parking area must be designed with sufficient circulation for all vehicles to be able to enter and exit the site in a forward gear.
4.6	Landscaping and Fencing

4.6.1	<p>Prior to the commencement of building works, a landscape plan must be prepared for the site in accordance with Planning Scheme Policy No. 6 and submitted to Council's delegated officer for consideration and approval. The plan will provide for the following buffer screen plantings:</p> <ul style="list-style-type: none"> <li>(i) A 1.5m wide landscape strip along the entire southern boundary of the site (Newton Close frontage) excluding the access crossover; and</li> <li>(ii) A 1.5m wide landscape strip along the entire Herberton Road frontage of the site.</li> </ul>
4.6.2	<p>The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, irrigated, mulched and maintained to the satisfaction of Council's delegated officer.</p>
4.6.3	<p>Any fencing along the Newton Close frontage of the site is to be a maximum of 1.5m in height and at least 50% transparent.</p>
4.6.4	<p>A 1.8m high solid screen fence must be in place for the full length of the common boundary with land zoned Low density residential at all times. That being the eastern and northern boundaries.</p>
4.7	<p>Outdoor Lighting</p>
4.7.1	<p>Where outdoor lighting is required, the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 (as amended) – Lighting for Roads and Public Spaces.</p>
4.7.2	<p>Illumination resulting from direct, reflected or other incidental light emanating from the subject land must not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 (as amended) – Control of the Obtrusive Effects of Outdoor Lighting.</p>
4.8	<p>Water Supply</p>
4.8.1	<p>The development must be connected to Council's reticulated water system, and a water meter installed, in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.</p>
4.8.2	<p>As part of an application for Operational Works, the developer must lodge a water network analysis clearly demonstrating that peak firefighting flows and pressures would not be detrimentally affected a result of the development.</p>
4.9	<p>Sewerage Connection</p>

	The developer must connect the proposed development to Council’s reticulated sewerage system via manhole E6/7 in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer prior to the commencement of use. Details of the works must be submitted for endorsement by Council’s delegated officer as part of an application for Operational Works.
4.10	Electricity and Telecommunications Electricity and telecommunications must be provided in accordance with the FNQROC Development Manual.
4.11	Soil Erosion Minimisation & Sediment Control Erosion and sediment control management must be installed and maintained in accordance with the FNQROC Development Manual.

ASSESSMENT MANAGER’S ADVICE

(a) Infrastructure Charges Notice

An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.

(b) Charges & Payments

The Adopted Infrastructure Charges Notice does 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 devices

Advertising signage for the proposed development may require a Development Permit for Operational Works. Please contact TRC Development 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 1975* and all other relevant Acts, Regulations and Laws, and these approval conditions.

(g) 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 <https://www.dsdsatsip.qld.gov.au>.

(h) Specifications and Drawings

Details of Council's specifications and standard drawings can be viewed on the FNQROC website.

(i) Building Over/Adjacent to Services

The developer is advised that any proposed building structures located over or adjacent to existing services will, in accordance with QDC MP1.4, be required to make an application to Council for consent under Section 191 of the *Water Supply (Safety and Reliability) Act 2008* for building over or adjacent to services.

REFERRAL AGENCY CONDITIONS

The referral agency applicable to this application were the State Assessment & Referral Agency (SARA) and the referral triggers were as follows:

Referral Status	Referral Agency and Address	Referral Trigger
Referral Agency	State Assessment and Referral Agency (SARA) Department of State Development, Infrastructure, Local Government and Planning	Planning Regulation 2017, Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1.

	<p>PO Box 2358 Cairns QLD 4870 <a href="mailto:CairnsSARA@dasilgp.qld.gov.au">CairnsSARA@dasilgp.qld.gov.au</a></p>	<p>Material change of use of premises near a State transport corridor or that is a future State transport corridor.</p>
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A copy of the referral agency conditions, dated 21 October 2022, is provided as Attachment 2.

#### CURRENCY PERIOD

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

- for any part of the development approval relating to a material change of use—if the first change of use does not happen within **6 years** after the approval starts to have effect;

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

#### FURTHER DEVELOPMENT PERMITS REQUIRED

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

#### OTHER APPROVALS REQUIRED FROM ASSESSMENT MANAGER (COUNCIL)

- Compliance Permit for Plumbing and Drainage Work Access approval associated with the Assessment Manager’s condition number 4.3 (Please contact the TRC Development Services to obtain an application form and applicable fee).

(C) That Council issue an Infrastructure Charges Notice for the following infrastructure charge/s:

Calculation				
Catchment/s	Existing credit	Additional demand	Charge Category	Charge amount
Atherton PIA	\$22,500.00	614m <sup>2</sup> Gross Floor Area	Veterinary services: \$110.00 per m <sup>2</sup> of GFA	\$67,540.00 (GFA charge)
	Deemed credit (Unimproved Low Density Residential Lot)	+ 3,600m <sup>2</sup> impervious area	+ \$6.00 per m <sup>2</sup> impervious area	+ \$21,600.00 (impervious charge)
<b>Total Charge Less Credits</b>				<b>\$66,640.00</b>



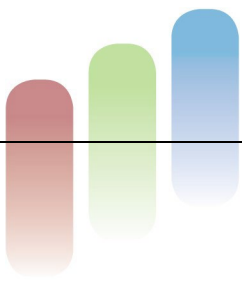
**THE SITE**

The site is located at 114-122 Herberton Road, Atherton, is clear of vegetation and has an old industrial workshop as indicated below in Figure 1.



*Figure 1 – Subject Site*

Land Area:	8,094 m <sup>2</sup>
Existing Use of Land:	Vacant except for an old industrial workshop/metal works shed
Road Frontages:	79m road frontage to Newton Close & 132m road frontage to Herberton Road
Significant Site Features:	The sewer line traverses the site along the eastern boundary.
Topography:	Relatively flat
Surround Land Uses:	The site has Low density residential allotments directly adjoining to the north and east. Specifically, residential allotments with dwelling houses are adjoining the site to the north (approximately 85m away from the proposed building) and east (approximately 90m away from the proposed building). South of Newton Close is the Tajenka Orchid Garden (approximately 51m away) and to south-west, the Atherton Tablelands Holiday Park (approximately 82m to the closest building). To the west at 107 Herberton Road (Lot 201 NR584) is land zoned Community facilities and to the north-west, situated at 103-105 Herberton Road (Lot 870 NR7775) is land zoned Rural



residential 4,000m<sup>2</sup> precinct with a dwelling house on-site (approximately 110m away from the proposed building). The Atherton Dog Park is located approximately 250m north of the proposed Veterinary services building.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

As shown by the proposal plans provided as Attachment 1, the proposed development includes:

- a premises used for veterinary services (medical or surgical treatment of animals);
- one free standing sign 3.8m high with surface area of 7.2m<sup>2</sup> (4m x 1.8m) to be located in the south-western corner of the site; and
- associated car parking and landscaping.

In addition, to allow for the proposed development, the abandoned industrial workshop/metal works shed will be demolished.

The application indicates that the development will provide veterinary services for smaller animals, and if there is a need, for larger animals (e.g. horses) to be presented to the vets for treatment, although this is only likely to occur from time to time. A suitably sized parking space to accommodate a trailer has been provided on-site.

## **ASSESSMENT FRAMEWORK**

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

### **State Planning Policy 2017**

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

### **FNQ Regional Plan 2009-2031**

A separate assessment against the Regional Plan is not required as it is adequately reflected by the Tablelands Regional Council Planning Scheme 2016 (as amended).

**Tablelands Regional Council Planning Scheme 2016 (v4) Designations**

Strategic Plan designation:	Rural Residential settlement pattern
Priority Infrastructure Area:	Atherton PIA
Zone:	Low density residential
Local Area Plan:	Atherton (No Precinct)
Overlays:	<ul style="list-style-type: none"> <li>• Bushfire hazard overlay</li> <li>• Transport Noise Corridor</li> </ul>

**Planning Scheme Definitions**

The proposed use is defined as “Veterinary Service” meaning the use of premises for-

- (a) *The medical or surgical treatment of animals; or*
- (b) *the short-term stay of animals, if the use is ancillary to the use in paragraph (a).*

**Strategic Framework**

The site is designated as ‘Rural Residential’ settlement pattern within Part 3 of the Tablelands Regional Planning Scheme 2016 (V4). The following Strategic / Specific Outcomes are considered relevant to the assessment of the application:

Strategic Outcomes	Complies ☒ / ☑	Comments
<b>3.3.1.2 Network of towns</b>	☑	<p>The proposed development is located within the town of Atherton. Atherton accommodates regional-scale business, retail, entertainment, government administration, tertiary and secondary educational facilities as well as health and social services.</p> <p>The proposed development provides service provision consistent with the Atherton town and though such a use is more prevalent in other zones, the development is generally consistent with the development pattern within Atherton and regional population growth.</p> <p>The proposal will provide veterinary services to the residents within Atherton and surrounds. The fact that the business has outgrown their current location is considered to directly relate to the growth and</p>

Strategic Outcomes	Complies ☒ / ☑	Comments
		<p>development of Atherton and being able to service the needs of the community.</p> <p>Therefore, it is considered that the development meets the strategic intent of 'Network of towns'.</p>
<p><b>3.3.1.3 Residential development</b></p>	<p>☒</p>	<p>The site is designated within the Rural residential settlement pattern within the Planning Scheme, however, due to the zone being Low density residential, it aligns more closely with the Residential development settlement pattern, therefore this has been considered as part of this application.</p> <p>The Residential development settlement pattern is primarily focussed on a diversity of housing choices developed within close proximity to services and town centres. The proposed development would be located on a large site and has been designed to minimise impacts to adjoining neighbours. Therefore, it is considered that even though the proposed development does not strictly comply with the Residential development settlement pattern, it can be considered that the use of 'Veterinary service' can appropriately operate from the site with minimal impacts.</p> <p>Further discussion of potential impacts that could arise from the development is provided in the critical planning issues section of this report.</p> <p>The location proposed for the development is attributed to the fact there are no suitable alternative sites within the other zones of Atherton, such as the Centre zone. The site is unusual, being a large site within the Low density residential zone, and this has allowed the business to design the facility to minimise impacts on adjoining land.</p>
<p><b>3.3.1.4 Rural residential areas</b></p>	<p>☑</p>	<p>The site is designated as 'Rural residential areas' under Part 3 Strategic Framework.</p> <p>The site is more aligned to the 'Residential development' settlement pattern based on the zoning which is considered above.</p> <p>The proposed development will therefore not affect rural residential areas.</p>

Strategic Outcomes	Complies ☒ / ☑	Comments
<p><b>3.3.2 Element – Network of Towns</b></p>	<p>☑</p>	<p>3.3.2.1.3 indicates that commercial activities will not occur outside centre areas unless there are no alternative sites in centre areas and there is no adverse impact on centre areas or the area surrounding the development.</p> <p>The use of ‘Veterinary service’ is currently code assessable within the Centre zone, however, this site is a more appropriate location, despite the zoning of the lot due to the size of the site and the fact the development would be purpose-built to minimise any potential impacts. In addition, there are limited sites available within the Centre zone and not of the same scale as the current site.</p> <p>Though the development does not strictly comply with the specific outcomes for ‘Network of Towns’, there will be no impact on the centre zone having this development located elsewhere and the site is easily accessible by transport.</p> <p>3.3.2.1.4 indicates that ribbon or strip commercial activities along a State-controlled road is to be avoided outside the centre areas. In some respects, the proposed development could be viewed as ribbon/strip development, being located adjoining a State-controlled road, however unlike some forms of commercial development, which seek merely to capitalise on the exposure aspect of residential land, the proposed use would service a day-to-day need of the immediate and surrounding residential population.</p>
<p><b>3.3.8 Element – Residential areas and development</b></p>	<p>☒</p>	<p>The development is not a residential development, however, is located within a residential area. The site is located in an area whereby there are several different zones/uses located nearby. The zones include Low-density residential, Rural residential and Community facilities. There are also a variety of uses in the vicinity including dwelling houses, a tourist park, a commercial garden centre and park with community facilities (including the Atherton off-leash dog park located approx. 250m to the north).</p> <p>It is considered that the development can co-exist with these uses and there will be minimal impacts that result from this development.</p>

Strategic Outcomes	Complies ☒ / ☒	Comments
		Further discussion of potential impacts that could arise from the development is provided in more detail in the critical planning issues section of this report.

### Relevant Development Codes

The following planning scheme codes are applicable to the assessment of the application:

- Part 6 6.2.4 Low density residential zone code
- Part 7 7.2.1 Atherton local plan
- Part 8 8.2.2 Bushfire hazard overlay code
- Part 9 9.3.4 Commercial activities code
  - 9.4.1 Advertising devices code
  - 9.4.2 Landscaping code
  - 9.4.3 Parking and access 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 substantially satisfies the relevant codes set out above, provided reasonable and relevant conditions are attached to an approval. Further commentary is included in the Statement of Reasons provided as Attachment 4.

### Critical Planning Issues

#### Low density residential zone

The proposed development displays a conflict with the purpose statements for the Low density residential zone. The development proposes to establish the use of 'Veterinary service' in a residential area, which is not a typical use found within the Low density residential zone. However, the development has been designed to address any potential impacts such as noise, lighting, privacy and outlook. Conditions are recommended to mitigate any potential noise nuisance, such as sound proofing of rooms used for animals that are required to stay overnight for treatment. A register is also required to be kept for the overnight hospitalisation of animals to ensure compliance with the development permit.

The subject site is located within an 8,094 m<sup>2</sup> allotment and has been positioned on site the furthest distance practical to adjoining residential dwellings taking into consideration site

constraints. Fencing (solid 1.8m high) will also assist with privacy for adjoining neighbours and on the eastern side of the development there is separation from the closest adjoining neighbour (Lot 91 SP292141) due to the drainage easement.

Atherton Local Plan

The application either complies without conditions or the acceptable/performance outcomes are not relevant. No further assessment is required.

Bushfire hazard overlay code

The subject site is within a potential impact buffer within the Bushfire hazard overlay code as indicated below in Figure 2. The site is located in the potential impact buffer area, and the site is clear of vegetation. The site is separated from the bushfire hazard area west of the site by Atherton-Herberton Road, which acts as a sufficient cleared break. The proposed development will not materially intensify people living or working in a bushfire hazard area as the development is only located within a potential impact buffer and not a bushfire prone area.

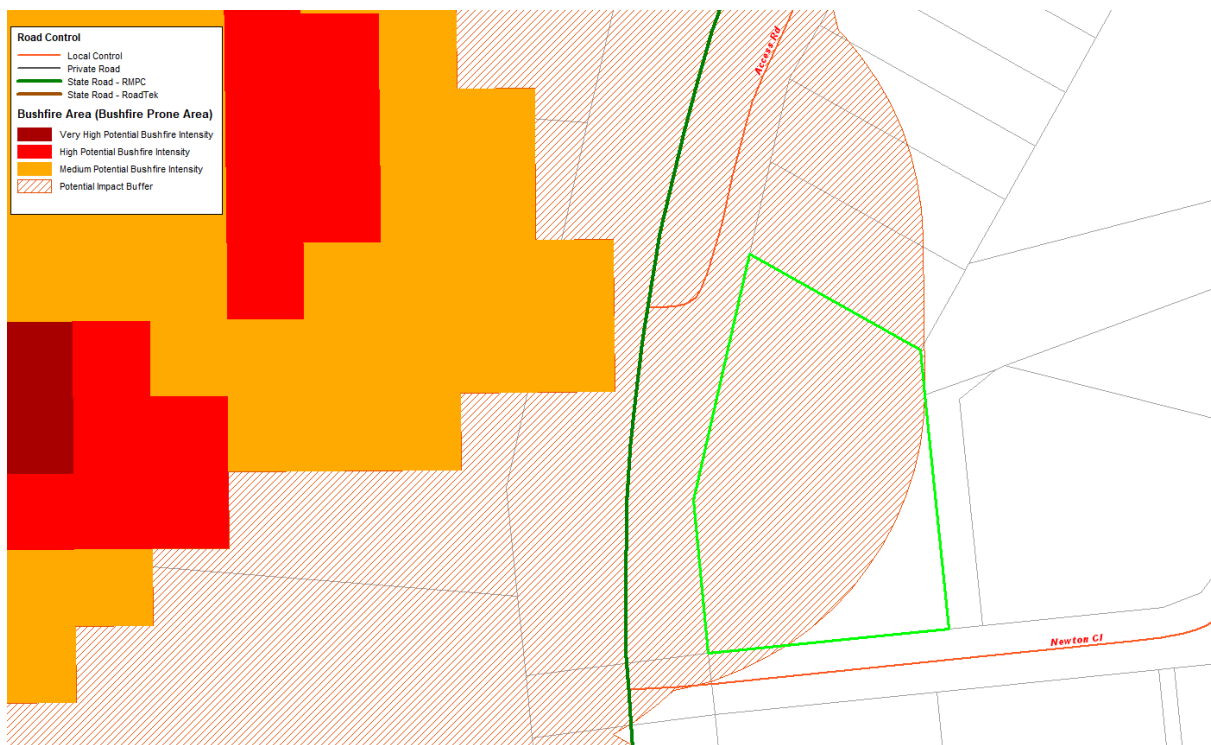


Figure 2 – Bushfire prone area

Commercial activities code

The development will be providing sufficient vegetation on-site to enhance the character and amenity of the streetscape and also fencing to provide privacy to adjoining neighbours.

The development is a purpose-built facility that proposes design measures to ensure there would be minimal impact on the character of the locality and on the amenity of adjoining residential properties. In addition, noise attenuation measures such as sound proofing, have been conditioned to ensure the development and adjoining residents can appropriately co-exist.

The site is located outside the Centre zone and there are currently no footpaths nearby. It is not considered appropriate to condition a footpath in accordance with Acceptable Outcome (AO) 3.5 in this case and though the development will not meet this AO, the associated Performance Outcome 3 can be met as there is sufficient (and safe) car parking and space for loading and unloading of delivery/services on-site. The majority of customers would be bringing small animals to the site for treatment and would therefore be in a vehicle, but there is nevertheless sufficient space on-site for bicycle and pedestrian access.

Advertising devices code

A free standing sign is proposed within the site adjacent to the intersection of Newton Close and Atherton-Herberton Road (refer to Figure 3 below).



Figure 3 – Proposed free standing sign



The device will be viewable from the main road, however:

- it will not resemble any traffic control device;
- it will not have any flashing lights or be reflective and will not inhibit any visibility of motorists or cause any distraction; and
- will not encroach any part of the road reserve.

It is considered that the proposed advertising device will provide clear and effective identification of the business/commercial premises and will not detract from the existing amenity and character of the streetscape or locality.

### Noise

There is the potential for the development to generate noise nuisance, especially after hours if there are animals being treated and hospitalised overnight. However, through the recommended conditions of the development permit, suitable noise attenuation measures can be put in place to minimise any impacts on surrounding neighbours.

The development will be required to have the walls and ceilings in rooms where animals are to be kept in overnight insulated with a product that is designed for sound reduction, such as high fire resistance sheeting products (that being 9mm cement sheets on walls that are fully insulated) to assist with acoustic impacts and climatic comfort for animals. In addition, the provision of separate waiting rooms and overnight rooms for both dogs and cats would further reduce the risk of noise impacts from animals.

The development does have an outdoor waiting area and there is substantial area for dogs to be walked on leads while waiting if required. The recommended 1.8m high solid fencing along the northern and eastern boundaries and the retaining wall on the western side of the development will assist in further mitigating any potential noise impacts in addition to protecting the privacy of adjoining neighbours.

### Amenity

The proposed building has suitable design that is practical and functional for the operation of the veterinary service and will be located on-site in a way that minimises any noise impacts. Visually, the development will be screened as much as possible through landscaping and fencing to ensure minimal impacts to the adjoining neighbours. Outdoor lighting is unlikely to cause any issue to nearby residents or motorists.

It is considered that the development will minimise its impacts on the streetscape and amenity through sensitive location, design, colour and scale. The gross floor area (GFA) of the building is approximately 8% of the overall site cover, which is far from an over-development of the site.

In addition, the development is not considered to unduly detract from the amenity of the nearby residences.

It is considered that the development can maintain the high level of residential amenity required for the Low density residential zone and will not introduce excessive traffic, noise, lighting or other locally specific impacts.

#### Access, Parking and Traffic Hazard

The site has suitable parking in accordance with the Parking and access code. Veterinary services outside the Centre zone are required to have one space per 20m<sup>2</sup> or part thereof of net lettable area and one heavy rigid vehicle (HRV) if greater than 500m<sup>2</sup> and one small rigid vehicle (SRV) per 500m<sup>2</sup> gross floor area (GFA). As the building has a GFA of 614m<sup>2</sup>, the number of on-site parking spaces required for cars is 31 plus the aforementioned SRV/HRV spaces. As per the submitted Site Plan, the Applicant proposes to provide 37 car parking spaces on-site including one (1) space for persons with a disability (PWD) and a trailer parking area. It is considered that there would be sufficient vehicular parking on-site to cater for the development and that there will be no need for vehicular parking within either road reserve.

The application was required to be referred to the Department of Transport and Main Roads, care of the State Assessment Referral Agency (SARA), due to the location adjoining a main road (see Attachment 2). The development can be provided with appropriate access in accordance with FNQROC Development Manual and there is appropriate ability for vehicular manoeuvrability on-site to allow for forward entering and exiting of vehicles.

The Department have provided advice to ensure the proposed advertising device is unlikely to create a traffic hazard for the State-controlled road.

It is considered that the development can maintain a high level of residential amenity required for the Low density residential zone and will not introduce excessive traffic, noise, lighting or other locally specific impacts.

#### **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 is generally achieved through conditions and any resulting operational works.

**PSP 6 - Landscaping and Preferred Plant Species**

The purpose of this policy is to provide information on the minimum standards for landscaping plans. A condition of approval requires landscaping of the site to be undertaken in accordance with an approved landscaping plan prior to the commencement of the use.

**PSP 10 - Footpath Paving**

The Footpath Paving Planning Scheme policy applies to the main business streets of Atherton, which includes the Centre zone. As the development is located outside the Centre zone, the construction of a footpath along the frontages of the site is not required.

**Infrastructure Charges Notice**

In accordance with Council's Adopted Infrastructure Charges Resolution No. 1 of 2019, Infrastructure Charges are payable. The infrastructure charges have been calculated as follows:

Calculation				
Catchment/s	Existing credit	Additional demand	Charge Category	Charge amount
Atherton PIA	\$22,500.00	614m <sup>2</sup> Gross Floor Area	Veterinary services: \$110.00 per m <sup>2</sup> of GFA	\$67,540.00 (GFA charge)
	Deemed credit (Unimproved Low Density Residential Lot)	+ 3,600m <sup>2</sup> impervious area	+ \$6.00 per m <sup>2</sup> impervious area	+ \$21,600.00 (impervious charge)
<b>Total Charge Less Credits</b>				<b>\$66,640.00</b>

**REFERRAL AGENCY**

**Concurrence Agency**

In accordance with Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 of the *Planning Regulation 2017*, the application triggered referral to the Department of Transport and Main Roads, care of SARA, for a material change of use of premises near a State transport corridor. The Department's conditions of approval and advice, dated 21 October 2022, are provided as Attachment 2.

## Internal Consultation

The application was internally referred to the following internal specialists:

- Project Engineer Development
- Water and Wastewater Group
- Environmental Health Officer

## PUBLIC NOTIFICATION

The development proposal was placed on public notification from 15 November 2022 to 7 December 2022. The applicant submitted the notice of compliance on 12 December 2022 advising that the public notification tasks were carried out in accordance with the requirements of the Act.

## Properly Made Submitters

There was one (1) properly made submission during the public notification period, which is provided as Attachment 3.

Name of principal submitter	Address	Email address (if provided)
Graham and Carol Kirkwood	10 Newton Close	karleigh@tpg.com.au

The *Planning Act 2016* only allows consideration of matters that relate to what is in the public interest and does not consider personal circumstances (for example devaluing of a property).

The relevant concerns have been addressed in accordance with the *Planning Act 2016*.

