



Planning Committee Meeting

Coordination Centre, 15 Vernon Street, Atherton Qld 4883

Thursday, 10 August 2023

at 9:00 AM

MINUTES

1. MEMBERS IN ATTENDANCE

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

2. OFFICERS IN ATTENDANCE

G Rinehart (Chief Executive Officer), H Jackson (General Manager Community and Corporate Services), M Vis (General Manager Infrastructure and Environmental Services), S Lisle (Executive Manager Development Services), D O'Connor (Senior Planner), T Vallance (Strategic Communications Advisor), A Loudon (Executive Support Officer) and J Hunter (Minute Secretary).

3. APOLOGIES/LEAVES OF ABSENCE

No apologies

4. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson delivered this Acknowledgement of Country — 'I acknowledge the Traditional Custodians of the land on which we work and live, and pay respect to Elders past, present and emerging.'

5. DECLARATION OF ANY CONFLICT OF INTEREST BY COUNCILLORS AND SENIOR COUNCIL OFFICERS

Cr David Clifton – prescribed Conflict 8.2 NDN will leave the room whilst the matter is being discussed.

Cr David Clifton declared that he has a **Prescribed Conflict of Interest** (as defined in 150E of the *Local Government Act 2009*), in relation to *Item-8.2. TW Hedley Pty Ltd - Negotiated Decision Notice - Material Change of Use - Short-term Accommodation - Lot 3 RP702445 & Lot 1 RP738078 - 61-63 Main Street, Tolga MCU23/0001.*

The Prescribed Conflict of Interest arises because a person who is a related party of his has an interest in this matter:

1. Name of related party — RPS.
2. The nature of my relationship with this related party — close family member.
3. The nature of the related party's interests in this matter — the submitting entity is RPS of which a close family member is the Principal Planner.

Cr Clifton declared that he will exclude himself from the meeting while this matter is debated and the vote is taken.

There were no other conflicts of interest declared by any Councillor or senior Council officer in relation to the items of business listed on the agenda.

6. DEPUTATIONS & DELEGATIONS

No deputations

7. MAYORAL MINUTE

No Mayoral Minute

8. CHIEF EXECUTIVE OFFICER

8.1. JF BAFICO - MATERIAL CHANGE OF USE - TOURIST PARK & FUNCTION FACILITY - LOT 13 RP749588 - KENNEDY HIGHWAY, MILLSTREAM - MCU22/0018

Moved by Cr Cardew

Seconded by Cr Haydon

- (A) That Council resolve that the application does not conflict with a relevant instrument and grants a Development Permit a for a Material Change Use for “Tourist Park” and

“Function Facility” on land described as Lot 13 on RP749588, located at Kennedy Highway, Millstream, subject to the following plans, documents and conditions:

APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M 21 – 4835 – Sheet No. A101 (Rev A)	Site Plan	Max Slade Designs	07/11/22
M 21 – 4835 – Sheet No. A102 (Rev A)	Set Out Plan	Max Slade Designs	07/11/22
M 21 – 4835 – Sheet No. A103 (Rev A)	Yurts & Conference Plan	Max Slade Designs	07/11/22
M 21 – 4835 – Sheet No. A104 (Rev A)	Playground, Ablutions & Camp Kitchen	Max Slade Designs	07/11/22
M 21 – 4835 – Sheet No. A105 (Rev A)	Area Plan	Max Slade Designs	07/11/22
M 21 – 4835 – Sheet No. A103a (Rev A)	Elevations – Yurts & Conference Buildings	Max Slade Designs	11/11/22

ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the Applicant/Developer must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The Applicant/Developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.