Objection	Planning Officer's Comment
<p>1. <u>Planning zone/rezoning</u></p> <p>The development requires Council to alter the current and long-term zoning of low density residential land. This could set a precedent allowing more changes to Council's long-term plans for the locality, which is inconsistent with the purpose of these plans.</p>	<p>The development does not alter the zone or affect the long-term zoning of the Low density residential zone.</p> <p>A zone is a land use planning tool in the planning scheme, which provides guidance as to which land uses are most appropriate on the subject land. Zones organise a planning scheme area in a way that facilitates the location of the preferred, or acceptable, land uses.</p> <p>An impact assessable development application, like this one, must be assessed against all identified codes within the Planning Scheme as a whole to the extent relevant. This is to ensure that identified development impacts are addressed and public notification is required to take into account the community's views.</p> <p>Whilst impact assessable developments may not be the type of development usually seen within a particular zone, this</p>

Objection	Planning Officer's Comment
	<p>does not mean that they cannot be considered and potentially approved subject to conditions.</p> <p>The long-term zoning of land in the Low density residential zone will not therefore be affected by this development and this use for the purpose of a Veterinary service can be approved subject to conditions in conjunction with surrounding uses, including dwelling houses.</p> <p>Rezoning does not exist under the current legislation (<i>Planning Act 2016</i>) and only applied under previously legislation. The current Act allows for variation requests, which effectively change the operation of the planning scheme for a premises, however, such a request is not necessary in this instance and the development has been recommended for approval due to the substantial compliance with the Planning Scheme.</p>
<p>2. <u>Strategic Framework</u></p> <p>The development is a relocation of an existing facility and is not proposed in response to a growing need for Veterinary services in the Tablelands</p>	<p>Whilst the development is a relocation of an existing business, the overall strategic framework has been considered.</p> <p>The Residential development settlement pattern is primarily focussed on a diversity of housing choices developed within close proximity to services and town centres. The proposed development would be located on a large site and has been designed to minimise impacts to adjoining neighbours.</p> <p>Therefore, it is considered that even though the proposed development does not strictly comply with the Residential development settlement pattern, it can be considered that the use of 'Veterinary service' can appropriately operate from the site with minimal impacts.</p>
<p>3. The development does not meet the purpose of the Low density residential zone.</p>	<p>Refer to comments above.</p> <p>The development can co-exist with uses in the Low density residential zone subject to appropriate conditions being attached the development permit. No alteration of the existing zone is required for the development to proceed and there is substantial compliance with the Planning Scheme.</p>
<p>4. The development does not provide for the day to day needs to the immediate residential community</p>	<p>Veterinary services are considered to service a day-to-day community need. The proposed development would service to both residents in the immediate area and to the broader community.</p>
<p>5. Hazardous substances</p>	<p>The development has been conditioned to appropriately dispose of clinical waste and a Trade Waste Permit is required prior to the commencement of use.</p>
<p>6. Intersection safety</p>	<p>Relevant conditions relating to access are recommended and also conditions provided by SARA to mitigate any</p>

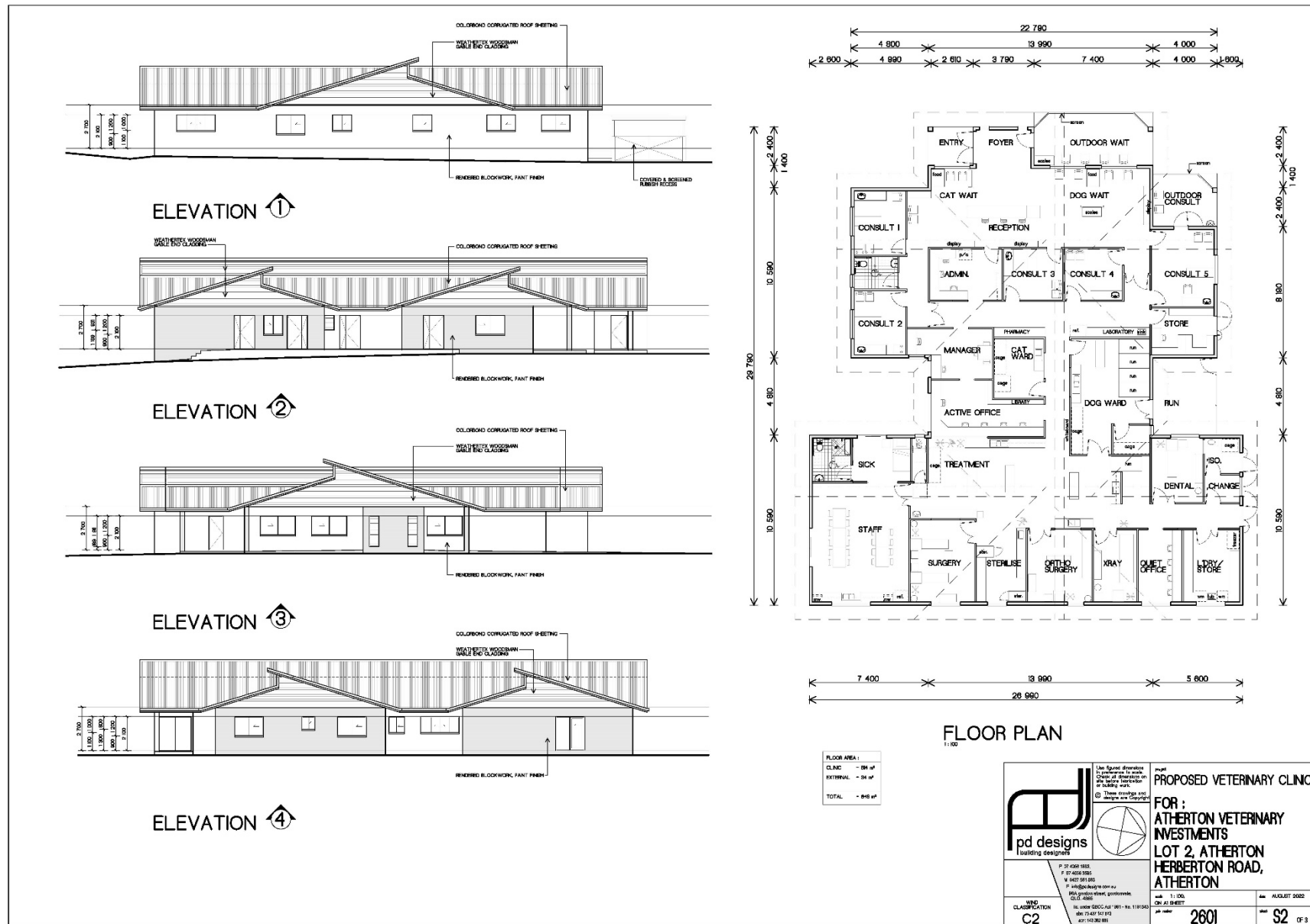
Objection	Planning Officer's Comment
	potential impacts on the State-controlled road (Atherton-Herberton Road).
7. Vehicle access	<p>Access to the site is via the lower-order road and not the main road. If this was not proposed, SARA would condition access via the lower-order road for safety and traffic control reasons.</p> <p>As appropriate access can be provided from Newton Close, no other consideration of alternative access is required.</p>
8. Traffic generation	<p>Conditions are recommended to minimise any potential impacts to the surrounding residents.</p> <p>The development has been conditioned such that public consulting hours shall be between 8:00am and 5:00pm Monday to Friday and between 8:00am to 12:00pm on Saturday. No public consulting is permitted on Sunday or Public Holidays.</p> <p>These requirements do not extend to the out-of-hours emergency treatment of sick, diseased or injured animals, or animals recovering from treatment or surgery that are so ill that they require on-site overnight hospitalisation and supervision.</p> <p>It is not expected that the development will generate traffic impacts that will affect adjoining landowners.</p>

## CONCLUSION

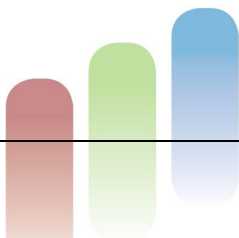
The proposed development is assessed as being in substantial compliance with the relevant assessment benchmarks of the TRC Planning Scheme 2016 (V4). As per the officers' recommendation, the application is recommended for approval subject to reasonable and relevant conditions to ensure the development will maintain a high level of residential amenity befitting of the Low density residential zone and will not introduce excessive traffic, noise, lighting or other locally specific impacts.

**Date Prepared:** 23 January 2023









REFERRAL AGENCY RESPONSE - ATTACHMENT 2

RA6-N



SARA reference: 2209-31173 SRA  
Council reference: MCU22/0028  
Applicant reference: P82275

21 October 2022

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

Attention: Jen Marsh

Dear Sir/Madam

**SARA response—Veterinary Clinic at 114-122 Herberton Road, Atherton (Lot 2 on RP710744)**

(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 23 September 2022.

**Response**

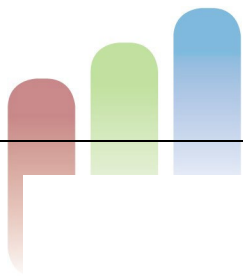
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Outcome:	Referral agency response – with conditions
Date of response:	21 October 2022
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

**Development details**

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Description:	Development permit	Material Change of Use for Veterinary Services
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material change of use near a state-controlled road and intersection	



2209-31173 SRA

SARA reference: 2209-31173 SRA  
Assessment Manager: Tablelands Regional Council  
Street address: 114-122 Herberton Road, Atherton  
Real property description: Lot 2 on RP710744  
Applicant name: Atherton Veterinary Investments  
Applicant contact details: C/- Planz Town Planning  
PO Box 181  
Edge Hill QLD 4870  
info@planztp.com

## Representations

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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 4**.

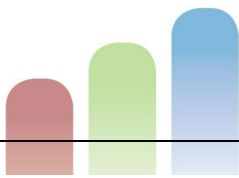
A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 40373214 or via email [CairnsSARA@dasilgp.qld.gov.au](mailto:CairnsSARA@dasilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

Javier Samanes  
A/Manager (Planning)

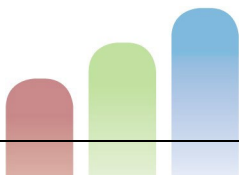
cc Atherton Veterinary Investments, [info@planztp.com](mailto:info@planztp.com)  
enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plan and specifications



### Attachment 1—Referral agency conditions

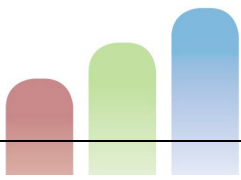
(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (A copy of the plans and specifications referenced below is found at **Attachment 5**)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Stormwater infrastructure must be provided generally in accordance with the Civil & Stormwater Layout, prepared by pd designs, dated August 2022, job number 2601, sheet S3 of 3.	Prior to the commencement of use and to be maintained at all times.
2.	(a) Stormwater management of the development must ensure no material worsening to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> <li>(i) create any new discharge points for stormwater runoff onto the state-controlled road;</li> <li>(ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road;</li> <li>(iii) surcharge any existing culvert or drain on the state-controlled road; and</li> <li>(iv) reduce the quality of stormwater discharge onto the state-controlled road.</li> </ul>	At all times.
3.	Direct access is not permitted between the Atherton-Herberton Road and the subject site.	At all times.



## Attachment 2—Advice to the applicant

<b>General advice</b>	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.
2.	<p><b>Advertising Device</b></p> <p>The veterinary services development is proposing to erect an advertising device that will be visible from a state-controlled road. The applicant should seek advice from the Department of Transport and Main Roads (DTMR) to ensure that the advertising device visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and / or a device which is deemed to create a danger to traffic.</p>



### **Attachment 3—Reasons for referral agency response**

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

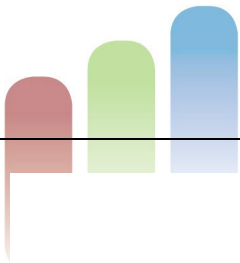
#### **The reasons for the SARA decision are:**

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

- The proposed development is unlikely to compromise the safety, function, and efficiency of Atherton-Herberton Road and the Atherton-Herberton Road / Newton Close intersection.
- The proposed veterinary services development will be setback approximately 23m from Atherton-Herberton Road, and landscaping, signage, retaining structures, and excavation and filling work, will not encroach into the state-controlled road corridor.
- Proposed vehicle access is to Newton Close, a local road, and is located a sufficient distance from the Atherton-Herberton Road / Newton Close intersection to maintain safety for users of the state-controlled road.
- The Atherton-Herberton Road / Newton Close intersection can safely accommodate the increased traffic generated by the proposed development.
- Increased stormwater and drainage flow is appropriately managed to avoid adverse impacts to the state-controlled road.

#### **Material used in the assessment of the application:**

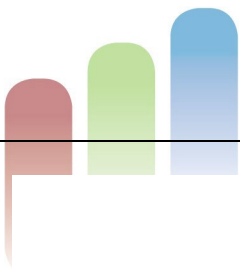
- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*



**Attachment 4—Representations provisions**

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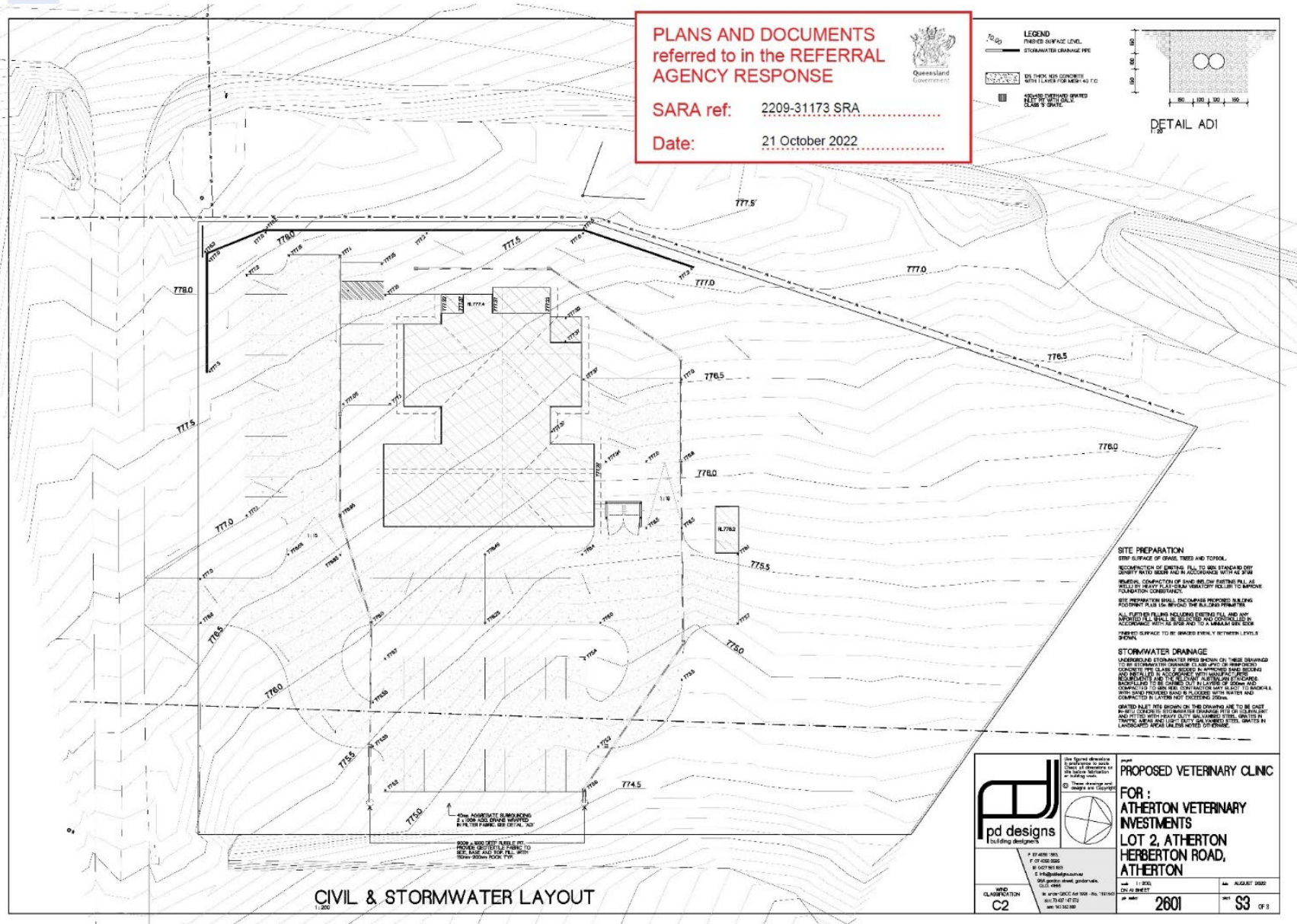
(page left intentionally blank – attached separately)



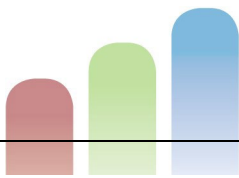
**Attachment 5—Approved plan and specifications**

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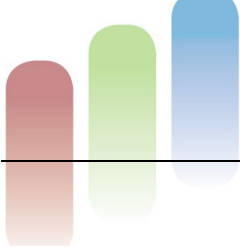
#### 28 Concurrence agency changes its response or gives a late response

- 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.



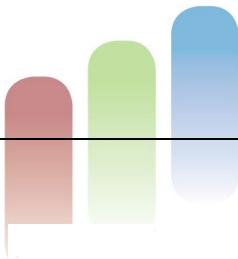
## **Part 7: Miscellaneous**

### **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.



LETTER OF OBJECTION - ATTACHMENT 3

SUBMISSION TO TRC RE APPLICATION FOR VETERINARY CLINIC

LOT 2 RP710744 114-122 HERBERTON ROAD, ATHERTON

REFERENCE NO MCU22/0028

1. PLANNING REPORT

a. Street Name

On the site plan, the side street is called Newman Road, not Newton Close. We hope the final report to Council is more thorough. We shall use the correct name throughout this submission.

b. Material Change of Use (Rezoning)

We note that approval of this development requires Council to alter the current and long term zonings of low density residential. This could set a precedent allowing more changes to Council's long term plans for the locality, which inconsistent with the purpose of such plans and could cause loss of confidence in them.

c. Strategic Framework

i. The planning document claims that the proposed development '*reduces the need for the Tablelands community to travel to Cairns to receive animal care*' (3.4, p12). This remark is not substantiated in the proposal. We understand that it is a relocation from 1 Tolga Road, not an additional facility, so it is unlikely to make a difference.

ii. The planning document observes that the purpose of the low density residential zone is '*predominantly for dwelling houses supported by community uses and small-scale services and facilities*' (6.2.4, p14). It goes on to quote that '*The purpose of the code will be achieved through the following overall outcomes:*

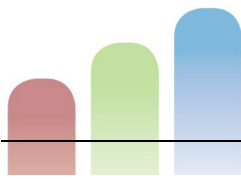
*(e) Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities; and*

*(f) Development maintains a high level of residential amenity avoiding uses that introduce excessive traffic, noise, dust, odour, lighting and other locally specific impacts; and*

*(g) Development reflects and enhances the existing low density scale and character of the area;'*

Apparently rezoning is necessary because a veterinary clinic does not satisfy these conditions.

*CF* *CCRS*



- d. Council requires that *'non-residential development provides for the day to day needs of the immediate residential community'*. The response is *'will provide Veterinary Services to the residential community'* (PO8, p16).

This proposal caters to a wider community and thus does not satisfy the condition. Hence the need for rezoning. Council must decide whether immediate community is subordinate to the broader community.

- e. Hazardous substances

*'The proposed development does not involve the manufacturing or storage of hazardous materials.'* (PO6, p27)

It is to be expected that the veterinary clinic will have biological waste, pathological specimens, drugs, infectious and hazardous substances and infected animals.

- f. Proposed Plan Orientation to Herberton Rd

*'The entrance to the building is located on the western side of the building – Herberton Road'* (PO1, p28),

which is contradicted by

*'the proposed development is not located in a state controlled road'* (PO15, p78);

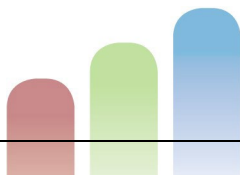
The site fronts a designated service road parallel to Herberton Road, not the main road carriageway.

- g. Intersection

We trust that Council will ensure that the operating performance of the intersection will not be adversely impacted by reduced visibility and increased traffic movements.

- h. Site Coverage is claimed to be 8% (PO3, p16 et al). This does not include hard standings. Visually, their inclusion takes the covered area to about 50%. Council requires that shade structures are provided for 50% of parking spaces for parking areas in excess of 500m<sup>2</sup> (AO10.2, p57), suggesting that the site coverage will be larger than 8%.

- i. Vehicle Access – Presumably the developer is relying on the escape that premises with two or more road frontages can have accessways onto the lower order road, ie Newton Close. The proposal ignores the option of the designated, existing service road which already has three access points to and from Herberton Road. Further comments are at para 3(b) below.



## 2. DEVELOPMENT ENGINEERING REPORT

### a. Traffic

*'The development of a veterinary clinic up to 500m2 GFA is estimated to generate 17 peak hour trips' (Clause 3, p3). The proposed GFA is 648m2. 'Peak hour' is not defined.*

The nature of the development is unlikely to attract customers during normal peak hours, but staff will probably travel then. The report does not indicate how many staff there will be.

Customers are more likely to visit the clinic throughout the day. The report does not provide an estimate of these movements, nor does it disclose the operating days or hours of the clinic. The report is deficient when it comes to traffic metrics.

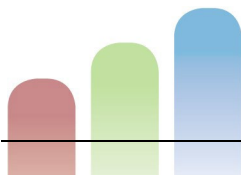
Residents can expect to encounter veterinary traffic frequently, all day and maybe weekends.

### b. Newton Close is built to service 12 dwellings. The veterinary practice is likely to cause a significant increase in vehicle movements in the Close. This has not been adequately quantified and addressed.

### c. The engineer's report neglects to discuss the existing designated service road fronting the proposed development, parallel to Herberton Road. It is sealed for part of the frontage and the remainder could be sealed. One would expect that the service road exists for this very purpose.

### d. The service road could enable access to a car park on the northern side of the building. Plenty of space is available. The report does not state whether this option was considered or if it was, why it was rejected and is not mentioned.

CH eak



### 3. OMISSIONS

#### a. Service Road

*'The proposed development is not located in a state-controlled road .... can be maintained without requiring access to a state-controlled road' (App 4, PO1, p74); 'access to state-controlled road is not proposed' (App 4, PO15, p78).*

There is no recognition whatsoever of the existing designated service road parallel to the state-controlled road. The premises have a frontage to this service road, not to the state-controlled road. The entrance foyer of the premises faces the service road.

The service road has a sealed access to Herberton Road directly in front of the site, on the northern side where some 60 metres of width is available for car parking.

The service road appears in both the current and future zoning maps published by Council. In fact, the service road has three access points to Herberton Road nearby. They are currently used by residents, visitors to the Chinatown complex and to the dog park.

It is curious that the option to use the service road for access has not been canvassed in the engineer's report or in the planning report.

#### b. Access

Even if access is available from Newton Close, some customers arriving from Atherton can be expected to use the service road and park in front of the clinic. When they depart some will jump the curb at Newton Close, 10 metres or so from the intersection. This is happening already, as evidenced by the wheel tracks. It creates a danger to other traffic in Newton Close and Herberton Road.

There is no veterinary service at Herberton. The clinic's catchment to the west is quite large. There is no slip lane for customers arriving from the Herberton direction. Such customers will have to wait for oncoming traffic to clear, blocking a lane of the main road and obstructing the access to and from the caravan park.

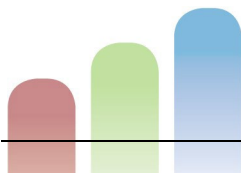
#### c. Noise, odours

The proposal addresses noise from air conditioning, waste collection, and other mechanical apparatus. It does not describe the noise and odours that can be expected from animals and vehicle movements.

#### d. Exercise

No mention has been made of an exercise area for animal patients. If they are to be exercised on site they could disturb neighbour's pets.

*ca* *eak*



e. Parking

The site plan does not appear to allow parking spaces for trailers. Customers with trailers will have to use the service road or park in Newton Close.

f. Lighting

There is no discussion of security lighting and of floodlighting the car park. After hours lighting could affect the liveability of nearby residents.

g. Crime potential

The clinic might attract criminal activity in what is presently a peaceful neighbourhood. There should be an examination of such potential risk, based on Police intelligence and experiences elsewhere.

h. Heritage

Enhancement of heritage elements is a desirable outcome sought by Council. The precinct is Atherton's major heritage location encompassing the old railway station, Herberton rail line, swimming hole, early parkland, museum, gallery, and Chinese temple. The proposed development is only about 200 metres from these historical treasures and is out of character with them.

i. Precincts with a specific purpose

The previous TR Council mooted a suggestion that the Visitor Information Centre could be relocated to a purpose built one in this precinct, to improve access for caravanners and RV travellers. This makes sense. Eventually the 5 dwellings remaining (one of which appears to be condemned) could be demolished or adapted to enhance the precinct. If there is a long term vision for this sector, Council must take care to not compromise it with incompatible short term projects.

j. Recreational amenity

Council expects developers to provide safe and walkable neighbourhoods that connect residents to desirable destinations. The dog park, museum & art gallery, Chinese Temple, bikeway, railway restoration, Station café, and Jubilee Christian College are destinations that fit this objective. The proposal does not address this requirement.

Graham Kirkwood  
19 November 2022

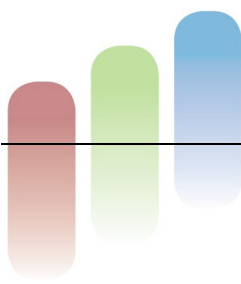
Carol Kirkwood  
19 November 2022

10 Newton Close ATHERTON QLD 4883

E: [karleigh@tpg.com.au](mailto:karleigh@tpg.com.au)

P: 4095 8560

M: 0419 776 494

**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>	MCU22/0028
<b>Property Address:</b>	114-122 Herberton Road ATHERTON
<b>RPD:</b>	Lot 2 on RP710744
<b>Proposal:</b>	Material change of use: Veterinary services
<b>Planning Scheme:</b>	Tablelands Regional Council Planning Scheme 2016 (V4)

**Reasons for the Decision**

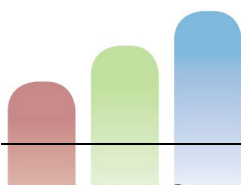
The proposed development has been assessed as being in substantial compliance with the relevant assessment benchmarks of the TRC Planning Scheme 2016 (V4). The application has been approved subject to reasonable and relevant conditions to ensure the development will maintain a high level of residential amenity befitting of the Low density residential zone and will not introduce excessive traffic, noise, lighting or other locally specific impacts.

**Applicable Assessment Benchmarks**

<b>Assessment Benchmarks:</b>	Tablelands Regional Council Planning Scheme 2016 (v 4) include:  Part 6    6.2.4    Low density residential zone code  Part 7    7.2.1    Atherton local plan  Part 8    8.2.2    Bushfire hazard overlay code  Part 9    9.3.4    Commercial activities code
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	<p>9.4.1 Advertising devices code</p> <p>9.4.2 Landscaping code</p> <p>9.4.3 Parking and access code</p> <p>9.4.5 Works, services and infrastructure code</p>
<p><b>Reasons for the Decision:</b></p>	<p>The development application is approved and the reasons for the decision are based on the following:</p> <ul style="list-style-type: none"> <li>(i) The development will maintain the integrity of established residential areas.</li> <li>(ii) The development will not inhibit the existing character and amenity of the area.</li> <li>(iii) The development has appropriate access to meet the requirements of the development.</li> <li>(iv) The development has appropriate car parking to meet the requirements of the development.</li> <li>(v) The proposal generally complies with the assessment benchmarks.</li> </ul>



**8.2. FAR NORTH HOTELS PTY LTD - MINOR CHANGE OF DEVELOPMENT APPROVAL - MCU 'FOOD & DRINK OUTLET' ROL (1 INTO 2 LOTS & RECONFIGURATION BY LEASE) LOT 1 RP702449 & LOT 113 SP113932 - 69 MAIN STREET & KENNEDY HIGHWAY, TOLGA MCU21/0025**

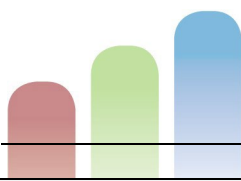
**REPORT DETAIL**

Report Author: Senior Planner

Department: Development Services

**APPLICATION DETAILS**

<b>Applicant:</b>	Far North Hotels Pty Ltd
<b>Landowner:</b>	Far North Hotels Pty Ltd
<b>Proposal:</b>	Material Change of Use for “Food and Drink Outlet” (Additions) and Reconfiguration of a Lot (1 into 2 Lots and/or Reconfiguration by lease exceeding 10 years)
<b>Street Address:</b>	69 Main Street and Kennedy Highway, TOLGA QLD 4882
<b>RP Description:</b>	Lot 1 on RP702449 Lot 113 on SP113932
<b>Lot Area:</b>	Lot 1 on RP702449 – 2,018m <sup>2</sup> Lot 113 on SP113932 – 2.9175ha
<b>Planning Scheme:</b>	Tablelands Regional Council Planning Scheme 2016 (V4)
<b>Designations:</b>	Strategic Framework: Centre, Rail Corridor, Future State Controlled Road Western Link Road Lot 1 on RP702449 – Centre Local Plan: Lot 113 on SP113932 – Community Zone: Facilities Local Heritage Area (Lot 1 on RP702449)  Applicable Overlays:
<b>Assessment Type:</b>	Impact
<b>Number of Submissions:</b>	26 properly made (53 total)
<b>Referral Agencies:</b>	Nil



<b>Referred Specialists:</b>	<b>Internal</b>	<ul style="list-style-type: none"><li>• Development Engineer</li><li>• Environmental Health Officer</li><li>• Coordinator Legal and Governance</li><li>• Project Engineer Water and Waste</li></ul>
<b>Date Minor Charge Request Lodged:</b>		18 November 2022
<b>Recommendation:</b>		Approval in part.

- ATTACHMENTS:**
1. Decision Notice & Infrastructure Charges Notice, dated 5 May 2022.
  2. Applicant's Request for Minor Change

**EXECUTIVE SUMMARY**

*The above-described development application was approved by Council subject to conditions, on 28 April 2022 (MCU21/0025). A copy of the Decision Notice, dated 5 May 2022, is provided as Attachment 1.*

*The original application was impact assessable and twenty-six (26) properly made submissions were received in response to public notification.*

*Freshwater Planning Pty Ltd, on behalf of the Applicant, have now lodged representations to the Infrastructure Charge Notice and the following conditions of the Decision Notice:*

- 3.6 - Building Appearance
- 3.7 - Pedestrian Awning – Main Street
- 4.4 - Frontage Works
- 4.7 - Outdoor Lighting
- 4.8 - Noise Nuisance
- 4.9 - Landscaping and Fencing
- 4.11 - Contaminated Land – Lot 113 on SP113932

*The representations to the Infrastructure Charges Notice request that the Applicant be allowed to pay the charges in half-yearly instalments over eight (8) years and that the instalment plan not be subject to an Infrastructure Agreement.*

*Schedule 1 of the Development Assessment Rules provides assistance to the Assessment Manager when determining if a proposed change constitutes “substantially different*

development". It is considered that the request will not result in substantially different development and constitutes a "minor change" pursuant section 81 of the Planning Act 2016.

It is recommended that the application for a minor change to the development permit be approved in part. The Applicant's request to pay infrastructure charges in instalments is not supported.

**OFFICER'S RECOMMENDATION**

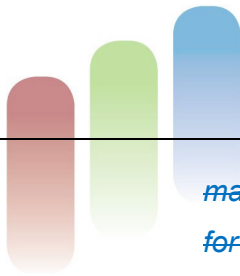
It is recommended that:

"1. In relation to the application to change the following development approval:

<b>DESCRIPTION</b>	Material Change of Use for "Food and Drink Outlet" (Additions) and Reconfiguration of a Lot (1 into 2 Lots and/or Reconfiguration by lease exceeding 10 years)
<b>APPLICANT</b>	Far North Hotels Pty Ltd
<b>PROPERTY</b>	Lot 1 on RP702449 Lot 113 on SP113932
<b>ADDRESS</b>	69 Main Street and Kennedy Highway, TOLGA QLD 4882

and in accordance with the *Planning Act 2016*, as amended, that:

- (A) The Infrastructure Charges Notice, dated 5 May 2022, is retained unchanged.
- (B) Condition 3.6 (Building Appearance) of the Decision Notice, dated 5 May 2022, is amended as follows (NB: strikethrough text = deletion, underlined text = addition):
  - (a) Any new external plant, including gensets, air-conditioning motors and the like, are to be positioned such that they would not be visible from the road frontage or the Rail Trail and must be provided with screening that compliments the materials and finishes of the building.
  - (b) Building finishes (excluding signage) must comprise neutral colours, which complement the existing building and facades must not incorporate un-painted, un-rendered or highly reflective finishes.
  - (c) The approved bottle-shop extension is to be painted and finished such that it matches the existing hotel building, substantially in accordance with the letter from Clarke and Prince Architects titled "Tolga Hotel – Council Information Request Response" (Document Reference 1510-001, dated 14 December 2021). ~~At the time of lodging the application for Building Work assessable against the Planning Scheme required by condition 3.7, the submitted plans must comprise a pedestrian awning on the Main Street façade of the bottle-shop extension that~~



~~matches the height and horizontal projection of the pedestrian awning proposed for the main hotel building.~~

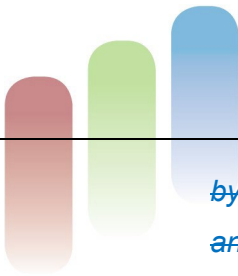
- (C) Condition 3.7 (Pedestrian Awning – Main Street) of the Decision Notice, dated 5 May 2022, is deleted and the subsequent conditions are re-numbered to reflect the deletion.
- (D) Condition 4.4 (Frontage Works) of the Decision Notice, dated 5 May 2022 is amended as follows (NB: strikethrough text = deletion, underlined text = addition):

*The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:*

- *At such time as alternative wheelchair access to the building is provided in compliance with the Disability Discrimination Act 1992, the temporary wheelchair ramp on the Main Street frontage of the site must be removed;*
- *Removal of the existing 1.2m wide concrete footpath on the site's Main Street frontage between the proposed vehicle crossovers and replacement with a 2m wide concrete footpath;*
- *Removal of the on-street parallel parking space located between the proposed ingress/egress crossover and the bottle-shop egress crossover, prior to the commencement of access works;*
- *Footpath earthworks, topsoiling and turf reinstatement of disturbed verge areas beyond the above-described footpath works;*
- *Footpath earthworks and paving surface treatments that achieve a level transition between adjoining footpath and grassed verge surfaces; and*
- *Adjustments and relocations necessary to public utility services resulting from frontage/access works.*

*Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.*

- (E) Condition 4.7 (Outdoor Lighting) of the Decision Notice, dated 5 May 2022, is retained unchanged.
- (F) Condition 4.8 (Noise Nuisance) of the Decision Notice, dated 5 May 2022, is amended as follows (NB: strikethrough text = deletion, underlined text = addition):
- ~~(a) Noise emissions at/from the premises must not damage a persons' hearing and noise emissions must not exceed the noise exposure levels/durations specified~~

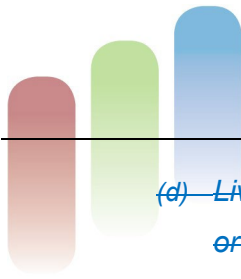


by Table 1 below (NB: Table 1 taken from Safe Work Australia “Managing Noise and Preventing Hearing Loss at Work Code of Practice September 2015”).

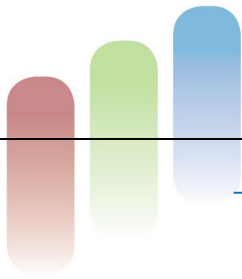
**Table 1**

<b>Noise Level dB(A)</b>	<b>Exposure Time</b>
80	16 hours
82	12 hours
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 minutes
100	15 minutes
103	7.5 minutes
106	3.8 minutes
109	1.9 minutes
112	57 seconds
115	28.8 seconds
118	14.4 seconds
121	7.2 seconds
124	3.6 seconds
127	1.8 seconds
130	0.9 seconds

- (b) (a) ~~Should Council’s delegated officer be able to demonstrate that noise emissions at/from the premises have exceeded the above-specified limits relevant Acoustic Quality Objectives identified by the Environmental Protection (Noise) Policy (as amended), a noise assessment that measures noise emissions at/from the premises must may be requested. The noise assessment must be prepared by an appropriately qualified sound engineer and provided to Council’s delegated officer for consideration when requested by Council’s delegated officer.~~
- (c) ~~Live music must be contained within the hotel’s enclosed structure and not be played in outdoor areas (NB: Live music is permitted in the “Roof/Garden” area shown on the approved plans provided that all windows and doors remain closed for the duration of performances).~~



- ~~(d) Live music is not permitted at the premises after 11.59pm on Friday and Saturday or after 10pm, Monday to Thursday and Sunday, unless otherwise approved in writing by Council's delegated officer no less than 48 hours prior to the event.~~
- ~~(e) (b) Speakers to outdoor areas must be positioned in a way that minimises noise emission impacts on adjacent residences.~~
- ~~(f) (c) Any new refrigeration equipment, pumps, compressors and 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.~~
- ~~(g) (d) The Applicant/Developer is required to install and maintain suitable screening to any new air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.~~
- (G) Condition 4.9 (Landscaping and Fencing) of the Decision Notice, dated 5 May 2022, is amended as follows (NB: strikethrough text = deletion, underlined text = addition):
- (a) ~~Prior to the commencement of landscaping and fencing works, a landscaping and fencing plan, prepared in accordance with Planning Scheme Policy No. 6 is to be submitted to Council's delegated officer for endorsement. The plan must nominate species in accordance with Schedule A of the policy.~~
- (b) ~~The above-described landscaping and fencing plan must reflect the following requirements:~~
- ~~- A landscape feature comprising low level shrubs, ground covers and turfing must be provided within the area of void between the west-facing wall of the bottle-shop extension and the proposed ingress/egress crossover.~~
  - ~~- A 1m wide landscaping strip comprising low level shrubs and ground covers with concrete edge restraint on the eastern and western sides of the strip must be provided entirely within the area of Lot 113 on SP113932 proposed for lease/transfer (approx. 1,479m<sup>2</sup>) generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).~~



- *A minimum of 3 shade trees must be planted throughout the on-site car park generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).*
  - *1.2m high fencing of a minimum 75% transparency must be installed on the eastern side of the above-described landscaping strip, for its full length and for the full length of the development site's southern boundary/boundaries.*
  - *A 3m wide break in the above-described landscaping strip must be provided and a 2m wide concrete footpath constructed within the break so as to connect the Rail Trail walking track to the driveway seal at level. The break in landscaping must be located to correspond approximately with the entry to the "Roof/Garden" area.*
  - ~~*Solid noise attenuation fencing/screening, of a minimum 2m height, must be provided along the eastern boundary of Lot 1 on RP702449 from the southern wall of the existing hotel building, extending approximately 30.5m southwards to coincide with the end of the firewall shown on the approved plans. If it is proposed that metal cladding be utilised to screen the building extensions, it must be demonstrated to the satisfaction of Council's delegated officer, that the screening would achieve the noise mitigation objectives specified by the conditions of this approval. The height of the fencing/screening must measure 2m from the finished ground surface, or floor level, in the case of the approved deck area. (NB: In accordance with the Building Act 1975, a building approval is required for the construction of a fence or screen exceeding 2m in height above the natural ground surface.)*~~
  - *In addition to the above-described fencing, and at a minimum, solid 1.8m high fencing must be provided along the eastern boundary of Lot 1 on RP702449, from the southern wall of the approved "Staff Room/Store" building, extending southwards by approximately 33m to the Halloran Street frontage of the lot.*
- (c) *If, following commencement of the use, it is determined by Council's delegated officer that headlight glare from the operation of the on-site car park is unreasonably impacting upon the residence on Lot 1 on RP739380 (or any child lot thereof), the Applicant/Developer must, at the officer's instruction, construct a 1.8m high solid fence for the full length of the lot's common boundary with Lot 113 on SP113932. Prior to the commencement of fencing works, the*



*Applicant/Developer is to submit details of the proposed fencing (i.e. materials, colours) to Council’s delegated officer accompanied by written evidence that the owner of Lot 1 on RP739380 is agreeable to the proposed fencing. Subject to prior consideration and agreement by Council’s delegated officer, dense screen plantings may be provided within Lot 113 on SP113932 in lieu of the aforementioned fencing.*

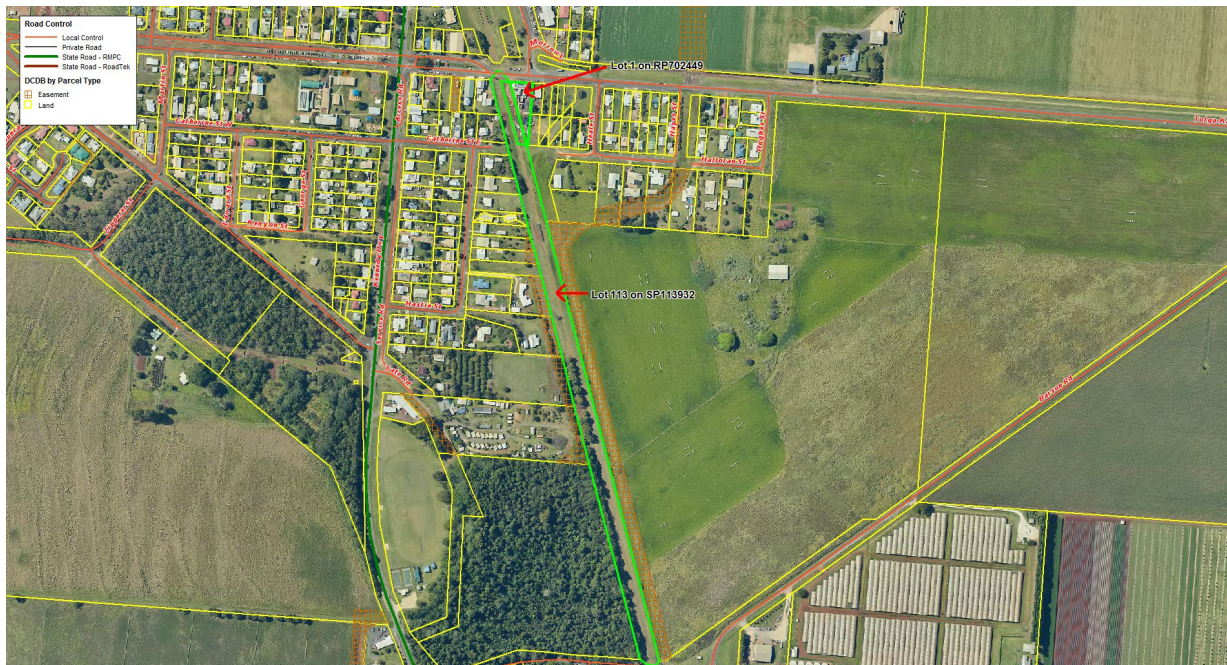
*(d) Landscaping and fencing of the site are to be carried out substantially in accordance with the endorsed landscaping and fencing plan prior to commencement of the use and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council’s delegated officer until cessation of the approved use.*

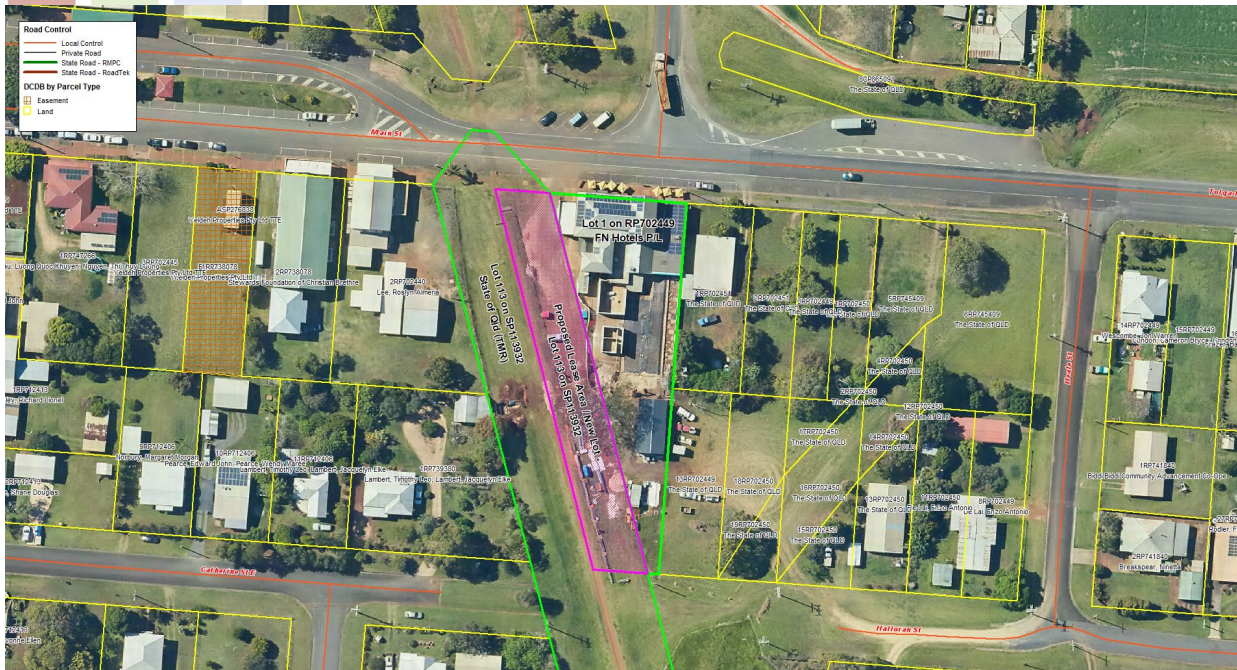
(H) Condition 4.11 (Contaminated Land - Lot 113 on SP113932) of the Decision Notice, dated 5 May 2022, is retained unchanged.

(I) All other conditions of the Decision Notice, dated 5 May 2022, are retained unchanged.

2. A Notice of Decision on the Change Application be issued to the Applicant, care of their consultant, advising of Council’s decision.”

**THE SITE**





Land Area:	Lot 1 on RP702449 – 2,018m2 Lot 113 on SP113932 – 2.9175ha
Existing Use of Land:	Lot 1 on RP702449 – Hotel and bottle shop Lot 113 on SP113932 – Rail trail pedestrian/cycle track.
Road Frontage:	Lot 1 on RP702449 – 37m to Main Street, 3m to Halloran Street (unconstructed section). Lot 113 on SP113932 – 47m to Main Street, 127m to Halloran Street (unconstructed section), 21m to Catherine Street East (unconstructed section) and 37m to Beantree Road.
Significant Features:	Lot 1 on RP702449 – Hotel buildings. Lot 113 on SP113932 – Gravel pedestrian/cycle track, drainage infrastructure, disused rail bridge.
Topography:	Relatively flat, draining to north-east.
Surround Land Uses:	<u>To North:</u> Tolga Rail Trail (Community Facilities Zone), light industrial uses fronting Lawson Street (Low Impact Industry Zone) and residential properties, predominantly improved by single detached dwellings (Low Density Residential Zone). <u>To South:</u> Tolga Rail Trail (Community Facilities Zone – balance of Lot 113), farmland utilised for hay production (Rural Zone, Agricultural Land Precinct) and residential properties,

	<p>predominantly improved by single detached dwellings (Low Density Residential Zone and Rural Residential Zone, 4,000m<sup>2</sup> Precinct).</p> <p><u>To East:</u> Residential properties, including vacant by-pass resumption lots and hosting single detached dwellings (Low Density Residential Zone).</p> <p><u>To West:</u> Commercial premises fronting Main Street (Centre Zone) and Residential properties, predominantly improved by single detached dwellings (Low Density Residential Zone).</p>
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**DESCRIPTION OF PROPOSED DEVELOPMENT**

As shown by the approved plans included in the Decision Notice at Attachment 1, the approved Material Change of Use comprises extensions to the hotel’s existing bistro, building improvements to enclose the existing drive-thru bottle shop and the addition of a detached staff-room/storage building. Internal refurbishments to the existing hotel areas, including the addition of a gaming room, are shown on the plans but do not constitute a Material Change of Use and could be undertaken without further planning approval. The bistro additions (approx. 510m<sup>2</sup> GFA) consist of an enclosed dining area, extensions to the existing kitchen facilities, additional male/female amenities, children’s playroom, bar/food service area and a designated outdoor smoking area. The detached staff-room/storage building (approx. 50m<sup>2</sup> GFA) is proposed for the rear of site.

The primary pedestrian entrance to the new dining area would be from the western side of the building additions interfacing with the new on-site parking facilities. A total of 41 on-site parking spaces are proposed, however, due to the size and shape of the hotel lot, it is not possible to provide on-site parking facilities entirely within the boundaries of Lot 1 on RP702449 in compliance with the relevant design standards. For that reason, the approval included a reconfiguration of a lot component to effectively extend the hotel site into the adjoining rail corridor land to the west (Lot 113 on SP113932) by 1,479m<sup>2</sup> by way of lease.

The approved plans also indicate that a minor reconfiguration of the first-floor accommodation facilities is planned, however, this component was not subject to the Material Change of Use assessment. Similarly, the approved plans indicate that an over-footpath awning is planned for the Main Street façade of the hotel, however, this element was not part of the Material Change of Use assessment and separate building approvals have been obtained for the works.

**BACKGROUND AND CONTEXT**

The above-described development application was approved by Council at their ordinary meeting on 28 April 2022 (MCU21/0025). Copies of the Decision Notice and Infrastructure Charges Notice

of the same date are provided as Attachment 1. Freshwater Planning Pty Ltd, on behalf of the Applicant, have now lodged representations to the Infrastructure Charges Notice and to the following conditions of the Decision Notice:

- 3.6 - Building Appearance
- 3.7 - Pedestrian Awning – Main Street
- 4.4 - Frontage Works
- 4.7 - Outdoor Lighting
- 4.8 - Noise Nuisance
- 4.9 - Landscaping and Fencing
- 4.11 - Contaminated Land – Lot 113 on SP113932

A full copy of the Applicant’s representations is provided as Attachment 2. The details of the requested changes and the officer’s response to each are provided below.

## **ASSESSMENT AND DECISION REQUIREMENTS**

### **Owner’s consent**

In accordance with section 79 of the *Planning Act 2016*, owner’s consent was not required as the request is being made by the Applicant/Landowner, albeit care of their planning consultant.

### **Minor change for a development approval**

Council, as the Assessment Manager, must determine if the requested change constitutes a *minor change* under section 81 of the *Planning Act 2016*. When determining whether a change is a *minor change* the planning instruments in force at the time of the request apply. The definition of what constitutes a *minor change*, as defined by the Act, is provided and commented on below in the context of the requested change.

***minor change means a change that —***

***(b) for a development approval —***

***(i) would not result in substantially different development; and***

Comment: Schedule 1 of the Development Assessment Rules identifies the criteria which the Assessment Manager must consider when determining if a requested change would result in *substantially different development*. In this instance, it is not considered that the requested change would result in substantially different development as it would not:

- (a) involve a new use; or
- (b) result in the application applying to a new parcel of land; or
- (c) dramatically change the built form in terms of scale, bulk and appearance; or

- (d) change the ability of the proposed development to operate as intended; or
- (e) remove a component that is integral to the operation of the development; or
- (f) significantly impact on traffic flow and the transport network, such as increasing traffic to the site; or
- (g) introduce new impacts or increase the severity of known impacts; or
- (h) remove an incentive or offset component that would have balanced a negative impact of the development; or
- (i) impact on infrastructure provision.

*(ii) if a development application for the development, including the change, were made when the change application is made would not cause —*

*(A) the inclusion of prohibited development in the application; or*

Comment: The requested changes do not include prohibited development.

*(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

Comment: The original application did not trigger referral. There are no affected entities for the change application.

*(C) referral to extra referral agencies, other than to the chief executive; or*

Comment: The proposed changes would not trigger any referrals.

*(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*

Comment: The original application did not require referral. There are no *affected entities* for the change application. If the same application were lodged today inclusive of the proposed changes, it would not require referral. As such, the proposed changes would not have required a referral agency to assess, or have regard to, any additional matters prescribed under regulation.

*(E) public notification, if public notification was not required for the development application.*

Comment: The original development application was impact assessable and was subject to public notification.