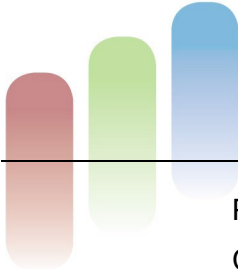
3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Approved Use

The premises is approved for visitation by the travelling public (accommodation guests only) substantially in accordance with the approved plans, whereby:

- At any time, the combined total number of persons being accommodated at the premises must not exceed 100 persons (i.e. maximum site population for accommodation uses excluding manager/staff residence), across 48 sites comprising:
 - 11 cabins (yurts);
 - 21 powered/slab caravan sites;
 - 8 drive-through caravan sites;
 - 8 camping sites (tent or camper trailer);
- Ancillary servicing arrangements (water supply, effluent disposal, stormwater management, vehicle access and parking) are approved subject to the requirements specified by the conditions attached to this approval and any subordinate approval (i.e. Development Permit for Building Work);
- Guest amenities and recreational facilities are provided generally as shown on the approved plans (e.g. ablution blocks, laundries, camp kitchens, playground);
- Camping is not permitted outside of the designated camping areas shown on the approved plans;
- Use of the Conference Centre is offered to accommodation guests only (i.e. not for hire to the general public); and
- Permanent tourist park residents are not permitted.

3.5 Development Plans – Conference Centre



Prior to seeking a Development Permit for Building Work for the Conference Centre, a floor plan for the building must be provided to Council's delegated officer for endorsement.

3.6 Use Requirements

- (a) The maximum length of stay must not exceed 3 months.
- (b) No visitors are to be admitted to the site before 6.00am or after 8.00pm on any given day.
- (c) A register of guests is to be kept detailing the number of persons accommodated on any given night. The register is to be made available for inspection at the request of Council's delegated officer.

3.7 Development Staging

Prior to the commencement of works, a plan and supporting information detailing the proposed staging of the development must be submitted for the endorsement of Council's delegated officer. The supporting information is to detail how relevant infrastructure and services are provided for the respective aspects of the stage.

3.8 Emergency Management

An Emergency Management Plan, including an Emergency Action Plan, must be prepared by a suitably qualified person for the premises to the satisfaction of Council's delegated officer prior to the commencement of the approved uses. The plan must provide emergency contact details and identify the procedures, including evacuation procedures, visitors are to follow in the event of a medical emergency or natural disaster (i.e. bushfire, flood or cyclone). Copies of the approved Emergency Action Plan must be kept in easily identifiable and weather-proof locations in the vicinity of the campsites or amenities blocks at all times and made available for inspection at the request of Council's delegated officer.

3.9 Bushfire Management

Prior to commencement of the approved uses, the Applicant/Developer must provide a professionally drafted Bushfire Management Plan, prepared in accordance with the methodology set out in the document titled *Bushfire resilient communities* (QFES October 2019) for the endorsement of Council's delegated officer.

3.10 Firepits

If guests are permitted to light campfires, firepits (maximum 1m²) must be provided. Signage must be erected in the vicinity of accommodation sites to notify visitors that campfires are only permitted in the firepits provided and to inform visitors of when campfires are not permitted (e.g. during QFES fire bans).

4. Infrastructure Services and Standards

4.1 Access

The approved development is only to be accessed via the existing access crossover on Millstream Parade. Direct access to/from the adjoining stock route or the Kennedy Highway is not permitted.

4.2 Stormwater Drainage

All reasonable and practicable measures must be taken to ensure that the development has a non-worsening effect on surrounding land and road reserves and that stormwater discharge occurs in compliance with the FNQROC Development Manual. During construction, temporary drainage, erosion and sediment control infrastructure must be installed to direct run-off to a lawful point of discharge clear of the works.

4.3 On-site Parking and Manoeuvring Areas

- (a) Prior to the commencement of the use, on-site parking facilities must be constructed comprising a minimum of 11 standard car spaces, including 1 sealed and line-marked disabled space (bitumen, concrete or asphalt), substantially in accordance with AS2890.1 and AS2890.2 (as amended) and the approved plans.
- (b) Prior to the commencement of the use, a queuing lane capable of accommodating a minimum of 2 vehicles towing caravans and an associated holding bay capable of accommodating 1 vehicle towing a caravan must be provided substantially as shown by the approved plans.
- (c) Each caravan and tent site must comprise an unencumbered area of 5.4m x 2.5m minimum dimension that is suitable for parking associated with the accommodation use of the site.