In light of the above, it is considered that the proposed changes constitute a *minor change* for the purposes of section 81 of the *Planning Act 2016*.

**Assessment rules**

Section 81 of the *Planning Act 2016* states that a proposed minor change must be assessed having regard to:

*(a) the information the applicant included with the application; and*

Comment: The details of the minor change request were provided in a letter to Council dated 18 November 2022 (Attachment 2). The proposed changes and the officer’s response to each are provided later in this report.

*(b) if the responsible entity is the assessment manager — any properly made submissions about the development application or another change application that was approved; and*

Comment: Twenty-six (26) properly made submissions were received in response to public notification of the original application. Some of the requested changes relate to aspects of the development that were the subject of submissions (e.g. noise and lighting impacts) and this has been taken into consideration as part of the assessment.

*(c) any pre-request response notice or response notice given in relation to the change application; and*

Comment: No pre-request response accompanied the request.

*(d) if the responsible entity is, under section 78A(3), the Minister — all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*

Comment: Council is the “responsible entity” in this instance, not the Minister.

*(da) if paragraph (d) does not apply - all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*

Comment: In accordance with section 81(3), (4) and (5) of the Act, Council must have regard to the planning instruments, plans, codes, laws or policies that applied when the original application was made but may also give the weight it considers appropriate to the planning instruments, plans, codes, laws or policies applying when the change request was made. Any matters considered relevant in this regard are discussed in the body of this report.

*(e) another matter that the responsible entity considers relevant.*

Comment: Any matters considered relevant are discussed in the body of this report.

**REQUEST FOR A MINOR CHANGE TO THE DEVELOPMENT APPROVAL**

**Infrastructure Charges Notice**

Applicant's representations:

*“Due to the length of the Development process and the procedure and requirements of the Rail Trail Lease Land coupled with financial over-run of renovation works, in part of Council delay and Planning responses and onerous Planning Conditions, has led to the request for a Payment Plan for the Infrastructure Charges Notice. It will be of some time, before the Tolga Hotel will be able to trade its’ way out of substantial renovation over-run and onerous Conditions.*

*This in addition to the additional burden cost of installation and ongoing servicing maintenance of a new sewer pump station, installed at the owners (our) cost, installed to not only service the Tolga Hotel but also to eventually service multiple users and future users connection into the existing sewer rising main connections along the sewer rising main downstream to existing Tolga Town Tolga Pump station.*

*All these occurred costs, maintenance costs and time delays has resulted in the request for the Payment Plan for the Infrastructure Charges Notice.*

*It is requested that a Negotiated Change Adopted ICN be provided with a Payment Plan as follows:*

- *Half yearly payments made over a period of eight (8) years, without the need for an IA over the site.*

*This proposal equates to a yearly payment of approximately \$13,532.00, paid in biannual payments of approximately \$6,766.00.*

*This Payment Plan is considered acceptable and appropriate as the proponent has gone to a significant expense to breathe life back into the Tolga Township while improving the existing aesthetics and amenity, enhancing the active streetscape and resulting in significantly safer operation.”*

Officers' Response

Representation not supported. Council processed the subject development application as promptly as possible given the complexities of the matter and the significant level of community interest. It is worth noting that the application was “not properly made” for almost 12 months as the Applicant failed to obtain the necessary State agency consent for the inclusion of the rail corridor land in the proposal prior to lodgement despite officers advising that this would form a requirement well in advance of lodgement.

The conditions of approval are reasonable and relevant as they are based on assessment benchmarks contained in the planning scheme and the issues raised in the properly made submissions.

The private pump station installed to service the hotel (and only the hotel) was done so at the Applicant's insistence before the application was lodged. The Tostevin Street pump station, which was installed as part of the Panorama Views development, was not installed with plans, by either the developer or Council, to facilitate access to the rising main by other properties along the rail corridor.

If supported by Council, the requested instalment plan would be the first of its kind in the recent history of TRC. The only comparable arrangement is that granted to John Cole Toyota, which was a 10 year instalment plan (unindexed payments) captured by an Infrastructure Agreement. As general rule, officers do not support infrastructure charge deferrals, waivers or reductions for "for profit" entities where such arrangements would sit outside the scope of Council's charging policies. Aside from the fact that doing so may lead to Council being unable to fulfil its infrastructure commitments under the Local Government Infrastructure Plan, Council has this year adopted no less than three (3) targeted incentivisation policies dealing with infrastructure charge waivers, reductions and deferrals, and the requested arrangement sits outside the scope of all three policies.

### **Condition 3.6 – Building Appearance**

This condition currently reads:

- (a) *Any new external plant, including gensets, air-conditioning motors and the like, are to be positioned such that they would not be visible from the road frontage or the Rail Trail and must be provided with screening that compliments the materials and finishes of the building.*
- (b) *Building finishes (excluding signage) must comprise neutral colours, which complement the existing building and facades must not incorporate un-painted, un-rendered or highly reflective finishes.*
- (c) *The approved bottle-shop extension is to be painted and finished such that it matches the existing hotel building, substantially in accordance with the letter from Clarke and Prince Architects titled "Tolga Hotel – Council Information Request Response" (Document Reference 1510-001, dated 14 December 2021). At the time of lodging the application for Building Work assessable against the Planning Scheme required by condition 3.7, the submitted plans must comprise a pedestrian awning on the Main Street façade of the bottle-shop extension that matches the height and horizontal projection of the pedestrian awning proposed for the main hotel building.*



Applicant's representations:

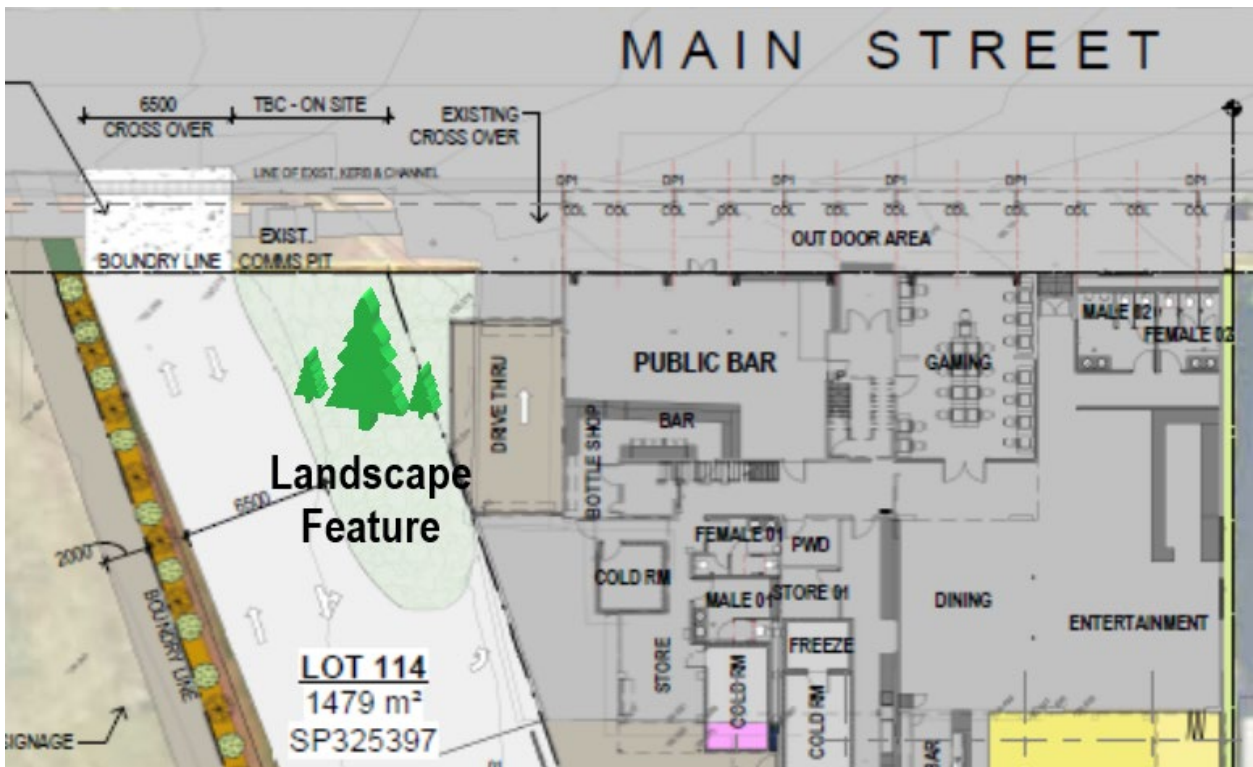
*"The Approved Bottle-Shop is setback 2.1 metres from the property frontage. It is considered that any awning provided fronting the Bottle-Shop will not compliment the site nor any future awning fronting the Hotel. It is requested that this Condition be removed. It is considered that any provision of an awning fronting the Bottle-Shop will look out-of-character detracting from the Heritage and amenity of the Tolga Hotel. This is supported by the applicant's Heritage Consultant. In addition, the Bottle-Shop has already been painted and finished to match with the existing Hotel Building.*

*Commentary that Freshwater Planning has received notes that 'this awning is neither an attribute to the building nor is it required. It is not understood why Council is providing architectural advice in this instance'.*

*It is considered that any awning over this section of the Drive-Thru, being the egress of the Bottle Shop, would not be beneficial to any queuing of vehicles, instead, the awning would create additional pedestrian danger by providing a shelter for pedestrians in front of an access egress."*

Officer's Response

Representation supported. Although there are a number of assessment benchmarks upon which the condition was initially recommended for inclusion, the safety aspect is a valid consideration under the circumstances that overrides any aspects related the heritage aesthetic of the premises. At peak times (e.g. races days), the hotel footpath can experience a significant number of patrons standing in front of the public bar area, sometimes even spilling into the adjacent on-street parking bays. The new awning proposed for the original part of the building would enable greater use of this area by providing patrons with shade and shelter from the rain. The issue with this is that the area is located immediately adjacent to the bottle shop egress driveway (see below), therefore extending the awning over the egress driveway might encourage patrons to stand in the driveway.



It is recommended that the condition be amended as follows (NB: strikethrough text = deletion, underlined text = addition):

- (a) *Any new external plant, including gensets, air-conditioning motors and the like, are to be positioned such that they would not be visible from the road frontage or the Rail Trail and must be provided with screening that compliments the materials and finishes of the building.*

- (b) *Building finishes (excluding signage) must comprise neutral colours, which complement the existing building and facades must not incorporate un-painted, un-rendered or highly reflective finishes.*
- (c) *The approved bottle-shop extension is to be painted and finished such that it matches the existing hotel building, substantially in accordance with the letter from Clarke and Prince Architects titled “Tolga Hotel – Council Information Request Response” (Document Reference 1510-001, dated 14 December 2021). ~~At the time of lodging the application for Building Work assessable against the Planning Scheme required by condition 3.7, the submitted plans must comprise a pedestrian awning on the Main Street façade of the bottle-shop extension that matches the height and horizontal projection of the pedestrian awning proposed for the main hotel building.~~*

**Condition 3.7 – Pedestrian Awning – Main Street**

This condition currently reads:

*This approval does not permit construction of the proposed pedestrian awning extending from the building’s Main Street façade despite it being shown on the approved plans. The proposed awning requires a further code assessable application to Council for Building Work assessable against the Planning Scheme.*

**Applicant’s representations:**

*“It is considered that this Condition is not relevant to the Development Approval and should be removed.”*

**Officer’s Response**

Representation supported. The Applicant recently obtained the approval referred to by this condition and therefore it is no longer relevant and is recommended for deletion.

**Condition 4.4 – Frontage Works**

This condition currently reads:

*The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer:*

- *At such time as alternative wheelchair access to the building is provided in compliance with the Disability Discrimination Act 1992, the temporary wheelchair ramp on the Main Street frontage of the site must be removed;*

- *Removal of the existing 1.2m wide concrete footpath on the site's Main Street frontage between the proposed vehicle crossovers and replacement with a 2m wide concrete footpath;*
- *Removal of the on-street parallel parking space located between the proposed ingress/egress crossover and the bottle-shop egress crossover, prior to the commencement of access works;*
- *Footpath earthworks, topsoiling and turf reinstatement of disturbed verge areas beyond the above-described footpath works;*
- *Footpath earthworks and paving that achieve a level transition between adjoining footpath and grassed verge surfaces; and*
- *Adjustments and relocations necessary to public utility services resulting from frontage/access works.*

*Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.*

Applicant's representations:

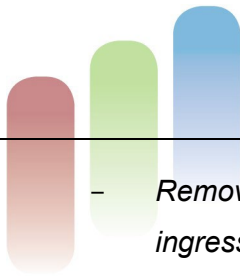
It is requested that the reference to paving be deleted from the condition as *"The applicant does not want to use bricks on a pedestrian path – as this regularly results in dangerous trip hazards and liability issues and witnessed on Main Street, Atherton (example)."*

Officer's Response

Representation supported. The reference to "paving" in the condition was not intended to be taken as a requirement for any clay-paved footpath. All footpath works on Main Street are to be done in concrete as stated by the second point of the condition. It is recommended that the condition be amended as follows (NB: strikethrough text = deletion, underlined text = addition):

*The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:*

- *At such time as alternative wheelchair access to the building is provided in compliance with the Disability Discrimination Act 1992, the temporary wheelchair ramp on the Main Street frontage of the site must be removed;*
- *Removal of the existing 1.2m wide concrete footpath on the site's Main Street frontage between the proposed vehicle crossovers and replacement with a 2m wide concrete footpath;*



- *Removal of the on-street parallel parking space located between the proposed ingress/egress crossover and the bottle-shop egress crossover, prior to the commencement of access works;*
- *Footpath earthworks, topsoiling and turf reinstatement of disturbed verge areas beyond the above-described footpath works;*
- *Footpath earthworks and ~~paving~~ surface treatments that achieve a level transition between adjoining footpath and grassed verge surfaces; and*
- *Adjustments and relocations necessary to public utility services resulting from frontage/access works.*

*Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.*

#### **Condition 4.7 – Outdoor Lighting**

This condition currently reads:

*Outdoor security lighting must be installed to illuminate the on-site parking area during operating hours and to no more than 1 hour past closing time. All new external lighting must be designed, installed and operated so as 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), to the satisfaction of Council’s delegated officer.*

#### **Applicant’s representations:**

*“It is requested that this Conditioned be removed as the standards referenced are not relevant to this project – Lighting will be provided in accordance with the relevant standards dictated by the NCC.”*

#### **Officer’s Response**

Representation not supported. The condition is based on the assessment benchmarks of the planning scheme and the representation fails to explain why the standards referenced are not relevant. The planning scheme contains no reference to the lighting standards contained in the National Construction Code and any reliance those standards would presumably mean that enforcement of the standards would fall upon the private building certifier. Given that environmental nuisance from outdoor lighting was the subject of submitters’ concerns and Council

would no doubt be expected to mediate any such conflicts with surrounding land uses, it is not appropriate that the issue be left to a private building certifier to regulate.

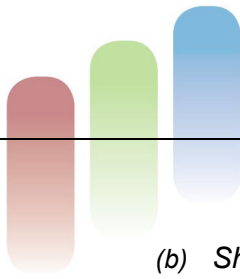
**Condition 4.8 – Noise Nuisance**

This condition currently reads:

- (a) *Noise emissions at/from the premises must not damage a persons’ hearing and noise emissions must not exceed the noise exposure levels/durations specified by Table 1 below (NB: Table 1 taken from Safe Work Australia “Managing Noise and Preventing Hearing Loss at Work Code of Practice September 2015”).*

**Table 1**

<b>Noise Level dB(A)</b>	<b>Exposure Time</b>
80	16 hours
82	12 hours
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 minutes
100	15 minutes
103	7.5 minutes
106	3.8 minutes
109	1.9 minutes
112	57 seconds
115	28.8 seconds
118	14.4 seconds
121	7.2 seconds
124	3.6 seconds
127	1.8 seconds
130	0.10 seconds



- (b) *Should Council's delegated officer be able to demonstrate that noise emissions at/from the premises have exceeded the above-specified limits, a noise assessment that measures noise emissions at/from the premises must be prepared by an appropriately qualified sound engineer and provided to Council's delegated officer for consideration when requested by Council's delegated officer.*
- (c) *Live music must be contained within the hotel's enclosed structure and not be played in outdoor areas (NB: Live music is permitted in the "Roof/Garden" area shown on the approved plans provided that all windows and doors remain closed for the duration of performances).*
- (d) *Live music is not permitted at the premises after 11.59pm on Friday and Saturday or after 10pm, Monday to Thursday and Sunday, unless otherwise approved in writing by Council's delegated officer no less than 48 hours prior to the event.*
- (e) *Speakers to outdoor areas must be positioned in a way that minimises noise emission impacts on adjacent residences.*
- (f) *Any new refrigeration equipment, pumps, compressors and 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.*
- (g) *The Applicant/Developer is required to install and maintain suitable screening to any new air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.*

Applicant's representations:

*"The Acoustic Report provided to Council, upon their request, has provided [recommended] conditions consistent with the findings of the Acoustic Report [the acoustic assessment]. It is understood that the Acoustic Report provided reporting based upon Live Music to be located within the Roof/Garden Area however, the findings were not restricted to all windows and doors*

*to remain closed for the duration. It is requested that the above condition [4.8(c)] be deleted to more appropriately reflect the findings within the Acoustic Report.”*

It is requested that the condition be amended to reflect that the Office of Liquor and Gaming Regulation (OLGR) permit live music at such venues until 11.59, Monday to Sunday, stating: *“The OLGR Trading Hours for the Tolga Hotel are Monday to Sunday 10 am to 12 Midnight. The above amendments to the condition bring it into line with the OLGR Trading Hours to ensure no operational conflicts with the Hotel and Department.”*

In addition to the above-described written representations, the Applicant’s consultants have also verbally requested that condition 4.8(a) be deleted on the grounds that hearing damage caused by amplified or live music is a matter for WorkSafe Queensland.

Officer’s Response

The current noise condition attached to the Liquor Licence for the premises reads:

Non-amplified entertainers or speakers used to amplify noise must not be located in any beer garden or footpath area of the premises.

The above condition was imposed by the OLGR following consideration of the Applicant’s Noise Impact Assessment (NV Engineers, dated 25 January 2022), which contained the below plans. Note that the below plans make reference to the recent building additions as being a “beer garden” despite the area being fully enclosed. Given that the condition refers to “any beer garden” it is reasonably inferred that live music is only permitted inside the original parts of the building. It is understood that the Applicant disagrees with this interpretation and that the new building additions incorporate ceiling mounted speakers and are used to host live entertainment. Council has obtained advice from OLGR officers that indicates support for the former interpretation and therefore condition 4.8(c) duplicates the OLGR’s condition and, on that basis, it is considered acceptable that it be deleted.





Figure 1: Aerial Photograph

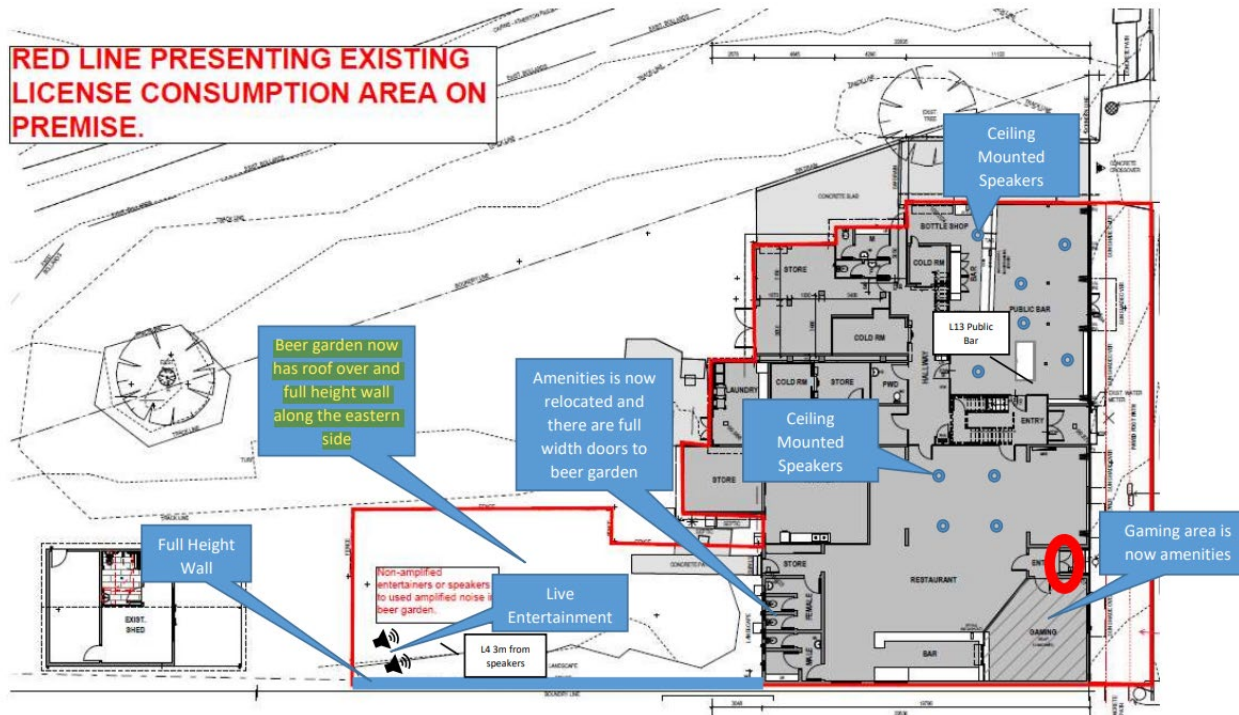
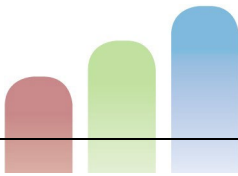
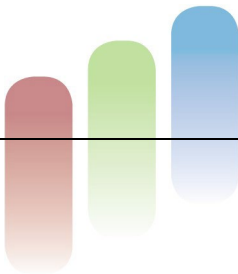


Figure 2: Existing Floor Plan

With regards to condition 4.8(d), the representations are supported as the remaining parts of the condition would enable Council to regulate noise impacts from the premises regardless of the day/time upon which noise is generated. The verbal representations to condition 4.8(a) are also supported albeit with consequential amendments to condition 4.8(b).

It is recommended that the condition be amended as follows (NB: strikethrough text = deletion, underlined text = addition):

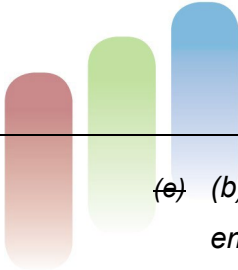
- ~~(a) Noise emissions at/from the premises must not damage a persons' hearing and noise emissions must not exceed the noise exposure levels/durations specified by Table 1 below (NB: Table 1 taken from Safe Work Australia "Managing Noise and Preventing Hearing Loss at Work Code of Practice September 2015").~~



**Table 1**

<b>Noise Level dB(A)</b>	<b>Exposure Time</b>
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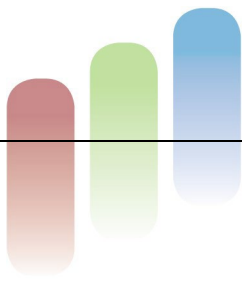
- ~~(b) (a) Should Council’s delegated officer be able to demonstrate that noise emissions at/from the premises have exceeded the above-specified limits relevant Acoustic Quality Objectives identified by the Environmental Protection (Noise) Policy (as amended), a noise assessment that measures noise emissions at/from the premises must may be requested. The noise assessment must be prepared by an appropriately qualified sound engineer and provided to Council’s delegated officer for consideration when requested by Council’s delegated officer.~~
- ~~(c) Live music must be contained within the hotel’s enclosed structure and not be played in outdoor areas (NB: Live music is permitted in the “Roof/Garden” area shown on the approved plans provided that all windows and doors remain closed for the duration of performances).~~
- ~~(d) Live music is not permitted at the premises after 11.59pm on Friday and Saturday or after 10pm, Monday to Thursday and Sunday, unless otherwise approved in writing by Council’s delegated officer no less than 48 hours prior to the event.~~

- 
- ~~(e)~~ (b) Speakers to outdoor areas must be positioned in a way that minimises noise emission impacts on adjacent residences.
  - ~~(f)~~ (c) Any new refrigeration equipment, pumps, compressors and 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.
  - ~~(g)~~ (d) The Applicant/Developer is required to install and maintain suitable screening to any new air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

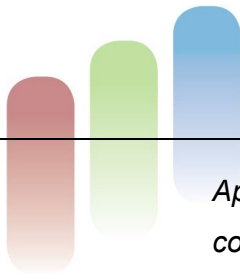
#### **Condition 4.9 – Landscaping and Fencing**

This condition currently reads:

- (a) Prior to the commencement of landscaping and fencing works, a landscaping and fencing plan, prepared in accordance with Planning Scheme Policy No. 6 is to be submitted to Council's delegated officer for endorsement. The plan must nominate species in accordance with Schedule A of the policy.
- (a) The above-described landscaping and fencing plan must reflect the following requirements:
  - A landscape feature comprising low level shrubs, ground covers and turfing must be provided within the area of void between the west-facing wall of the bottle-shop extension and the proposed ingress/egress crossover.
  - A 1m wide landscaping strip comprising low level shrubs and ground covers with concrete edge restraint on the eastern and western sides of the strip must be provided entirely within the area of Lot 113 on SP113932 proposed for lease/transfer (approx. 1,479m<sup>2</sup>) generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).



- *A minimum of 3 shade trees must be planted throughout the on-site car park generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).*
  - *1.2m high fencing of a minimum 75% transparency must be installed on the eastern side of the above-described landscaping strip, for its full length and for the full length of the development site's southern boundary/boundaries.*
  - *A 3m wide break in the above-described landscaping strip must be provided and a 2m wide concrete footpath constructed within the break so as to connect the Rail Trail walking track to the driveway seal at level. The break in landscaping must be located to correspond approximately with the entry to the "Roof/Garden" area.*
  - *Solid noise attenuation fencing/screening, of a minimum 2m height, must be provided along the eastern boundary of Lot 1 on RP702449 from the southern wall of the existing hotel building, extending approximately 30.5m southwards to coincide with the end of the firewall shown on the approved plans. If it is proposed that metal cladding be utilised to screen the building extensions, it must be demonstrated to the satisfaction of Council's delegated officer, that the screening would achieve the noise mitigation objectives specified by the conditions of this approval. The height of the fencing/screening must measure 2m from the finished ground surface, or floor level, in the case of the approved deck area. (NB: In accordance with the Building Act 1975, a building approval is required for the construction of a fence or screen exceeding 2m in height above the natural ground surface.)*
  - *In addition to the above-described fencing, and at a minimum, solid 1.8m high fencing must be provided along the eastern boundary of Lot 1 on RP702449, from the southern wall of the approved "Staff Room/Store" building, extending southwards by approximately 33m to the Halloran Street frontage of the lot.*
- (b) *If, following commencement of the use, it is determined by Council's delegated officer that headlight glare from the operation of the on-site car park is unreasonably impacting upon the residence on Lot 1 on RP739380 (or any child lot thereof), the Applicant/Developer must, at the officer's instruction, construct a 1.8m high solid fence for the full length of the lot's common boundary with Lot 113 on SP113932. Prior to the commencement of fencing works, the*



*Applicant/Developer is to submit details of the proposed fencing (i.e. materials, colours) to Council's delegated officer accompanied by written evidence that the owner of Lot 1 on RP739380 is agreeable to the proposed fencing. Subject to prior consideration and agreement by Council's delegated officer, dense screen plantings may be provided within Lot 113 on SP113932 in lieu of the aforementioned fencing.*

- (c) *Landscaping and fencing of the site are to be carried out substantially in accordance with the endorsed landscaping and fencing plan prior to commencement of the use and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer until cessation of the approved use.*

Applicant's representations:

In reference to the 2<sup>nd</sup> point under condition 4.9(b) - *“Concrete restraints strips are not needed and especially on both sides [of the required landscaping strip].”*

In reference to the 6<sup>th</sup> point under condition 4.9(b) - *“The building is solid and has been designed to attenuate noise and meet FRL requirements – the condition requesting a solid noise attenuating fence is onerous, not considered to be reasonable or relevant and is to be removed.”*

In reference to the 7<sup>th</sup> point under condition 4.9(b) - *“It is considered that there is no reason for this Condition. The adjoining Lot 13 on RP702449 is vacant and owned (for twenty years) by the State of Queensland (Department of Transport and Main Roads) for the purpose of the Bypass Road. A solid fence will be detrimental to the aesthetic of the Site and proposed development. The proposed fencing to compliment the Rail Trail fencing will ensure that a visually aesthetic Development will be provided.”*

Officer's Response:

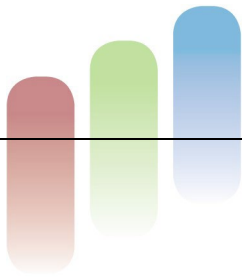
The representation to the 2<sup>nd</sup> point under condition 4.9(b) is not supported as concrete edge restraints are necessary to provide a clear physical barrier between the mulched garden bed, the rail trail walking/cycle track (which would interface directly with the landscaping strip) and the hotel's driveway/parking area. In absence of such a barriers, there would be nothing to prevent mulch from spilling onto the walking/cycle track or the driveway/parking areas. The barriers would also provide a level of protection to the garden beds from intrusions by vehicles, pedestrians and cyclists.

The representations to the 6<sup>th</sup> point under condition 4.9(b) are supported such that the point is recommended for deletion.

The representations to the 7<sup>th</sup> point under condition 4.9(b) are partially supported in so far as it is considered acceptable that the requirement for solid fencing be relaxed. It is, however, necessary that some form of fencing be provided to prevent vehicles from informally accessing Halloran Street by traversing the adjoining resumption land to the east. Halloran Street is an unsealed road and vehicle access to the site via Halloran and Heale Streets did not form part of the proposal and has the potential to impact on the amenity of nearby residents.

It is recommended that the condition be amended as follows (NB: strikethrough text = deletion, underlined text = addition):

- (a) *Prior to the commencement of landscaping and fencing works, a landscaping and fencing plan, prepared in accordance with Planning Scheme Policy No. 6 is to be submitted to Council's delegated officer for endorsement. The plan must nominate species in accordance with Schedule A of the policy.*
- (b) *The above-described landscaping and fencing plan must reflect the following requirements:*
  - *A landscape feature comprising low level shrubs, ground covers and turfing must be provided within the area of void between the west-facing wall of the bottle-shop extension and the proposed ingress/egress crossover.*
  - *A 1m wide landscaping strip comprising low level shrubs and ground covers with concrete edge restraint on the eastern and western sides of the strip must be provided entirely within the area of Lot 113 on SP113932 proposed for lease/transfer (approx. 1,479m<sup>2</sup>) generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).*
  - *A minimum of 3 shade trees must be planted throughout the on-site car park generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).*
  - *1.2m high fencing of a minimum 75% transparency must be installed on the eastern side of the above-described landscaping strip, for its full length and for the full length of the development site's southern boundary/boundaries.*
  - *A 3m wide break in the above-described landscaping strip must be provided and a 2m wide concrete footpath constructed within the break so as to connect the Rail Trail walking track to the driveway seal at level. The*



*break in landscaping must be located to correspond approximately with the entry to the “Roof/Garden” area.*

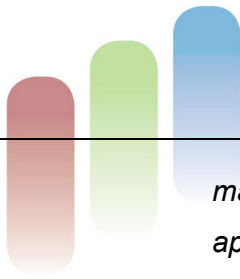
~~— Solid noise attenuation fencing/screening, of a minimum 2m height, must be provided along the eastern boundary of Lot 1 on RP702449 from the southern wall of the existing hotel building, extending approximately 30.5m southwards to coincide with the end of the firewall shown on the approved plans. If it is proposed that metal cladding be utilised to screen the building extensions, it must be demonstrated to the satisfaction of Council’s delegated officer, that the screening would achieve the noise mitigation objectives specified by the conditions of this approval. The height of the fencing/screening must measure 2m from the finished ground surface, or floor level, in the case of the approved deck area. (NB: In accordance with the Building Act 1975, a building approval is required for the construction of a fence or screen exceeding 2m in height above the natural ground surface.)~~

~~– In addition to the above-described fencing, and at a minimum, solid 1.8m high fencing must be provided along the eastern boundary of Lot 1 on RP702449, from the southern wall of the approved “Staff Room/Store” building, extending southwards by approximately 33m to the Halloran Street frontage of the lot.~~

(c) *If, following commencement of the use, it is determined by Council’s delegated officer that headlight glare from the operation of the on-site car park is unreasonably impacting upon the residence on Lot 1 on RP739380 (or any child lot thereof), the Applicant/Developer must, at the officer’s instruction, construct a 1.8m high solid fence for the full length of the lot’s common boundary with Lot 113 on SP113932. Prior to the commencement of fencing works, the Applicant/Developer is to submit details of the proposed fencing (i.e. materials, colours) to Council’s delegated officer accompanied by written evidence that the owner of Lot 1 on RP739380 is agreeable to the proposed fencing. Subject to prior consideration and agreement by Council’s delegated officer, dense screen plantings may be provided within Lot 113 on SP113932 in lieu of the aforementioned fencing.*

(d) *Landscaping and fencing of the site are to be carried out substantially in accordance with the endorsed landscaping and fencing plan prior to commencement of the use and landscaping is to be irrigated, mulched and*





*maintained to the satisfaction of Council's delegated officer until cessation of the approved use.*

**Condition 4.11 – Contaminated Land – Lot 113 on SP113932**

This condition currently reads:

- (a) All soil removed from Lot 113 on SP113932, or any subsidiary land parcel(s), must be considered to be contaminated and must be lawfully disposed of at a facility that is licensed by the Department of Environment and Science to accept contaminated materials.*
- (b) If construction and/or landscaping works disturb soil within the boundaries of Lot 113 on SP113932, or any subsidiary land parcel(s), the area must be wet down with water to prevent dust emissions beyond the boundary of Lot 113 on SP113932.*
- (c) All exposed ground and/or soil without surface vegetation within Lot 113 on SP113932, or its subsidiary land parcel(s), must be minimised by turfing the area within one week of earthworks being completed.*
- (d) The overnight or day-to-day stockpiling of soil excavated from Lot 113 on SP113932, or any subsidiary land parcel(s), is prohibited unless it is first demonstrated, to the satisfaction of Council's delegated officer, that appropriate measures would be implemented to ensure public safety.*
- (e) All practical efforts must be made to divert stormwater run-off away from any earthworks occurring within Lot 113 on SP113932 or its subsidiary land parcel(s).*

Applicant's representations:

*"The timeframes noted within subsections (c) and (d) are not considered to be reasonable timeframes, making these conditions unobtainable. It is requested that more appropriate timeframes be provided for subsection (c). The timeframe from subsection (d) is not appropriate and not reasonable nor fair and does not take into consideration weather, lighting or safety conditions and should be removed."*

Officer's Response

Representation not supported. Advice regarding these representations was sought from Council's Development Engineer and Environmental Health Officer who assisted in drafting the condition. Both officers are of the view that because the exposed contaminants would be located in close proximity to recreational open space, residential properties and Tolga's commercial area, the risks to public safety need to be carefully managed. On that basis, any works posing such a risk should

be expedited and the timeframes are therefore regarded as being reasonable. Note in relation to sub-condition (d), the condition does not prohibit the overnight stockpiling of contaminated fill, merely that appropriate public safety measures must first be put in place.

DECISION NOTICE

MCU21/0025 - Decision Notice

Page 1



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 Email: troplanningadmin@trc.qld.gov.au

5 May 2022

File Ref: MCU21/0025  
 Our Ref: DO  
 Your Ref: F20/35

Far North Hotels Pty Ltd  
 C/- Freshwater Planning Pty Ltd  
 17 Barron View Drive  
 FRESHWATER QLD 4870  
 freshwaterplanning@outlook.com

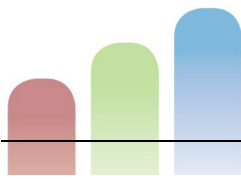
Dear Applicants

**Decision Notice**  
*Planning Act 2016 s63*

I refer to your application and advise that at Council's Ordinary Meeting on 28 April 2022, Council decided to approve the application in full, subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS	
Application No:	MCU21/0025
Proposal:	Material Change of Use for "Food and Drink Outlet" (Additions) and Reconfiguration of a Lot (1 into 2 Lots and/or Reconfiguration by Lease exceeding 10 years)
Street Address:	69 Main Street and Kennedy Highway, Tolga Qld 4882
Real Property Description:	Lot 1 on RP702449 Lot 113 on SP113932
Planning Scheme:	TRC Planning Scheme 2016 (V4)
DECISION DETAILS	
Type of Decision:	Approved in full subject to conditions
Type of Approval:	Development Permit
Date of Decision:	28 April 2022
Deemed Approval (s64):	This application is <u>not</u> taken to have been approved under s64(5) of the <i>Planning Act 2016</i> (a deemed approval).



### CURRENCY PERIOD OF APPROVAL

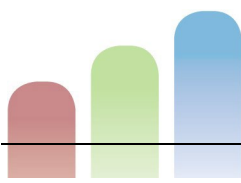
The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" and Section 88 "Lapsing of Approval for failing to complete development "of the *Planning Act 2016*).

### ASSESSMENT MANAGER CONDITIONS

#### 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 (including any relevant referral agency conditions) 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 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 Any areas not the subject of this approval that are disturbed in the course of undertaking works associated with the approval, must be restored to their predevelopment state to the satisfaction of Council's delegated officer, prior to the commencement of use.
  - 3.5 Development on Lot 113 on SP113932

No works approved under this Development Permit for a Material Change of Use, or under any associated Development Permits for Operational Work or Building Work, are to commence within Lot 113 on SP113932 until such time as the Applicant/Developer has provided written evidence, to the satisfaction of Council's delegated officer, that they hold appropriate tenure over the subject area, be it in the form of a lease or freehold title, or failing that, written evidence of an appropriate authority from the landowner to enter the land for the purposes of commencing the works in advance of such.
  - 3.6 Building Appearance



- (a) Any new external plant, including gensets, air-conditioning motors and the like, are to be positioned such that they would not be visible from the road frontage or the Rail Trail and must be provided with screening that compliments the materials and finishes of the building.
- (b) Building finishes (excluding signage) must comprise neutral colours, which complement the existing building and facades must not incorporate un-painted, un-rendered or highly reflective finishes.
- (c) The approved bottle-shop extension is to be painted and finished such that it matches the existing hotel building, substantially in accordance with the letter from Clarke and Prince Architects titled "Tolga Hotel – Council Information Request Response" (Document Reference 1510-001, dated 14 December 2021). At the time of lodging the application for Building Work assessable against the Planning Scheme required by condition 3.7, the submitted plans must comprise a pedestrian awning on the Main Street façade of the bottle-shop extension that matches the height and horizontal projection of the pedestrian awning proposed for the main hotel building.

#### 3.7 Pedestrian Awning – Main Street

This approval does not permit construction of the proposed pedestrian awning extending from the building's Main Street façade despite it being shown on the approved plans. The proposed awning requires a further code assessable application to Council for Building Work assessable against the Planning Scheme.

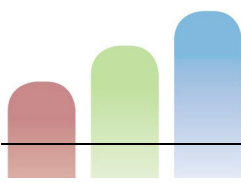
### 4. Infrastructure Services and Standards

#### 4.1 Access

- (a) Commercial standard crossovers (x2) must be constructed from the edge of the Main Street road pavement to the property boundary of the site substantially in accordance with the FNQROC Development Manual and the approved plans, to the satisfaction of Council's delegated officer.
- (b) Any damaged sections of kerb and channel along the site frontage are to be repaired and any redundant vehicle crossovers are to be removed and reinstated with kerb and channel.
- (c) Prior to works commencing, the above-described works must be approved as part of an application for Operational Works.

#### 4.2 Stormwater Drainage

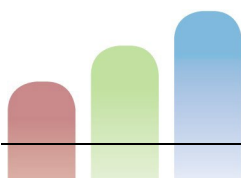
- (a) All necessary steps must be taken to ensure that the development has a non-worsening effect on surrounding land, including the State and Council controlled road reserves, and all stormwater is to be directed to an approved lawful point of discharge.
- (b) Prior to works commencing, a Stormwater 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's delegated officer.
- (g) During construction, temporary drainage, erosion and sediment control infrastructure will 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 On-site / Off-site Parking and Manoeuvring

- (a) Prior to the commencement of the approved use, the Applicant/Developer must ensure that the development is provided with a minimum of 37 on-site car parking spaces, including a minimum of one (1) disabled space and one (1) SRV space, substantially in accordance with AS2890.1, AS2890.2 and AS2890.6 (as amended) and the approved plans.
- (b) On-site parking facilities must be kept available for the parking of vehicles and not used as hardstand storage and must be sealed, line-marked and appropriately drained prior to the commencement of the use.
- (c) No loading/unloading of vehicles is to occur in the road reserve and all vehicles are to enter and exit the site in forward gear. When required, on-site parking spaces must be reserved as is necessary to facilitate the on-site turning movements of service and refuse collection vehicles.
- (d) Lockable bicycle parking facilities for a minimum of six (6) bicycles must be provided within one of the turfed areas adjacent to the "Roof/Garden" area entry such that pedestrian movements would not be obstructed.
- (e) Pavements for on-site parking and manoeuvring areas are to be provided with 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.
- (f) If at any point post the completion of on-site parking and access works, the lease over the 1,479m<sup>2</sup> portion of Lot 113 on SP113932 is revoked, reduced in area, or altered in some other way, such that the ability of the approved on-site parking facilities to function as intended is compromised, the owner of Lot 1 on RP702449 must design, construct, line-mark and sign a minimum of 37 on-street spaces in locations determined to the satisfaction of Council's delegated officer in consultation with the Department of Transport and Main Roads. Prior to the commencement of on-street parking works, the owner of Lot 1 on RP702449 must submit RPEQ certified designs for the works to Council as part of an application for Operational Works and any relevant consents from the Department of Transport and Main Roads must be obtained. This condition shall cease to have effect at such time as



the 1,479m<sup>2</sup> portion of Lot 113 on SP113932 is transferred in freehold to the owner of Lot 1 on RP702449. NB: This sub-condition will be noted on the rates record for Lot 1 on RP702449 and Council's delegated officer may waive compliance with it subject to the owner of Lot 1 on RP702449 voluntarily entering into an Infrastructure Agreement with Council as described in the Assessment Manager's Advice note (c).

#### 4.4 Frontage Works

The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- At such time as alternative wheelchair access to the building is provided in compliance with the *Disability Discrimination Act 1992*, the temporary wheelchair ramp on the Main Street frontage of the site must be removed;
- Removal of the existing 1.2m wide concrete footpath on the site's Main Street frontage between the proposed vehicle crossovers and replacement with a 2m wide concrete footpath;
- Removal of the on-street parallel parking space located between the proposed ingress/egress crossover and the bottle-shop egress crossover, prior to the commencement of access works;
- Footpath earthworks, topsoiling and turf reinstatement of disturbed verge areas beyond the above-described footpath works;
- Footpath earthworks and paving that achieve a level transition between adjoining footpath and grassed verge surfaces; and
- Adjustments and relocations necessary to public utility services resulting from frontage/access works.

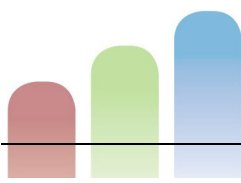
Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.

#### 4.5 Water Supply

- (a) The development must be connected to Council's reticulated water supply network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing water supply connection is not adequate to service the proposed development, the Applicant/Developer is required to extend or upgrade the 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), to the satisfaction of Council's delegated officer.

#### 4.6 Sewerage Connection

- (a) The development must be connected to Council's reticulated sewerage network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing sewerage connection is not adequate to service the proposed development, the Applicant/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), to the satisfaction of Council's delegated officer.
- (c) Prior to commencement of the use, RPEQ certified "As constructed" plans for the existing sewer connection works must be provided including:



- pump station details as noted in the email from H2O Consultants to Council's Development Engineer, dated 5 September 2021 (ECM Document Set ID - 4118017);
- an amended main type (sewer main rather than water main as is shown on H2O Consultants' Hydraulic Services Drawing No. 21024-H05, Rev C, dated 5 September 2021);
- isolating valves on the upstream and downstream sides of the cut-in;
- thrust block details; and
- pump details (NB: a macerator/grinder type is required).

- (d) Within 6 months of this approval becoming effective, the Applicant/Developer must have registered a minimum 3m wide easement over any private sewerage infrastructure located within Lot 113 on SP113932 (or any child lot thereof) to the satisfaction of Council's delegated officer. If an easement is not required pursuant to the terms of Council's lease over the subject land, then this must be demonstrated to the satisfaction of Council's delegated officer within 6 months of this approval becoming effective.

#### 4.7 Outdoor Lighting

Outdoor security lighting must be installed to illuminate the on-site parking area during operating hours and to no more than 1 hour past closing time. All new external lighting must be designed, installed and operated so as 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), to the satisfaction of Council's delegated officer.

#### 4.8 Noise Nuisance

- (a) Noise emissions at/from the premises must not damage a persons' hearing and noise emissions must not exceed the noise exposure levels/durations specified by Table 1 below (NB: Table 1 taken from Safe Work Australia *Managing Noise and Preventing Hearing Loss at Work Code of Practice September 2015*).



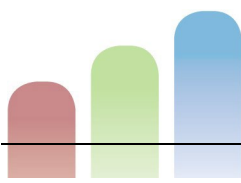


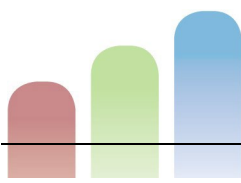
Table 1

Noise Level dB(A)	Exposure Time
80	16 hours
82	12 hours
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 minutes
100	15 minutes
103	7.5 minutes
106	3.8 minutes
109	1.9 minutes
112	57 seconds
115	28.8 seconds
118	14.4 seconds
121	7.2 seconds
124	3.6 seconds
127	1.8 seconds
130	0.9 seconds

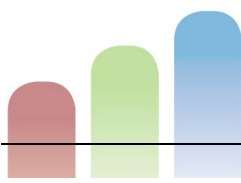
- (b) Should Council's delegated officer be able to demonstrate that noise emissions at/from the premises have exceeded the above-specified limits, a noise assessment that measures noise emissions at/from the premises must be prepared by an appropriately qualified sound engineer and provided to Council's delegated officer for consideration when requested by Council's delegated officer.
- (c) Live music must be contained within the hotel's enclosed structure and not be played in outdoor areas (NB: Live music is permitted in the "Roof/Garden" area shown on the approved plans provided that all windows and doors remain closed for the duration of performances).
- (d) Live music is not permitted at the premises after 11.59pm on Friday and Saturday or after 10pm, Monday to Thursday and Sunday, unless otherwise approved in writing by Council's delegated officer no less than 48 hours prior to the event.
- (e) Speakers to outdoor areas must be positioned in a way that minimises noise emission impacts on adjacent residences.
- (f) Any new refrigeration equipment, pumps, compressors and 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.
- (g) The Applicant/Developer is required to install and maintain suitable screening to any new air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

#### 4.9 Landscaping and Fencing

- (a) Prior to the commencement of landscaping and fencing works, a landscaping and fencing plan, prepared in accordance with Planning Scheme Policy No. 6 is to be submitted to Council's delegated officer for endorsement. The plan must nominate species in accordance with Schedule A of the policy.



- (b) The above-described landscaping and fencing plan must reflect the following requirements:
- A landscape feature comprising low level shrubs, ground covers and turfing must be provided within the area of void between the west-facing wall of the bottle-shop extension and the proposed ingress/egress crossover.
  - A 1m wide landscaping strip comprising low level shrubs and ground covers with concrete edge restraint on the eastern and western sides of the strip must be provided entirely within the area of Lot 113 on SP113932 proposed for lease/transfer (approx. 1,479m<sup>2</sup>) generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).
  - A minimum of 3 shade trees must be planted throughout the on-site car park generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).
  - 1.2m high fencing of a minimum 75% transparency must be installed on the eastern side of the above-described landscaping strip, for its full length and for the full length of the development site's southern boundary/boundaries.
  - A 3m wide break in the above-described landscaping strip must be provided and a 2m wide concrete footpath constructed within the break so as to connect the Rail Trail walking track to the driveway seal at level. The break in landscaping must be located to correspond approximately with the entry to the "Roof/Garden" area.
  - Solid noise attenuation fencing/screening, of a minimum 2m height, must be provided along the eastern boundary of Lot 1 on RP702449 from the southern wall of the existing hotel building, extending approximately 30.5m southwards to coincide with the end of the firewall shown on the approved plans. If it is proposed that metal cladding be utilised to screen the building extensions, it must be demonstrated to the satisfaction of Council's delegated officer, that the screening would achieve the noise mitigation objectives specified by the conditions of this approval. The height of the fencing/screening must measure 2m from the finished ground surface, or floor level, in the case of the approved deck area. (NB: In accordance with the *Building Act 1975*, a building approval is required for the construction of a fence or screen exceeding 2m in height above the natural ground surface.)
  - In addition to the above-described fencing, and at a minimum, solid 1.8m high fencing must be provided along the eastern boundary of Lot 1 on RP702449, from the southern wall of the approved "Staff Room/Store" building, extending southwards by approximately 33m to the Halloran Street frontage of the lot.
- (c) If, following commencement of the use, it is determined by Council's delegated officer that headlight glare from the operation of the on-site car park is unreasonably impacting upon the residence on Lot 1 on RP739380 (or any child lot thereof), the Applicant/Developer must, at the officer's instruction, construct a 1.8m high solid fence for the full length of the lot's common boundary with Lot 113 on SP113932. Prior to the commencement of fencing works, the Applicant/Developer is to submit details of the proposed fencing (i.e. materials, colours) to Council's delegated officer accompanied by written evidence that the owner of Lot 1 on RP739380 is agreeable to the proposed fencing. Subject to prior consideration and agreement by Council's delegated officer, dense screen plantings may be provided within Lot 113 on SP113932 in lieu of the aforementioned fencing.



- (d) Landscaping and fencing of the site are to be carried out substantially in accordance with the endorsed landscaping and fencing plan prior to commencement of the use and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer until cessation of the approved use.

#### 4.10 Waste Management

- (a) On-site refuse storage areas are to be screened when viewed from adjoining properties and the road reserve by a minimum 1.2m high solid fence, dense landscaping or similar, to the satisfaction of Council's delegated officer.
- (b) Where bulk bins are used, the bins must be collected from a location within the boundaries of the site that enables refuse collection vehicles to enter and exit the site safely in forward gear. If necessary to facilitate the safe and efficient turning movements of refuse collection vehicles, on-site parking spaces must be temporarily reserved until after collection.