- (d) On-site parking facilities are to be kept available solely for the parking of vehicles associated with the use of the premises and must be appropriately surfaced and drained.
- (e) At a minimum, on-site parking and manoeuvring areas (with the exception of the disabled space) must be provided with a compacted gravel surface treatment (150mm minimum thickness) that is all-weather and dust free.
- (f) No parking or loading/unloading is to occur in the road reserve and all vehicles are to enter and exit the site in forward gear.
- (g) Internal driveways must be constructed to a minimum width of 3 metres.
- (h) Speed control devices must be installed along the internal road in accordance with Complete Streets.

4.4 Non-reticulated Water Supply

- (a) Prior to commencement of the approved uses the Applicant/Developer must demonstrate to the satisfaction of Council's delegated officer that the development can be provided with a conveniently located, readily accessible and reliable source of potable water that is capable of servicing a minimum daily demand of:
 - 150 litres per tent site;
 - 550 litres per caravan site; and
 - 500 litres for the Conference Centre.
- (b) On-site water supply infrastructure must include minimum reserve tanks of 10,000L for fire-fighting purposes that are fitted with 50mm ball valves, cam-lock fittings and which are located adjacent to the accommodation sites to the satisfaction of Council's delegated officer.
- (c) Where supply from a watercourse is proposed, it must be demonstrated that the watercourse has sufficient flow and is perennial in all, but the driest years. Written evidence is provided demonstrating that the Department of Resources is agreeable to the granting of a water licence for the purposes sought.
- (d) Where supply is proposed to be achieved via bore, siting and installation is to be in accordance with the Queensland Plumbing and Wastewater Code and section D6.09 of the FNQROC Development Manual (as

amended). Written evidence is provided demonstrating that the Department of Resources is agreeable to the granting of a water licence for the purposes sought.

- (e) Prior to commencement of the approved uses, the Applicant/Developer must demonstrate that any proposed source of potable water can satisfy the standards for drinking water identified by the Australian Drinking Water Guidelines (National Health and Medical Research Council and the National Resource Management Ministerial Council - as amended) and AS3497:2021 (*Drinking water treatment systems — Design and performance requirement*).
- (f) Prior to commencement of the approved uses the Applicant/Developer must demonstrate to the satisfaction of Council's delegated officer that the Conference Centre would be provided with a static water supply for firefighting purposes substantially in accordance with AS2304 (as amended) and section 9.1 of the *Bushfire Resilient Communities* technical reference guide (QFES 2019), to the satisfaction of Council's delegated officer.

4.5 On-Site Wastewater Management

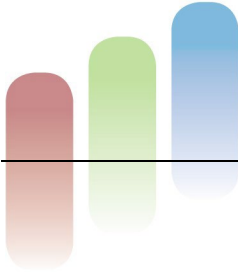
Prior to commencement of the approved uses, the Applicant/Developer must provide the following, to the satisfaction of Council's delegated officer:

- Evidence of an Environmental Authority for the conduct of Environmentally Relevant Activity No. 63 (sewerage treatment) accompanied by a written statement from the Department of Environment and Science that sewerage treatment facilities have been constructed to the Department's satisfaction; **OR**
- A written statement from the Department of Environment and Science confirming that the effluent disposal systems do not constitute an Environmentally Relevant Activity.

In absence of an Environmental Authority for the conduct of Environmentally Relevant Activity No. 63, on-site effluent disposal must be conducted in accordance with the Queensland Plumbing and Wastewater Code and AS1547.

4.6 Landscaping and Fencing

- (a) Prior to the commencement of works, a plan detailing the proposed landscaping and fencing treatments, prepared substantially in



accordance with Planning Scheme Policy 6, must be submitted for the endorsement of Council's delegated officer. The plan must comprise fencing to the northern and southern boundaries of the site and must nominate landscaping species in accordance with Schedule A of the policy.

- (b) Landscaping and fencing of the site is to be carried out generally in accordance with the endorsed plan prior to commencement of the approved use and landscaping is to be irrigated, mulched and maintained to the satisfaction of Council's delegated officer for the life of the approved use.