#### 4.11 Contaminated Land – Lot 113 on SP113932

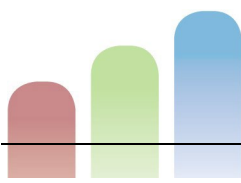
- (a) All soil removed from Lot 113 on SP113932, or any subsidiary land parcel(s), must be considered to be contaminated and must be lawfully disposed of at a facility that is licensed by the Department of Environment and Science to accept contaminated materials.
- (b) If construction and/or landscaping works disturb soil within the boundaries of Lot 113 on SP113932, or any subsidiary land parcel(s), the area must be wet down with water to prevent dust emissions beyond the boundary of Lot 113 on SP113932.
- (c) All exposed ground and/or soil without surface vegetation within Lot 113 on SP113932, or its subsidiary land parcel(s), must be minimised by turfing the area within one week of earthworks being completed.
- (d) The overnight or day-to-day stockpiling of soil excavated from Lot 113 on SP113932, or any subsidiary land parcel(s), is prohibited unless it is first demonstrated, to the satisfaction of Council's delegated officer, that appropriate measures would be implemented to ensure public safety.
- (e) All practical efforts must be made to divert stormwater run-off away from any earthworks occurring within Lot 113 on SP113932 or its subsidiary land parcel(s).

#### 4.12 Rail Trail Walking Track Realignment - Lot 113 on SP113932

Prior to the commencement of works associated with the proposed on-site parking facilities, the existing walking track within Lot 113 on SP113932 must be realigned by widening the gravel surface using like materials as is required to achieve a minimum trafficable track width of 2m. Prior to works commencing, plans for the works must be approved as part of an Operational Works application and pedestrians/cyclists must be diverted clear of the works to the satisfaction of Council's Development Engineer and Environmental Health Officer for their full duration.

#### 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 condition(s) of this approval.

3.2 The Applicant/Developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

3.3 Where utilities would traverse one lot to service another lot, easements must be registered over the servient tenement for access and maintenance purposes to the satisfaction of Council's delegated officer. The Applicant/Developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.4 Any existing buildings or structures and/or incidental works that straddle the realigned boundaries must be altered, demolished or removed, as required, to align with the property boundaries unless otherwise approved by Council's delegated officer.

3.5 Where existing buildings and structures are to be retained, setbacks to the realigned property boundaries are to be in accordance with the Planning Scheme requirements for the relevant building/structure, unless otherwise approved by Council's delegated officer.

3.6 Charges

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

3.7 Evidence of Tenure

Any survey plan lodged with Council for endorsement pursuant to this approval must be accompanied by written evidence from the Department of Transport and Main Roads and the Department of Resources indicating their support for the proposed tenure arrangements (i.e. registration in freehold or reconfiguration by lease).

3.8 Amalgamation

As soon as practical after the reconfigured portion of Lot 113 on SP113932 (approx. 1,479m<sup>2</sup>) is transferred to the owner of Lot 1 on RP702449 in freehold, the new title must be amalgamated with Lot 1 on RP702449.

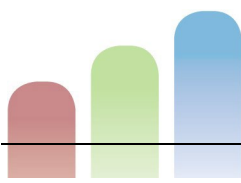
**ASSESSMENT MANAGER ADVICE**

(a) An Infrastructure Charges Notice has been issued with respect to the approved development. The Infrastructure Charges Notice details the type of infrastructure charges, the amount of the charges and when the charges are payable.

(b) The Infrastructure Charges Notice does 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) Notation on Rates Record and Infrastructure Agreement

MCU sub-condition 4.3(f) shall be noted on Council's rates record for Lot 1 on RP702449. Should the owner of Lot 1 on RP702449 wish to make a monetary



contribution in lieu of the on-street parking works required by the sub-condition, Council would consider entering into an Infrastructure Agreement to facilitate the provision of alternative off-site parking facilities subject to a Draft Infrastructure Agreement being provided for the review and endorsement of Council's legal advisors prior to execution by Council.

(d) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the *Food Act 2006*. Please contact Council's Environmental Health Officer on (07) 4089 2362 for further information.

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

(f) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(g) Compliance with Acts and Regulations

The erection and use of the building must comply with the *Building Act 1975* and all other relevant Acts, Regulations and Laws, and these approval conditions.

(h) On-street Dining

Please note that Council requires business operators to obtain a permit for on-street dining. Please contact Council's Local Laws section on 1300 362 242 to obtain further information.

(i) Easement Documents

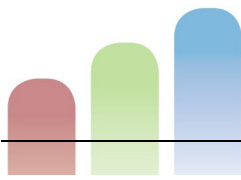
Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Council's Planning section for more information regarding the drafting of easement documents for Council easements.

(j) 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.

**REFERRAL AGENCIES**

Not Applicable.

**APPROVED PLANS**

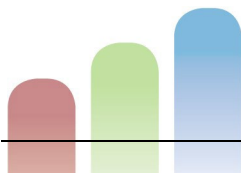
Plan/Document Number	Plan/Document Title	Prepared by	Dated
1510 - CD-A00.01 (Issue P24)	Site Plan – Existing, Demolition & Proposed	Clarke and Prince Architects	10 March 2022
1510 - A90.06 (Issue P2)	Proposed Realignment Rail Trail	Clarke and Prince Architects	10 March 2022
1510 - A90.07 (Issue P2)	Proposed Realignment Rail Trail	Clarke and Prince Architects	10 March 2022
1510 - CD-A10.04 (Issue P9)	Ground Floor Plan – Proposed	Clarke and Prince Architects	13 December 2021
1510 - CD-A10.02 (Issue P9)	Ground Floor Plan – Demolition	Clarke and Prince Architects	9 November 2021
1510 - CD-A10.03 (Issue P7)	First Floor Plan – Demolition	Clarke and Prince Architects	9 July 2021
1510 - CD-A10.05 (Issue P19)	First Floor Plan – Proposed	Clarke and Prince Architects	15 November 2021
1510 - CD-A40.00 (Issue P3)	Elevations – Existing & Demolition	Clarke and Prince Architects	9 November 2021
1510 - CD-A40.01 (Issue P14)	Elevations – Proposed	Clarke and Prince Architects	5 November 2021
1510 - CD-A60.01 (Issue P7)	Details – Drive Thru	Clarke and Prince Architects	9 July 2021
SP325397	Plan of Lots 113 & 114 Cancelling Lot 113 on SP113932	Twine Surveys P/L	19 January 2022

**VARIATION APPROVAL**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Building Work
- Development Permit for Operational Work
- Compliance Permit for Plumbing and Drainage Work
- Trade Waste Permit



### SUBMISSIONS

A total of twenty-six (26) properly made submissions were received in response to public notification of the application. The submitters details are provided as Attachment 2.

### APPEAL RIGHTS

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

#### Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

#### Appeal by an eligible submitter

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

An extract from the *Planning Act 2016* is attached that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit:

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.

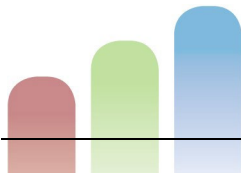
Should you have any queries in relation to the above, please contact Council's Acting Principal Planner, Dan O'Connor, on the above number.

Yours faithfully

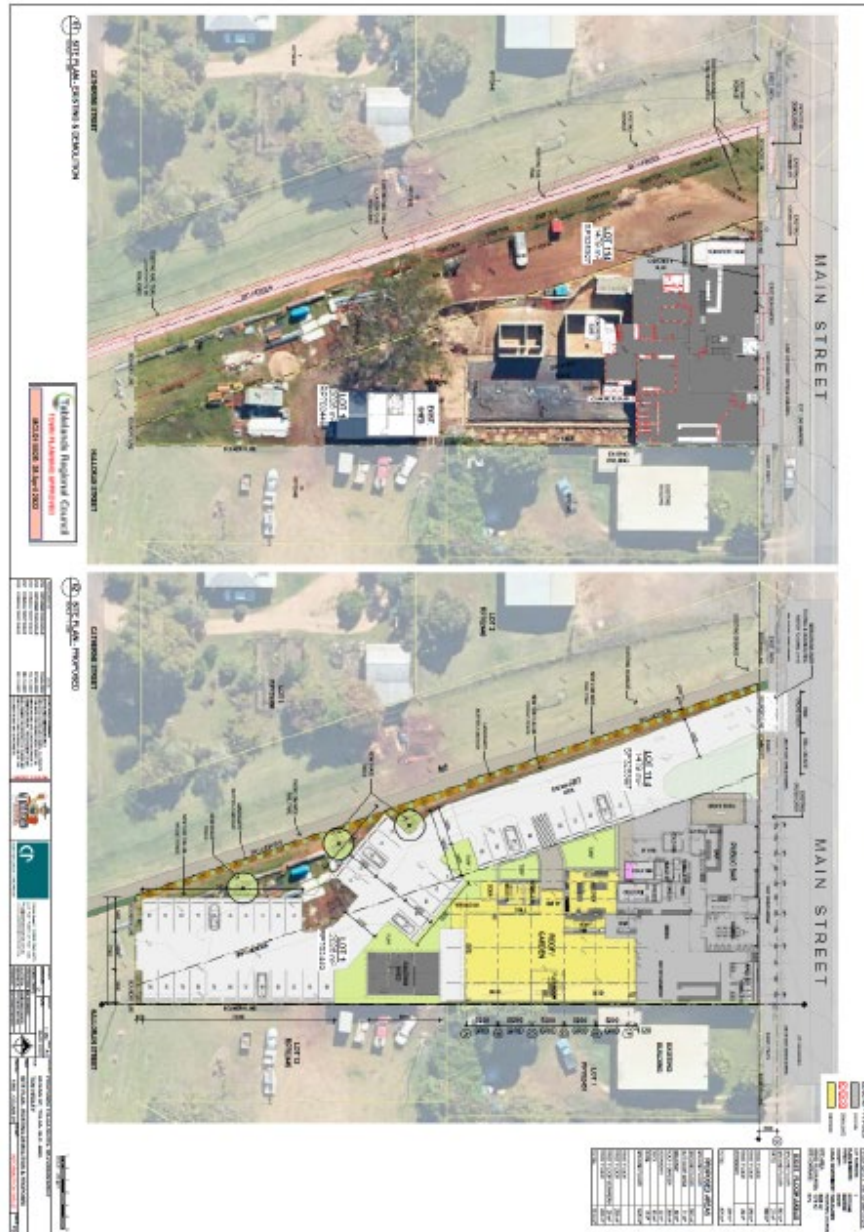
**TUDOR TANASE**  
MANAGER PLANNING & ENVIRONMENT

#### Attachments:

1. Approved Plans/Documents
2. List of Submitters (Properly Made)
3. Statement of Reasons
4. Appeal Rights

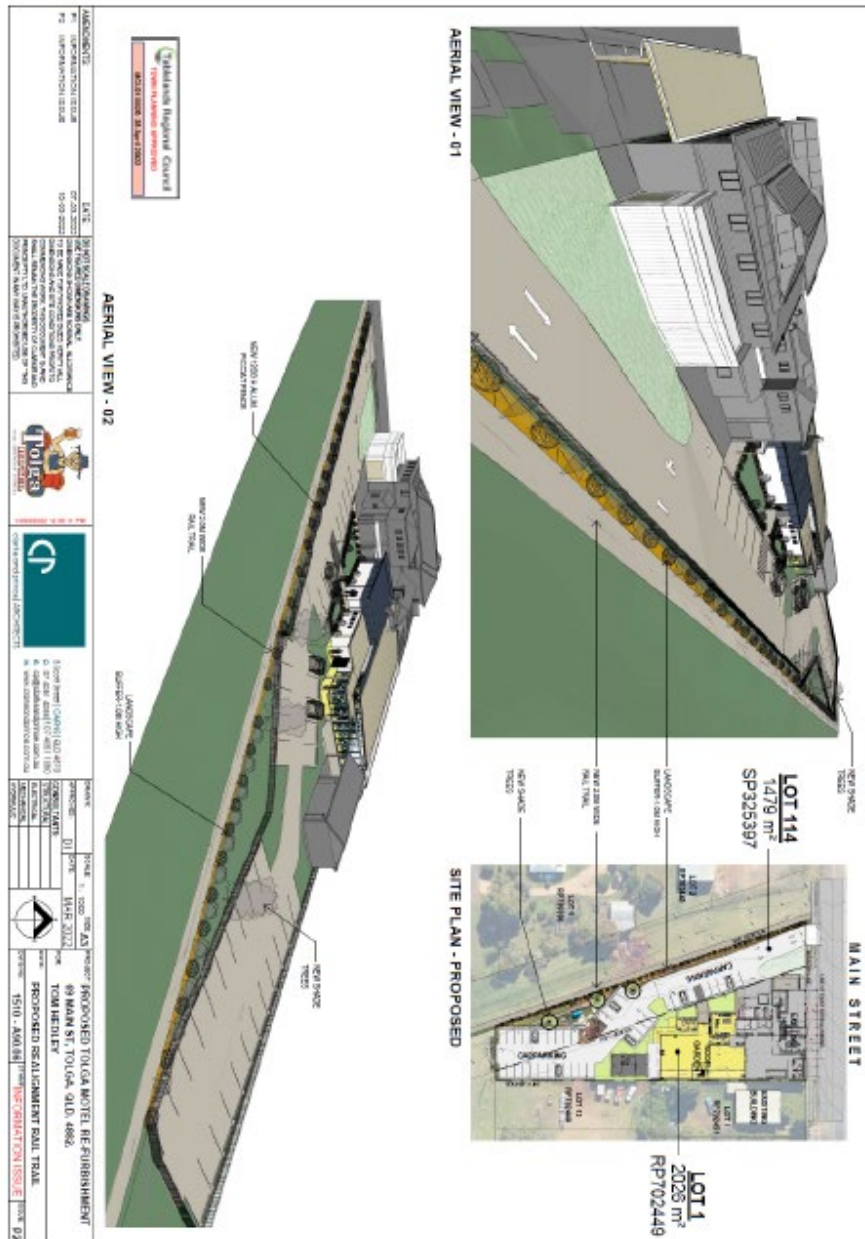
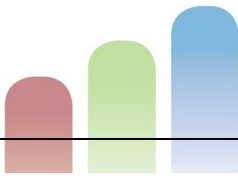


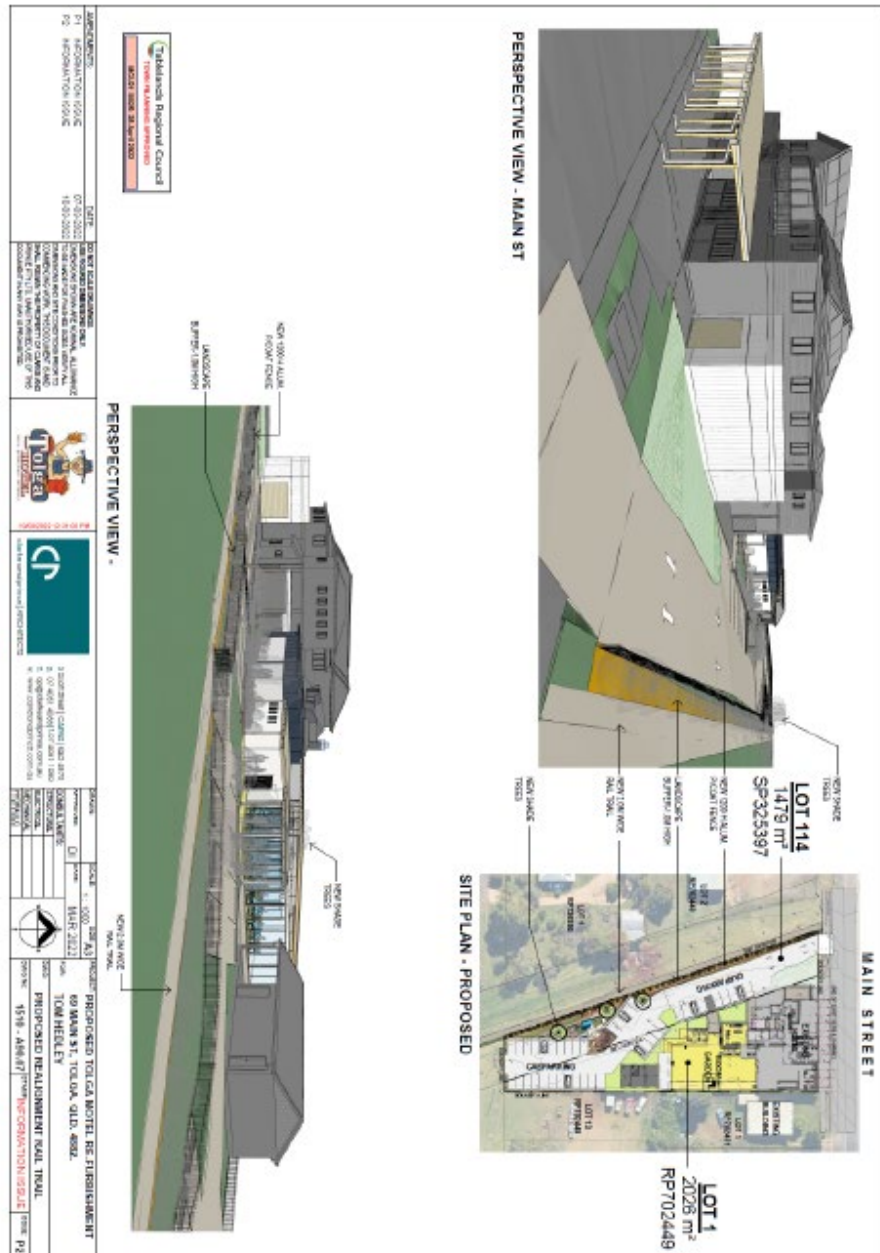
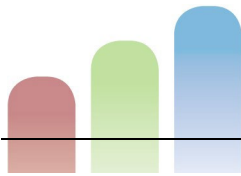
Attachment 1 – Approved Plans/Documents

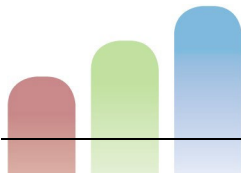


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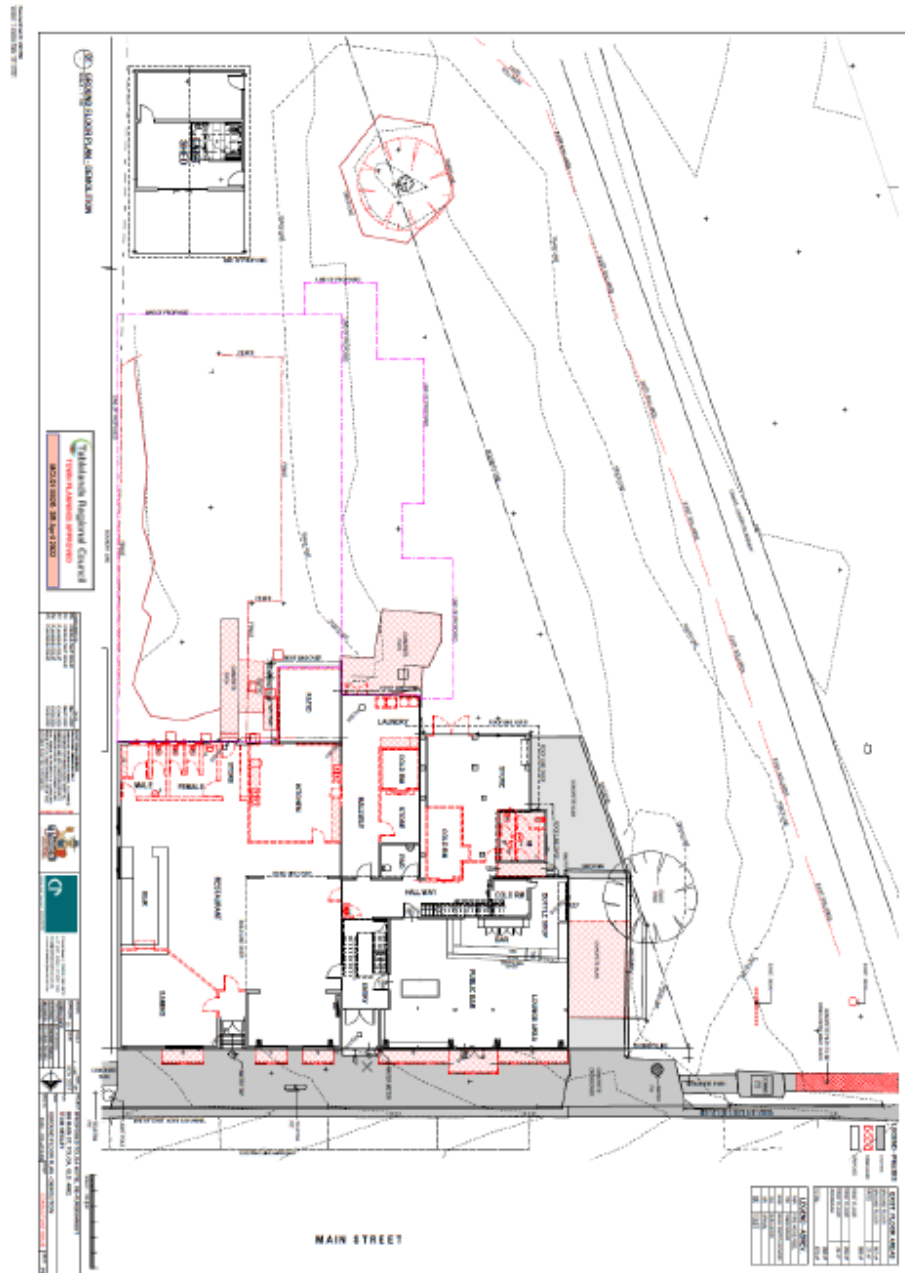
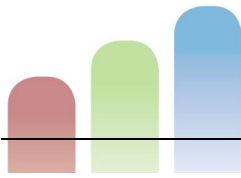




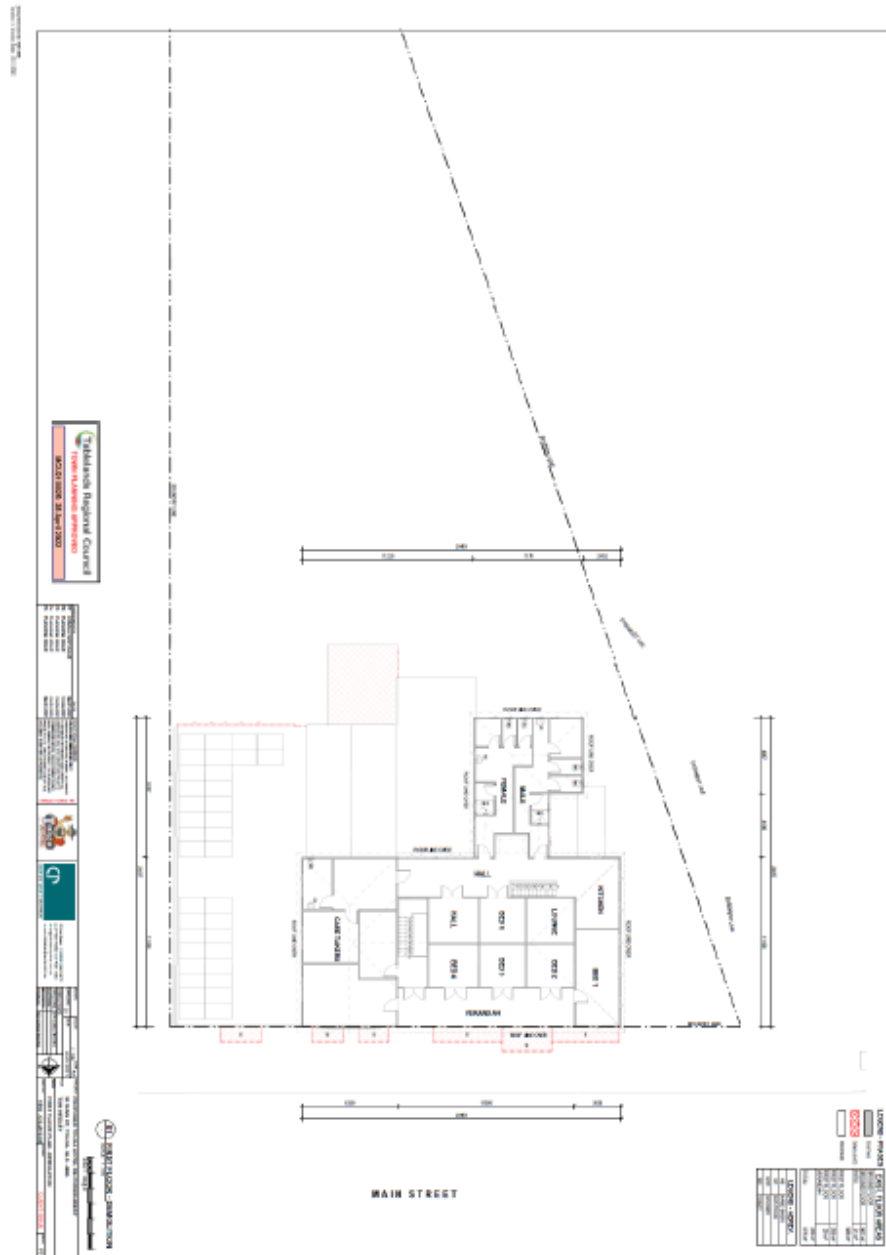
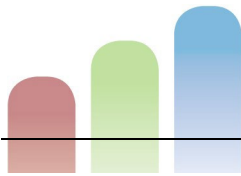