4.7 Waste Management

- (a) Refuse bins must be provided in locations within walking distance of accommodation sites and must include measures to prevent them from being accessed by wildlife and vermin.
- (b) The development must be serviced by commercial waste collection services (as opposed to kerbside collection) and the industrial bin(s) must be stored and collected within the site such that refuse collection vehicles are able to enter and exit the site in forward gear. The industrial bin(s) must be stored in a location that is screened from view from neighbouring properties and road reserves, substantially in accordance with the approved plans.

4.8 Outdoor Lighting

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

ASSESSMENT MANAGER'S ADVICE

- (a) The Decision Notice and Infrastructure Charges Notice do not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) Cultural Heritage

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

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

(c) Compliance with applicable codes/policies

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

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

(e) Compliance with Acts and Regulations

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

REFERRAL AGENCY RESPONSE

Department of State Development, Infrastructure, Local Government and Planning response, including conditions, dated 7 September 2022.

CURRENCY PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect).

OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Accommodation Licence (Local Laws)

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

Infrastructure Charge Calculation				
Catchment/s	Credits/Charge Exclusions (CE)	Additional demand	AICR Charge amount before charge exclusions applied	AICR Charge amount after charge exclusions applied
Outside PIA	Credits: Nil Applicable Charge Exclusions: -30% for water supply, -30% for sewerage, -10% for stormwater.	Tourist Park (48 accommodation sites)	\$2,500.00/accommodation site	\$36,000.00
		Function Facility (Approx. 64m ² GFA)	N/A as no additional loading above accommodation use proposed.	N/A
Total Charge less Charge Exclusions				\$36,000.00

CARRIED UNANIMOUSLY

8.2. TW HEDLEY PTY LTD - NEGOTIATED DECISION NOTICE - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - LOT 3 RP702445 & LOT 1 RP738078 - 61-63 MAIN STREET, TOLGA MCU23/0001

ATTENDANCE

*Cr Clifton dealt with the declared **Prescribed Conflict of Interest** by leaving the meeting at 9.04am.*

Moved by Cr Hodge

Seconded by Cr Wilce

“That:

1. In relation to the Applicant’s request for a Negotiated Decision Notice for the following development approval:

APPLICATION		PREMISES	
APPLICANT	TW Hedley Pty Ltd	ADDRESS	61-63 Main Street TOLGA
DATE NDN REQUEST LODGED	17 July 2023	RPD	Lot 3 RP 702445 & Lot 1 RP 738078
TYPE OF APPROVAL	Development Permit for a Material change of use		
PROPOSED DEVELOPMENT	Short-term accommodation		
APPLICATION REFERENCE	MCU23/0001		

and in accordance with the Planning Act 2016 (as amended):

- A. The conditions of approval contained in Council’s Decision Notice (dated 7 June 2023) be amended as follows (NB: strikethrough text = deletion, underlined text = addition):

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"> (i) 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 (ii) 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 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.	Amendment to Design

<p>3.1</p>	<p>The proposed development must be amended to accommodate the following changes:</p> <ul style="list-style-type: none"> (i) On-site car parking must be provided at a rate of one space per Short-term Accommodation unit (including one disabled space) in compliance with AS2890.1 – Car Parking Facilities (Off Street Parking). In addition, one on-site SRV space must be provided for service vehicles. (ii) The short fall of car parking spaces that cannot be provided onsite must be provided on the street and appropriately line marked in accordance with AS2890.5: 2020 – Parking Facilities, Park 5: On-street parking to the satisfaction of Council’s delegated officers. (iii) The car parking space that that will be removed as part of the development’s driveway must be replaced at a suitable location on Main Street and appropriately line marked in accordance with AS2890.5: 2020 – Parking Facilities, Park 5: On-street parking to the satisfaction of Council’s delegated officers. (iv) Refuse collection vehicles must be able to access the nominated collection point and enter/exit the site in a forward gear. Carparking spaces must be available onsite to allow manoeuvring of the refuse collection vehicle during collection times. Note: kerbside refuse collection is not supported. (v) Building plans must incorporate a cantilevered awning for the full frontage of the building that: <ul style="list-style-type: none"> a. has a minimum height of 3m and a maximum height of 4.2m above the finished footpath level; b. is setback 600mm from the face of the kerb; c. is designed, and comprises materials and finishes, representative of local character. <p>Plans detailing the above amendments must be endorsed by Council’s delegated officer prior to lodgement of an application seeking a Development Permit for Building Work.</p>
<p>4.</p>	<p>General</p>
<p>4.1</p>	<p>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.</p>

4.2	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.
4.3	All works must be designed, constructed and carried out generally in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
5.	Sewerage Disposal
5.1	<p>(i) The Applicant/Developer must connect to Council's reticulated sewerage system, via discharge to a gravity sewer main that has sufficient capacity to service the development. <u>The development must be connected to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.</u></p> <p>(ii) <u>Where an existing connection is not available to service the proposed development, the Applicant/Developer is required to extend or upgrade the reticulated sewerage 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.</u></p> <p>(iii) RPEQ-certified plans and supporting information for the must be lodged with Council for endorsement as part of an application for operational works.</p> <p><i>Note: Supporting information should include the consent of the relevant landowners and/or road managers.</i></p> <p>(iv) Connection to non-reticulated infrastructure (i.e. rising main) via a private switching station will not be accepted.</p> <p><i>Note: The above works are not considered to be creditable or trunk related works in accordance with Section 145 of the Planning Act 2016.</i></p> <p><u><i>Note: For the purposes of this condition the reticulated sewerage system is a gravity sewer main. Connection to non-reticulated infrastructure (i.e. rising main) will not be accepted.</i></u></p>
6.	Stormwater Drainage/Lawful point of discharge

6.1	<ul style="list-style-type: none"> (i) All stormwater from the property must be directed to a lawful point of discharge such that it has a non-worsening effect on surrounding properties, downstream properties and the road reserve. (ii) All stormwater infrastructure must be provided and constructed in accordance with the FNQROC Development Manual standards (as amended). (iii) RPEQ-certified plans and supporting information for the works must be lodged with Council for endorsement as part of an application for operational works or prior to the issue of a Development Permit for Building Work if an operational works permit is not required for the extent of the works. (iv) The RPEQ- certified plans must address the existing stormwater pit in the location of the proposed driveway.
6.2	<p>Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a legal point and not onto the construction site or adjoining properties.</p>
7.	<p>Water Supply</p>
7.1	<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. Where the existing water supply connection is not adequate to service the proposed development, the Applicant 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.</p>
8.	<p>Waste Management</p>
8.1	<ul style="list-style-type: none"> (i) On-site refuse storage areas must be screened from view from adjoining properties and the road reserve. (ii) Bulk bins must be stored and serviced on-site and the collection location must be selected to enable collection vehicles to enter and exit the site safely in forward gear (see Condition 3 – Amendment to Design for further detail). <u>On-site carparking spaces identified to allow manoeuvring of the refuse collection vehicles during collection times are made available to allow this to occur.</u>
9.	<p>Amalgamation</p>