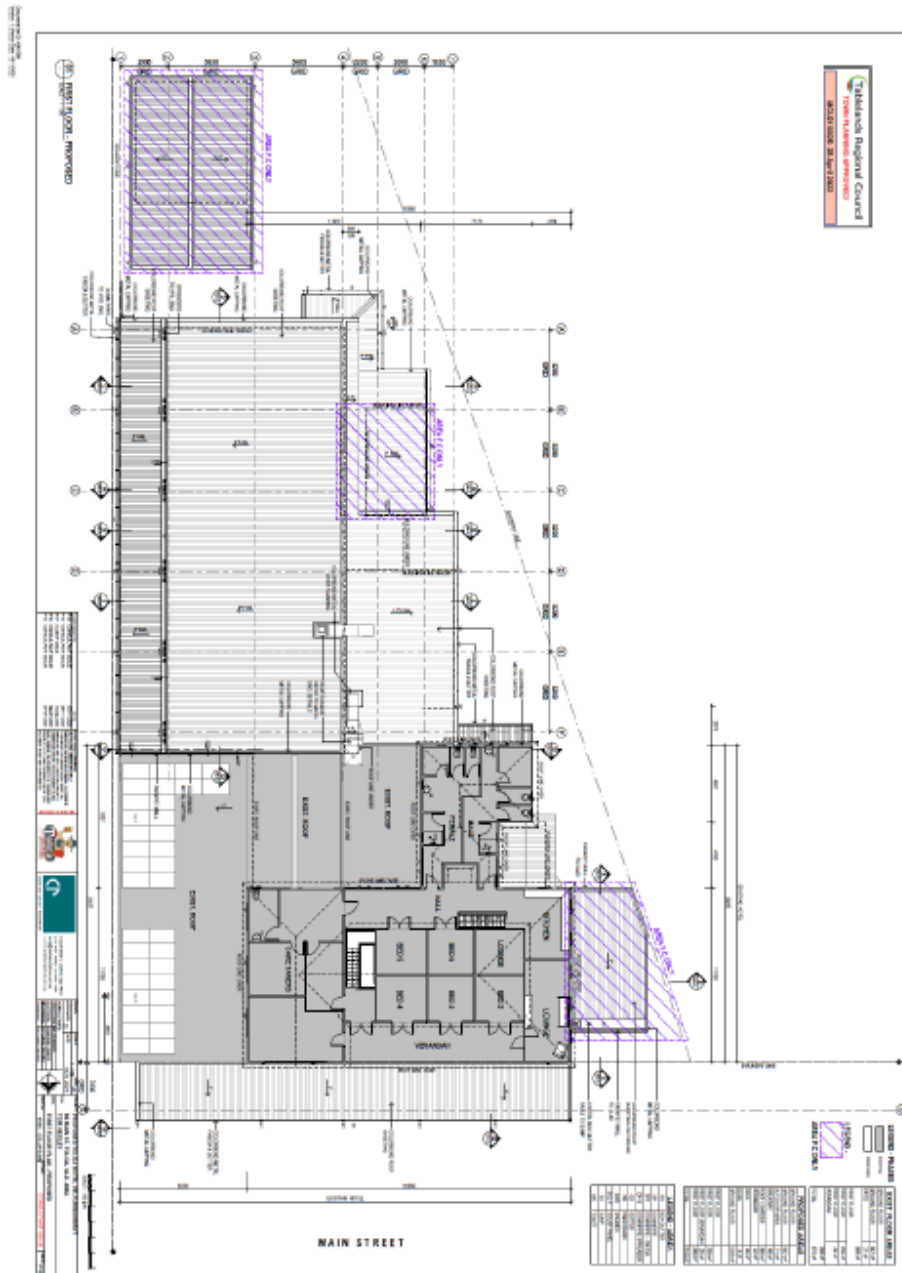
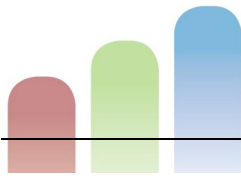
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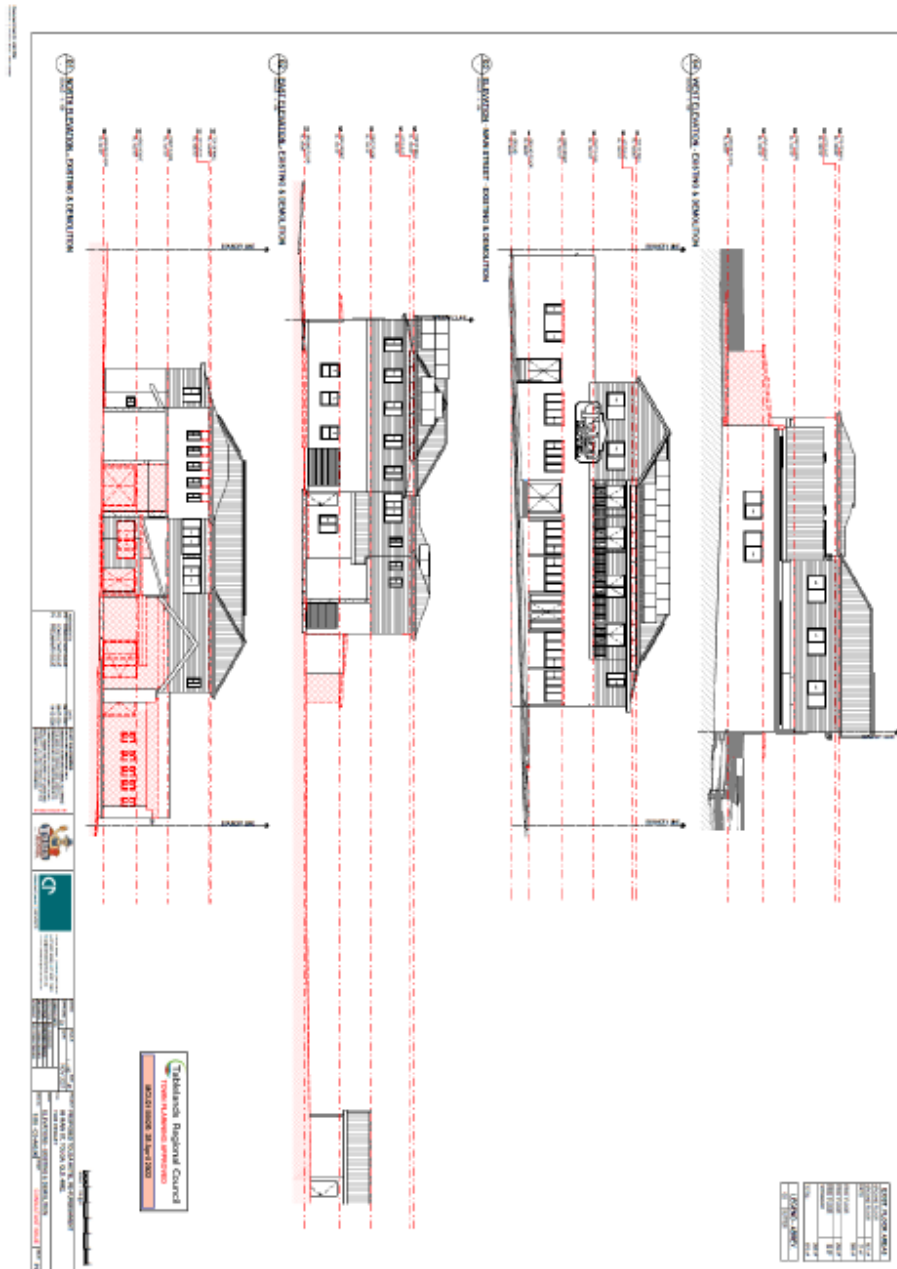
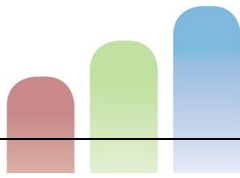
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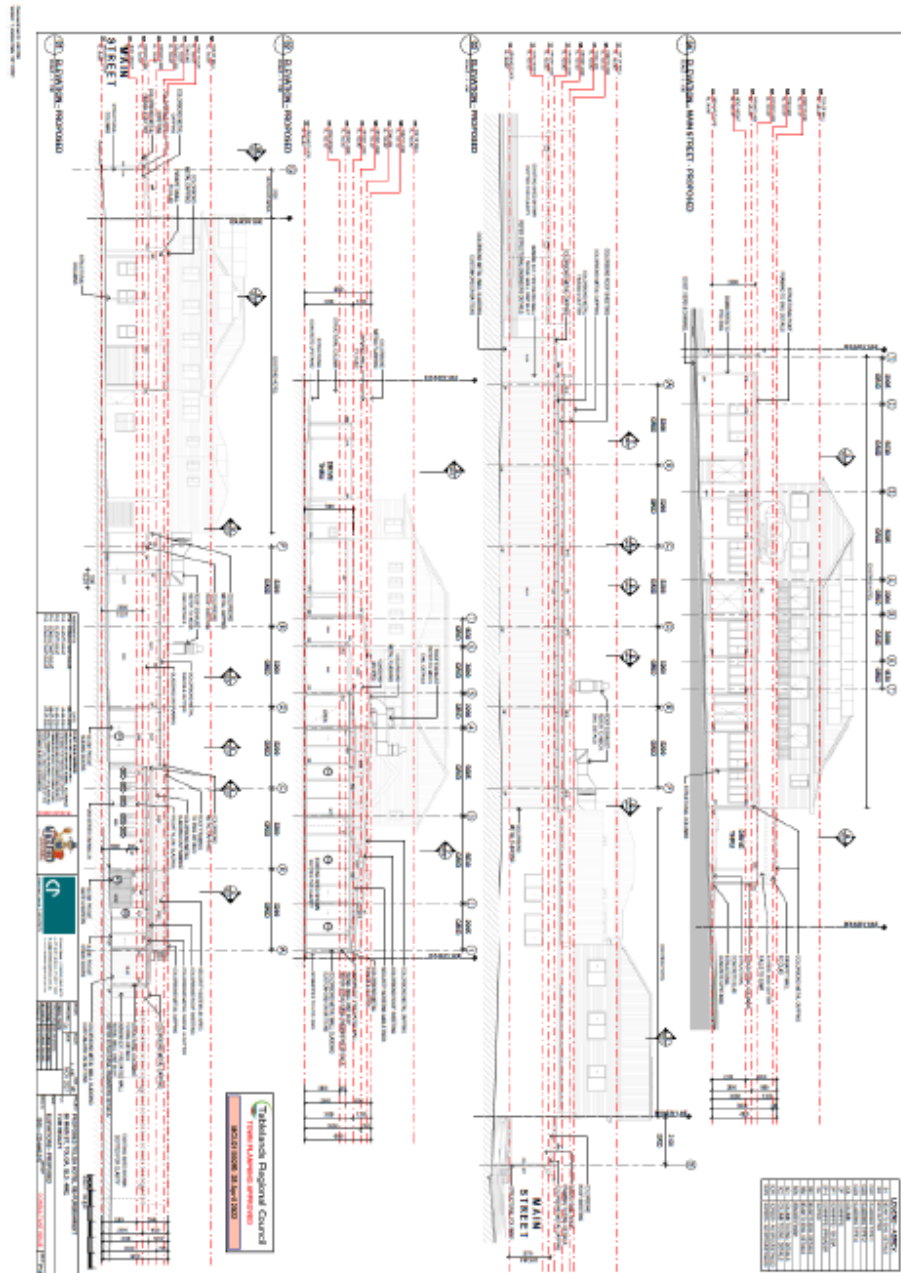
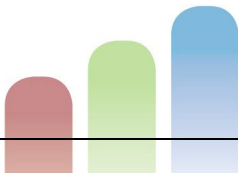
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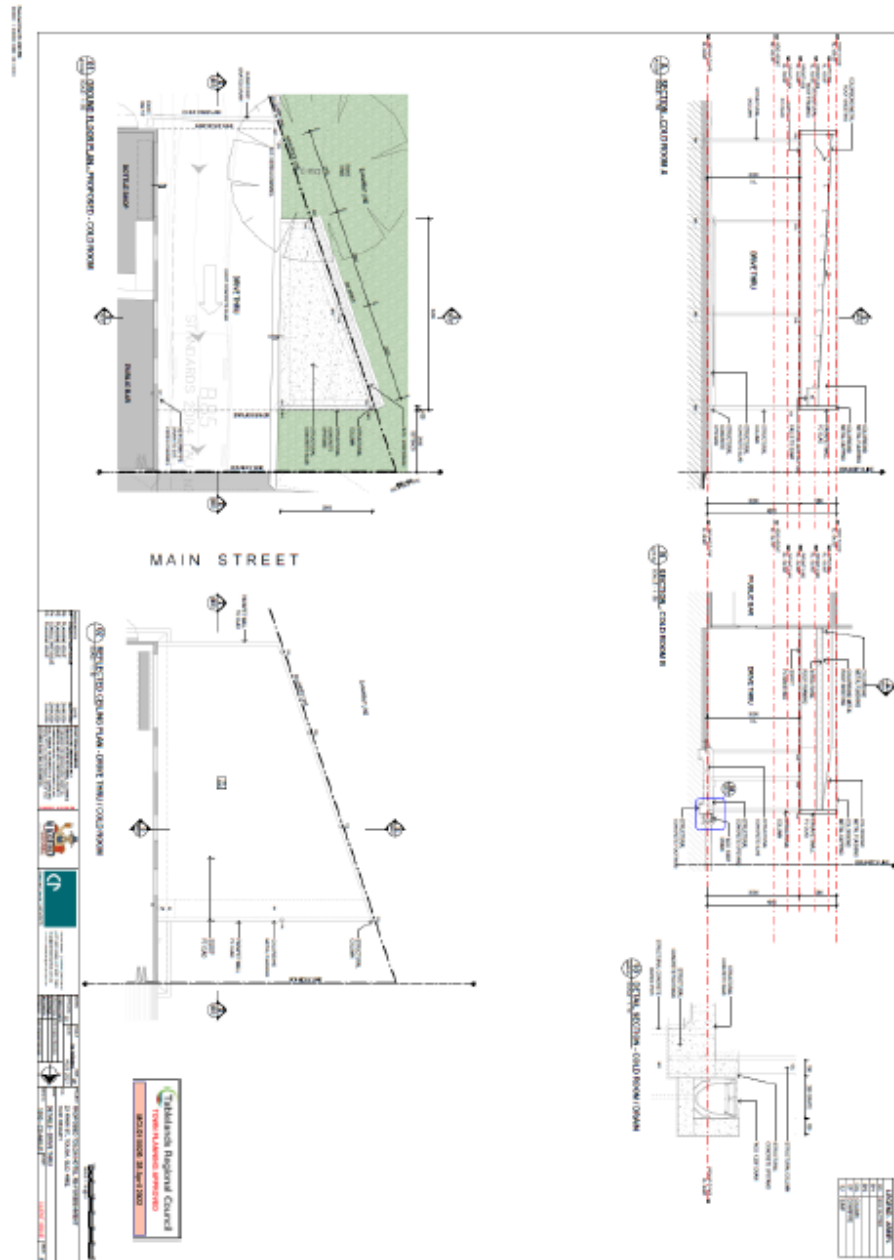
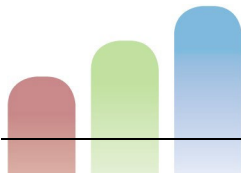


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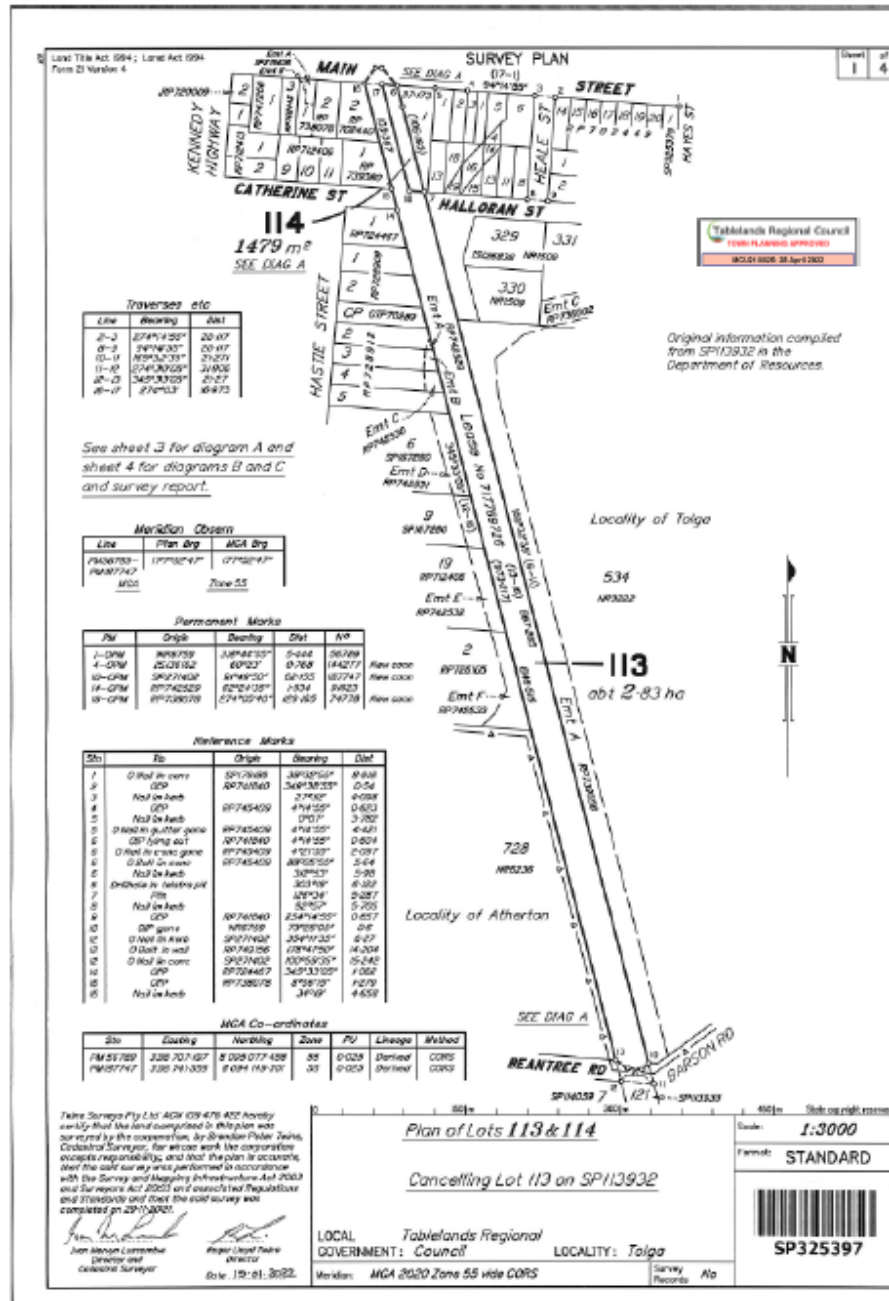


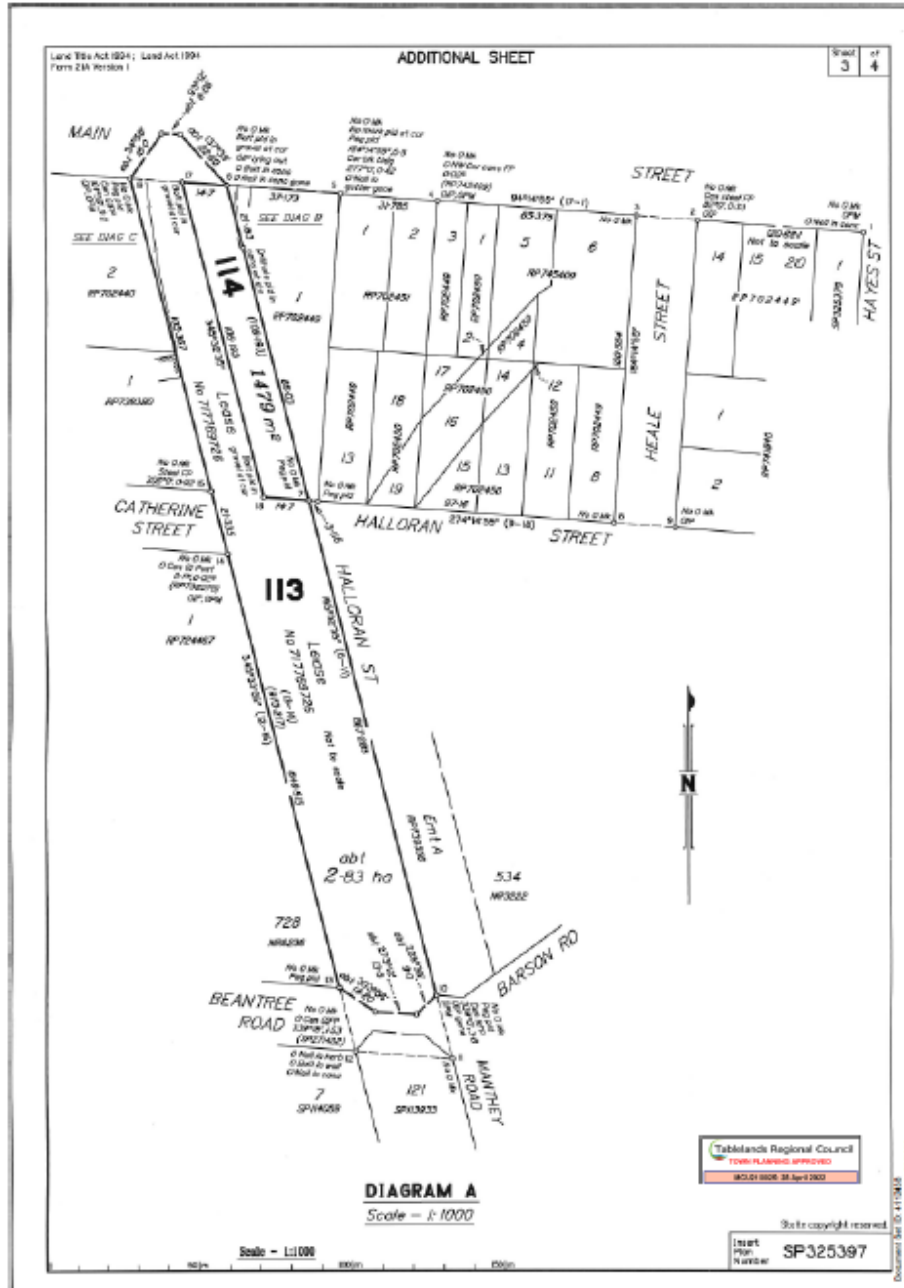
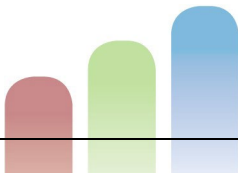
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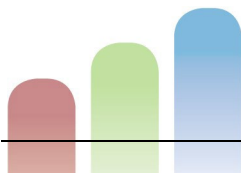




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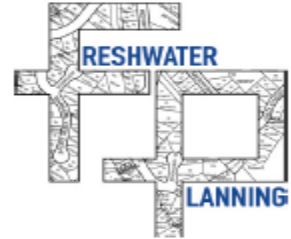


**Attachment 2 - List of Submitters**  
PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Name of principal submitter	Residential Address	Postal Address
Sandra Butler	4/12 West Street, Atherton, Qld, 4883.	
James Leech	6 West Street, Atherton 4883	
Pamela Arthy	36B Palomino Ave, Tolga Qld 4882	PO Box 400, Tolga Qld 4882
Bob Hayes	Lot 17 Cherry Creek Rd, Tolga	
Rex Hutchison	5 Church St Tinaroo	
Keith Smith	RN239 Ross Rd Ravenshoe 4888	
Bronwyn Jones	27 Hastie Street, Tolga	PO Box 522, Tolga
Trish Degnian	16 Edward St, Atherton	
Kathryn Kilpatrick	42 Neal Street, Atherton	
Ray Francis	5 Montgomery Close, Atherton 4883	
Arthur Green	1 Jansa Court, Atherton 4883	
Christine Chapman	9 Holdcroft Dr, Moomin QLD 4887	
Kym Hentschke and Frances Watts	3 Wisteria St, Atherton 4883	
Ruth Zee	unit 6 Lake Tinaroo Resort Tinaroo 4872	
Jacquelyn Lambert	2-4 Catherine St, Tolga 4882	PO Box 1479 Atherton 4883
Michael Hughes	24 Phillips Avenue Atherton Qld 4883	
Linda Fogg	21 Appaloosa Cres Tolga 4882	PO Box 978 Tolga 4882
Kathryn Scuderi	13 Barlow Close Tolga 4882	
Catherine McKenna	8 Second Ave Atherton 4483	
Paul Ryan	4 Cumbrian Ave Atherton 4883	
Stephen McKenna	8 Second Ave Atherton 4483	
Christine Doan	12 Rifle Range Rd Atherton 4883	Po Box 700 Atherton 4883
Andrew Demack	16/43 Lang Parade, Milton Qld 4064	PO Box 1727, Milton Qld 4064
E Poon & C Margules	19 Hastie Street Tolga 4882	Po Box 785 Tolga 4882
Maree Baade	11 Tinaburra Drive Yungaburra	
Bob & Coral Freeman	62 Dalziel Ave Atherton 4883	

APPLICANT'S REQUEST FOR MINOR CHANGE

Your Ref: MCU21/0025  
 Our Ref: F20/35



18 November, 2022

Chief Executive Officer  
 Tablelands Regional Council  
 PO Box 573  
 ATHERTON QLD 4883

Attention: Dan O'Connor  
 Regional Planning Group

Dear Sir,

RE: DEVELOPMENT APPLICATION MCU21/0025  
 REQUEST TO CHANGE DEVELOPMENT APPROVAL – INFRASTRUCTURE CHARGES NOTICE – MATERIAL CHANGE OF USE – FOOD AND DRINK OUTLET (ADDITIONS) AND RECONFIGURING A LOT. LOT 1 ON RP702449 AND LOT 113 ON SP113932, 69 MAIN STREET, TOLGA.

This request for a Change to Infrastructure Charges Notice for Development Application MCU21/0025 for a Material Change of Use – Food and Drink Outlet (additions) AND Reconfiguration of a Lot over land described as Lot 1 on RP702449 and Lot 113 on SP113932 and situated at 69 Main Street, Tolga is made on behalf of Far North Hotels Pty Ltd, the owners of the site.

This Change to Development Approval is provided in response to previous and recent discussions with Council Officers and Councillors in relation to the Development Approval over the site. Details of the request to Change to the Approval and of the reasons for these are set out below in accordance with *Division 2 Changing Development Approvals – Subdivision 2 Changes after Appeal Period – Section 77 – 79 of the Planning Act 2016*.

**Requested Payment Plan**

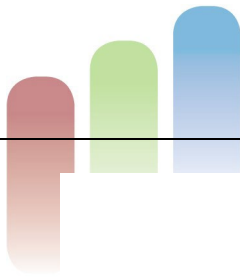
The proposed Change to the Infrastructure Charges Notice for Development Application MCU21/0025 is for the provision of a Payment Plan in relation to the nominated Infrastructure Charges Notice. The ICN requires a Total Charge of &108,250.00 which is considered to be onerous for the proponent to provide in a single payment. Freshwater Planning Pty Ltd has been provided with the following:

*Due to the length of the Development process and the procedure and requirements of the Rail Trail Lease Land coupled with financial over-run of renovation works, in part of Council delay and Planning responses and onerous Planning Conditions, has led to the request for a Payment Plan for the Infrastructure Charges Notice. It will be of some time, before the Tolga Hotel will be able to trade its' way out of substantial renovation over-run and onerous Conditions.*

*This in addition to the additional burden cost of installation and ongoing servicing maintenance of a new sewer pump station, installed at the owners (our) cost, installed to not only service the Tolga Hotel but also to eventually service multiple users and future users connection into the existing sewer rising main connections along the sewer rising main downstream to existing Tolga Town Tolga Pump station.*

Freshwater Planning Pty Ltd  
 t/e The Freshwater Trust  
 ACN 603 020 220 | ABN 31 187 983 959

P: 0402729004  
 E: FreshwaterPlanning@outlook.com  
 A: 17 Barron View Drive, FRESHWATER QLD 4870



*All these occurred costs, maintenance costs and time delays has resulted in the request for the Payment Plan for the Infrastructure Charges Notice.*

It is requested that a Negotiated Change Adopted ICN be provided with a Payment Plan as follows:

- ✚ Half yearly payments made over a period of eight (8) years, without the need for an IA over the site.

Page  
2

This proposal equates to a yearly payment of approximately \$13,532.00, paid in biannual payments of approximately \$6,766.00.

This Payment Plan is considered acceptable and appropriate as the proponent has gone to a significant expense to breathe life back into the Tolga Township while improving the existing aesthetics and amenity, enhancing the active streetscape and resulting in significantly safer operation.

This completes this Request to Change the Development Approval. Please do not hesitate to contact me, in the first instance, should you require further information in relation to the matter.

Yours faithfully,

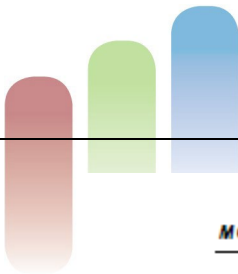
**MATTHEW ANDREJIC**

**FRESHWATER PLANNING PTY LTD**

P: 0402729004

E: FreshwaterPlanning@outlook.com

17 Barron View Drive, FRESHWATER QLD 48707



PO Box 573, Atherton QLD 4883  
 Telephone: 1300 362 242  
 info@trc.qld.gov.au

Dan O'Connor, A/ Principal Planner  
 Telephone: 07 4089 2388  
 Email: troplanningadmin@trc.qld.gov.au

5 May 2022

File Ref: MCU21/0025  
 Our Ref: DO  
 Your Ref: F20/35

Far North Hotels Pty Ltd  
 C/- Freshwater Planning Pty Ltd  
 17 Barron View Drive  
 FRESHWATER QLD 4870  
 freshwaterplanning@outlook.com

Dear Applicants

**Decision Notice**  
*Planning Act 2016 s63*

I refer to your application and advise that at Council's Ordinary Meeting on 28 April 2022, Council decided to approve the application in full, subject to conditions.

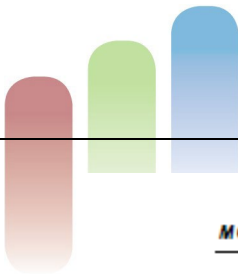
Details of the decision are as follows:

**APPLICATION DETAILS**

Application No:	MCU21/0025
Proposal:	Material Change of Use for "Food and Drink Outlet" (Additions) and Reconfiguration of a Lot (1 into 2 Lots and/or Reconfiguration by Lease exceeding 10 years)
Street Address:	69 Main Street and Kennedy Highway, Tolga Qld 4882
Real Property Description:	Lot 1 on RP702449 Lot 113 on SP113932
Planning Scheme:	TRC Planning Scheme 2016 (V4)

**DECISION DETAILS**

Type of Decision:	Approved in full subject to conditions
Type of Approval:	Development Permit
Date of Decision:	28 April 2022
Deemed Approval (s64):	This application is <u>not</u> taken to have been approved under s64(5) of the <i>Planning Act 2016</i> (a deemed approval).



**CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" and Section 88 "Lapsing of Approval for failing to complete development "of the *Planning Act 2016*).

**ASSESSMENT MANAGER CONDITIONS**

**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 (including any relevant referral agency conditions) 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 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 Any areas not the subject of this approval that are disturbed in the course of undertaking works associated with the approval, must be restored to their predevelopment state to the satisfaction of Council's delegated officer, prior to the commencement of use.
  - 3.5 Development on Lot 113 on SP113932
 

No works approved under this Development Permit for a Material Change of Use, or under any associated Development Permits for Operational Work or Building Work, are to commence within Lot 113 on SP113932 until such time as the Applicant/Developer has provided written evidence, to the satisfaction of Council's delegated officer, that they hold appropriate tenure over the subject area, be it in the form of a lease or freehold title, or failing that, written evidence of an appropriate authority from the landowner to enter the land for the purposes of commencing the works in advance of such.
  - 3.6 Building Appearance





- (a) Any new external plant, including gensets, air-conditioning motors and the like, are to be positioned such that they would not be visible from the road frontage or the Rail Trail and must be provided with screening that complements the materials and finishes of the building.
- (b) Building finishes (excluding signage) must comprise neutral colours, which complement the existing building and facades must not incorporate un-painted, un-rendered or highly reflective finishes.
- ~~(c) The approved bottle shop extension is to be painted and finished such that it matches the existing hotel building, substantially in accordance with the letter from Clarke and Prince Architects titled "Tolga Hotel - Council Information Request Response" (Document Reference 1510-001, dated 14 December 2021). At the time of lodging the application for Building Work assessable against the Planning Scheme required by condition 3.7, the submitted plans must comprise a pedestrian awning on the Main Street façade of the bottle shop extension that matches the height and horizontal projection of the pedestrian awning proposed for the main hotel building.~~

The Approved Bottle-Shop is setback 2.1 metres from the property frontage. It is considered that any awning provided fronting the Bottle-Shop will not compliment the site nor any future awning fronting the Hotel. It is requested that this Condition be removed. It is considered that any provision of an awning fronting the Bottle-Shop will look out-of-character detracting from the Heritage and amenity of the Tolga Hotel. This is supported by the applicant's Heritage Consultant. In addition, the Bottle-Shop has already been painted and finished to match with the existing Hotel Building.

Commentary that Freshwater Planning has received notes that 'this awning is neither an attribute to the building nor is it required. It is not understood why Council is providing architectural advice in this instance'.

It is considered that any awning over this section of the Drive-Thru, being the egress of the Bottle Shop, would not be beneficial to any queuing of vehicles, instead, the awning would create additional pedestrian danger by providing a shelter for pedestrians in front of an access egress.

~~3.7 Pedestrian Awning - Main Street~~

~~This approval does not permit construction of the proposed pedestrian awning extending from the building's Main Street façade despite it being shown on the approved plans. The proposed awning requires a further code assessable application to Council for Building Work assessable against the Planning Scheme.~~

It is considered that this Condition is not relevant to the Development Approval and should not be removed.

4. Infrastructure Services and Standards

4.1 Access

- (a) Commercial standard crossovers (x2) must be constructed from the edge of the Main Street road pavement to the property boundary of the site substantially in accordance with the FNQROC Development Manual and the approved plans, to the satisfaction of Council's delegated officer.
- (b) Any damaged sections of kerb and channel along the site frontage are to be repaired and any redundant vehicle crossovers are to be removed and reinstated with kerb and channel.



- (c) Prior to works commencing, the above-described works must be approved 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's delegated officer.
- (g) During construction, temporary drainage, erosion and sediment control infrastructure will 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 On-site / Off-site Parking and Manoeuvring

- (a) Prior to the commencement of the approved use, the Applicant/Developer must ensure that the development is provided with a minimum of 37 on-site car parking spaces, including a minimum of one (1) disabled space and one (1) SRV space, substantially in accordance with AS2890.1, AS2890.2 and AS2890.6 (as amended) and the approved plans.
- (b) On-site parking facilities must be kept available for the parking of vehicles and not used as hardstand storage and must be sealed, line-marked and appropriately drained prior to the commencement of the use.
- (c) No loading/unloading of vehicles is to occur in the road reserve and all vehicles are to enter and exit the site in forward gear. When required, on-site parking spaces must be reserved as is necessary to facilitate the on-site turning movements of service and refuse collection vehicles.



- (d) Lockable bicycle parking facilities for a minimum of six (6) bicycles must be provided within one of the turfed areas adjacent to the "Roof/Garden" area entry such that pedestrian movements would not be obstructed.
- (e) Pavements for on-site parking and manoeuvring areas are to be provided with 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.
- (f) If at any point post the completion of on-site parking and access works, the lease over the 1,479m<sup>2</sup> portion of Lot 113 on SP113932 is revoked, reduced in area, or altered in some other way, such that the ability of the approved on-site parking facilities to function as intended is compromised, the owner of Lot 1 on RP702449 must design, construct, line-mark and sign a minimum of 37 on-street spaces in locations determined to the satisfaction of Council's delegated officer in consultation with the Department of Transport and Main Roads. Prior to the commencement of on-street parking works, the owner of Lot 1 on RP702449 must submit RPEQ certified designs for the works to Council as part of an application for Operational Works and any relevant consents from the Department of Transport and Main Roads must be obtained. This condition shall cease to have effect at such time as the 1,479m<sup>2</sup> portion of Lot 113 on SP113932 is transferred in freehold to the owner of Lot 1 on RP702449. NB: This sub-condition will be noted on the rates record for Lot 1 on RP702449 and Council's delegated officer may waive compliance with it subject to the owner of Lot 1 on RP702449 voluntarily entering into an Infrastructure Agreement with Council as described in the Assessment Manager's Advice note (c).

#### 4.4 Frontage Works

The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

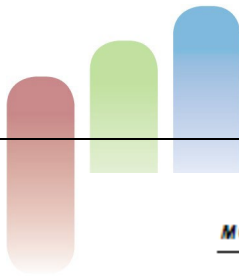
- At such time as alternative wheelchair access to the building is provided in compliance with the *Disability Discrimination Act 1992*, the temporary wheelchair ramp on the Main Street frontage of the site must be removed;
- Removal of the existing 1.2m wide concrete footpath on the site's Main Street frontage between the proposed vehicle crossovers and replacement with a 2m wide concrete footpath;
- Removal of the on-street parallel parking space located between the proposed ingress/egress crossover and the bottle-shop egress crossover, prior to the commencement of access works;
- Footpath earthworks, topsoiling and turf reinstatement of disturbed verge areas beyond the above-described footpath works;
- Footpath earthworks ~~and paving~~ that achieve a level transition between adjoining footpath and grassed verge surfaces; and

The applicant does not want to use bricks on a pedestrian path – as this regularly results in dangerous trip hazards and liability issues and witnessed on Main Street, Atherton (example).

- Adjustments and relocations necessary to public utility services resulting from frontage/access works.

Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.

#### 4.5 Water Supply



- (a) The development must be connected to Council's reticulated water supply network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing water supply connection is not adequate to service the proposed development, the Applicant/Developer is required to extend or upgrade the 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), to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

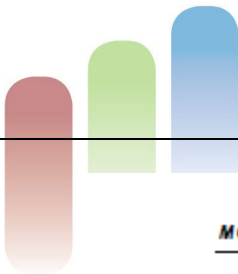
- (a) The development must be connected to Council's reticulated sewerage network in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing sewerage connection is not adequate to service the proposed development, the Applicant/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), to the satisfaction of Council's delegated officer.
- (c) Prior to commencement of the use, RPEQ certified "As constructed" plans for the existing sewer connection works must be provided including:
  - pump station details as noted in the email from H2O Consultants to Council's Development Engineer, dated 5 September 2021 (ECM Document Set ID - 4118017);
  - an amended main type (sewer main rather than water main as is shown on H2O Consultants' Hydraulic Services Drawing No. 21024-H05, Rev C, dated 5 September 2021);
  - isolating valves on the upstream and downstream sides of the cut-in;
  - thrust block details; and
  - pump details (NB: a macerator/grinder type is required).
- (d) Within 6 months of this approval becoming effective, the Applicant/Developer must have registered a minimum 3m wide easement over any private sewerage infrastructure located within Lot 113 on SP113932 (or any child lot thereof) to the satisfaction of Council's delegated officer. If an easement is not required pursuant to the terms of Council's lease over the subject land, then this must be demonstrated to the satisfaction of Council's delegated officer within 6 months of this approval becoming effective.

4.7 Outdoor Lighting

~~Outdoor security lighting must be installed to illuminate the on-site parking area during operating hours and to no more than 1 hour past closing time. All new external lighting must be designed, installed and operated so as 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), to the satisfaction of Council's delegated officer.~~

It is requested that this Conditioned be removed as the standards referenced are not relevant to this project – Lighting will be provided in accordance with the relevant standards dictated by the NCC.

4.8 Noise Nuisance



- (a) Noise emissions at/from the premises must not damage a persons' hearing and noise emissions must not exceed the noise exposure levels/durations specified by Table 1 below (NB: Table 1 taken from Safe Work Australia "Managing Noise and Preventing Hearing Loss at Work Code of Practice September 2015").

Table 1

Noise Level dB(A)	Exposure Time
80	16 hours
82	12 hours
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 minutes
100	15 minutes
103	7.5 minutes
106	3.8 minutes
109	1.9 minutes
112	57 seconds
115	28.8 seconds
118	14.4 seconds
121	7.2 seconds
124	3.6 seconds
127	1.8 seconds
130	0.9 seconds

- (b) Should Council's delegated officer be able to demonstrate that noise emissions at/from the premises have exceeded the above-specified limits, a noise assessment that measures noise emissions at/from the premises must be prepared by an appropriately qualified sound engineer and provided to Council's delegated officer for consideration when requested by Council's delegated officer.

~~(c) Live music must be contained within the hotel's enclosed structure and not be played in outdoor areas (NB: Live music is permitted in the "Roof/Garden" area shown on the approved plans provided that all windows and doors remain closed for the duration of performances).~~

The Acoustic Report provided to Council, upon their request, has provided Conditions inconsistent with the finding of the Acoustic Report. It is understood that the Acoustic Report provided reporting based upon Live Music to be located within the Roof/Garden Area however, the findings were not restricted to all windows and doors to remain closed for the duration. It is requested that the above Condition be deleted to more appropriately reflect the findings within the Acoustic Report.

- (d) Live music is not permitted at the premises after 11.59pm on ~~Friday and Saturday or after 10pm~~, Monday to ~~Thursday and~~ Sunday, unless otherwise approved in writing by Council's delegated officer no less than 48 hours prior to the event.

The OLGR Trading Hours for the Tolga Hotel are Monday to Sunday 10 am to 12 Midnight. The above amendments to the Condition bring it into line with the OLGR Trading Hours to ensure no Operational conflicts with the Hotel and Department.

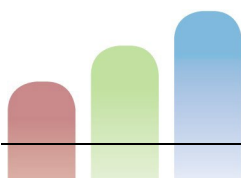
- (e) Speakers to outdoor areas must be positioned in a way that minimises noise emission impacts on adjacent residences.



- (f) Any new refrigeration equipment, pumps, compressors and 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.
- (g) The Applicant/Developer is required to install and maintain suitable screening to any new air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

#### 4.9 Landscaping and Fencing

- (a) Prior to the commencement of landscaping and fencing works, a landscaping and fencing plan, prepared in accordance with Planning Scheme Policy No. 6 is to be submitted to Council's delegated officer for endorsement. The plan must nominate species in accordance with Schedule A of the policy.
- (b) The above-described landscaping and fencing plan must reflect the following requirements:
  - A landscape feature comprising low level shrubs, ground covers and turfing must be provided within the area of void between the west-facing wall of the bottle-shop extension and the proposed ingress/egress crossover.
  - A 1m wide landscaping strip comprising low level shrubs and ground covers ~~with concrete edge restraint on the eastern and western sides of the strip~~ must be provided entirely within the area of Lot 113 on SP113932 proposed for lease/transfer (approx. 1,479m<sup>2</sup>) generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).  
Concrete restraints strips are not needed and especially on both sides
  - A minimum of 3 shade trees must be planted throughout the on-site car park generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).
  - 1.2m high fencing of a minimum 75% transparency must be installed on the eastern side of the above-described landscaping strip, for its full length and for the full length of the development site's southern boundary/boundaries.
  - A 3m wide break in the above-described landscaping strip must be provided and a 2m wide concrete footpath constructed within the break so as to connect the Rail Trail walking track to the driveway seal at level. The break in landscaping must be located to correspond approximately with the entry to the "Roof/Garden" area.
  - Solid noise attenuation fencing/screening, of a minimum 2m height, must be provided along the eastern boundary of Lot 1 on RP702449 from the southern wall of the existing hotel building, extending approximately 30.5m southwards to coincide with the end of the firewall shown on the approved plans. If it is proposed that metal cladding be utilised to screen the building extensions, it must be demonstrated to the satisfaction of Council's delegated officer, that the screening would achieve the noise mitigation objectives specified by the conditions of this approval. The height of the fencing/screening must measure 2m from the finished ground surface, or floor level, in the case of the approved deck area. (NB: In accordance with the *Building Act 1975*, a building approval is required for the construction of



a fence or screen exceeding 2m in height above the natural ground surface.)

The building is solid and has been designed to attenuate noise and meet FRL requirements – the condition requesting a solid noise attenuating fence is onerous, not considered to be reasonable or relevant and is to be removed.

~~In addition to the above described fencing, and at a minimum, solid 1.8m high fencing must be provided along the eastern boundary of Lot 1 on RP702440, from the southern wall of the approved "Staff Room/Store" building, extending southwards by approximately 23m to the Halloran Street frontage of the lot.~~

It is considered that there is no reason for this Condition. The adjoining Lot 13 on RP702449 is vacant and owned (for twenty years) by the State of Queensland (Department of Transport and Main Roads) for the purpose of the Bypass Road. A solid fence will be detrimental to the aesthetic of the Site and proposed development. The proposed fencing to compliment the Rail Trail fencing will ensure that a visually aesthetic Development will be provided.

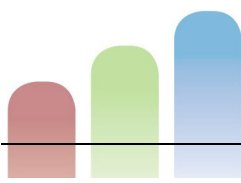
- (c) If, following commencement of the use, it is determined by Council's delegated officer that headlight glare from the operation of the on-site car park is unreasonably impacting upon the residence on Lot 1 on RP739380 (or any child lot thereof), the Applicant/Developer must, at the officer's instruction, construct a 1.8m high solid fence for the full length of the lot's common boundary with Lot 113 on SP113932. Prior to the commencement of fencing works, the Applicant/Developer is to submit details of the proposed fencing (i.e. materials, colours) to Council's delegated officer accompanied by written evidence that the owner of Lot 1 on RP739380 is agreeable to the proposed fencing. Subject to prior consideration and agreement by Council's delegated officer, dense screen plantings may be provided within Lot 113 on SP113932 in lieu of the aforementioned fencing.
- (d) Landscaping and fencing of the site are to be carried out substantially in accordance with the endorsed landscaping and fencing plan prior to commencement of the use and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer until cessation of the approved use.

#### 4.10 Waste Management

- (a) On-site refuse storage areas are to be screened when viewed from adjoining properties and the road reserve by a minimum 1.2m high solid fence, dense landscaping or similar, to the satisfaction of Council's delegated officer.
- (b) Where bulk bins are used, the bins must be collected from a location within the boundaries of the site that enables refuse collection vehicles to enter and exit the site safely in forward gear. If necessary to facilitate the safe and efficient turning movements of refuse collection vehicles, on-site parking spaces must be temporarily reserved until after collection.

#### 4.11 Contaminated Land – Lot 113 on SP113932

- (a) All soil removed from Lot 113 on SP113932, or any subsidiary land parcel(s), must be considered to be contaminated and must be lawfully disposed of at a facility that is licensed by the Department of Environment and Science to accept contaminated materials.
- (b) If construction and/or landscaping works disturb soil within the boundaries of Lot 113 on SP113932, or any subsidiary land parcel(s), the area must be wet down with water to prevent dust emissions beyond the boundary of Lot 113 on SP113932.



(c) All exposed ground and/or soil without surface vegetation within Lot 113 on SP113032, or its subsidiary land parcel(s), must be minimised by turfing the area within one week of earthworks being completed.

~~(d) The overnight or day-to-day stockpiling of soil excavated from Lot 113 on SP113032, or any subsidiary land parcel(s), is prohibited unless it is first demonstrated, to the satisfaction of Council's delegated officer, that appropriate measures would be implemented to ensure public safety.~~

The timeframes noted within subsections (c) and (d) are not considered to be reasonable timeframes, making these Conditions unobtainable. It is requested that more appropriate timeframes be provided for subsection (c). The timeframe from subsection (d) is not appropriate and not reasonable nor fair and does not take into consideration weather, lighting or safety conditions and should be removed.

(e) All practical efforts must be made to divert stormwater run-off away from any earthworks occurring within Lot 113 on SP113032 or its subsidiary land parcel(s).

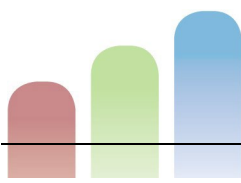
#### 4.12 Rail Trail Walking Track Realignment - Lot 113 on SP113032

Prior to the commencement of works associated with the proposed on-site parking facilities, the existing walking track within Lot 113 on SP113032 must be realigned by widening the gravel surface using like materials as is required to achieve a minimum trafficable track width of 2m. Prior to works commencing, plans for the works must be approved as part of an Operational Works application and pedestrians/cyclists must be diverted clear of the works to the satisfaction of Council's Development Engineer and Environmental Health Officer for their full duration.

#### 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 condition(s) of this approval.
  - 3.2 The Applicant/Developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
  - 3.3 Where utilities would traverse one lot to service another lot, easements must be registered over the servient tenement for access and maintenance purposes to the satisfaction of Council's delegated officer. The Applicant/Developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.





- 3.4 Any existing buildings or structures and/or incidental works that straddle the realigned boundaries must be altered, demolished or removed, as required, to align with the property boundaries unless otherwise approved by Council's delegated officer.
- 3.5 Where existing buildings and structures are to be retained, setbacks to the realigned property boundaries are to be in accordance with the Planning Scheme requirements for the relevant building/structure, unless otherwise approved by Council's delegated officer.
- 3.6 Charges
- All outstanding rates, charges and expenses pertaining to the land are to be paid in full.
- 3.7 Evidence of Tenure
- Any survey plan lodged with Council for endorsement pursuant to this approval must be accompanied by written evidence from the Department of Transport and Main Roads and the Department of Resources indicating their support for the proposed tenure arrangements (i.e. registration in freehold or reconfiguration by lease).
- 3.8 Amalgamation
- As soon as practical after the reconfigured portion of Lot 113 on SP113932 (approx. 1,479m<sup>2</sup>) is transferred to the owner of Lot 1 on RP702449 in freehold, the new title must be amalgamated with Lot 1 on RP702449.

#### ASSESSMENT MANAGER ADVICE

- (a) An Infrastructure Charges Notice has been issued with respect to the approved development. The Infrastructure Charges Notice details the type of infrastructure charges, the amount of the charges and when the charges are payable.
- (b) The Infrastructure Charges Notice does 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) Notation on Rates Record and Infrastructure Agreement
- MCU sub-condition 4.3(f) shall be noted on Council's rates record for Lot 1 on RP702449. Should the owner of Lot 1 on RP702449 wish to make a monetary contribution in lieu of the on-street parking works required by the sub-condition, Council would consider entering into an Infrastructure Agreement to facilitate the provision of alternative off-site parking facilities subject to a Draft Infrastructure Agreement being provided for the review and endorsement of Council's legal advisors prior to execution by Council.
- (d) Food Premises
- Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the *Food Act 2006*. Please contact Council's Environmental Health Officer on (07) 4089 2362 for further information.
- (e) Advertising signage for the proposed development may require a Development Permit for Operational Works. Please confirm with Planning and Environment prior to installing any advertising signage on the premises.
- (f) Compliance with applicable codes/policies
- The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

## 9. NOTICE OF MOTION

No Notices of Motion



## 10. BUSINESS WITHOUT NOTICE



## 11. CONFIDENTIAL ITEMS

No confidential items



## 12. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton

Ordinary Meeting 9:00 am on 25 January 2023



*Live, discover and invest in a Tablelands community*



Tablelands Regional Council

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