9.1	Prior to the issue of a Development Permit for Building Work, Lot 3 on RP702445 and Lot 1 on RP738078 must be amalgamated.
10.	Water Supply and Sewerage Works Internal
	<p>Undertake the following water supply and sewerage works internal to premises:</p> <ul style="list-style-type: none"> (i) the development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures. (ii) any redundant water connection(s) must be decommissioned and removed. <p>All the above works must be designed and constructed in accordance with FNQROC Development Manual (as amended) and indicated in any development application for a Development Permit for Operational Works.</p> <p>All works must be carried out in accordance with the approved plan(s), to the requirements and satisfaction of Council.</p>
11.	Access
11.1	<ul style="list-style-type: none"> (i) A 6m wide commercial access crossover must be constructed from the edge of the Main Street road pavement to the property boundary of the subject lot generally in accordance with the approved plan of development and the FNQROC Development Manual (as amended), to the satisfaction of Council's delegated officer. (ii) The crossover must be painted or pigmented to match the adjoining footpath pavement (consistent with existing crossovers in this location). (iii) RPEQ-certified plans/documents for the works must be lodged with Council for endorsement as part of an application for operational works.
12.	On-site Parking and Manoeuvring Areas
12.1	<ul style="list-style-type: none"> (i) As required by Condition 3 (Amendment to Design), the Applicant/Developer must ensure that the development is provided with 22 on-site car parking spaces, inclusive of one (1) Persons with Disabilities (PWD) be provided to service the development space and in addition to one (1) Small Rigid Vehicle (SRV). (ii) The car parking spaces onsite are to be made solely available for the parking of vehicles associated with the use of the premises prior to the commencement of use. <p><u>Note: On-site carparking spaces identified to allow manoeuvring of the refuse collection vehicles during collection times are made available to allow this to occur.</u></p>

	<p>(iii) 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.</p> <p>(vi) All car parking facilities, associated ramps, and driveways must be provided in accordance with the latest amendments of the Australian/New Zealand Standards (AS2890.1: 2004 Parking facilities - Off-street car parking; AS2890.6: 2022 Parking facilities - Off-street car parking for people with disabilities; AS2890.2: 2018 – Off-street parking commercial vehicle facilities).</p> <p>(iv) 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.</p> <p>(v) No loading/unloading is to occur in the road reserve.</p> <p>(vi) A bicycle rack is to be installed adjacent to the main building entrance on Main Street to the satisfaction Council's delegated officer.</p>
13.	Damage to Infrastructure and Land
13.1	In the event that any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council.
14.	Electricity and Telecommunications Services
14.1	<p>The approved development must be provided with electricity and telecommunications infrastructure.</p> <p>Written advice from an Electricity Service Provider and telecommunications provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.</p>
15.	Air-Conditioning, Plant and Machinery Screens
15.1	Air-Conditioning, Plant and Machinery units located above ground level and visible from external residential properties or the street at the frontage of the land must be screened from view with appropriate materials or landscaping.
16.	Privacy, Amenity and character
16.1	<p><u>Where the windows from a bedroom or living area look directly at similar room windows in an adjacent dwelling and where the buildings are within a distance of 6m at ground level and 8m above ground level, privacy is protected by:</u></p> <ul style="list-style-type: none"> - <u>Sil heights a minimum of 1.5m above floor level; or</u> - <u>Fixed opaque glass below 1.5m; or</u>

	<ul style="list-style-type: none"> - <u>Fixed external screens; or</u> - <u>A 1.5m high screen fence.</u> <p>Where direct view is available from balconies or walkways of the Development into windows, balconies, and/or decks of an adjacent residential dwelling or caretaker's residences, that view must be screened from floor level to a height of 1.5 metres above floor level.</p>
17.	Screening Fence
17.1	<p>A minimum 1.8 metres high solid screen fence must be erected along the full length of the rear <u>boundary</u> and side boundaries of the development prior to commencement of use.</p> <p>Details of the proposed fencing must be shown on the Landscaping Plan required by Condition 18 – Landscaping Plan.</p>
18.	Landscaping Plan
18.1	<p>A landscape plan in accordance with Council's Planning Scheme Policies must be submitted by a Landscape Architect or Landscape Designer to Council to the satisfaction of Council's delegated officer, to provide for:</p> <ul style="list-style-type: none"> (i) The retention of existing street trees; (ii) A landscape strip with a minimum width of 1 metre is provided for the full length of <u>the rear boundary</u> all boundaries of the site excluding vehicle and pedestrian access.
18.2	<p>Landscaping of the site is to be carried out prior to commencement of the use and be irrigated, mulched and maintained to the satisfaction of Council's delegated officer for the life of the approved use.</p>
19.	External Works
19.1	<p>The Applicant/Developer is required to construct the following works, generally in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:</p> <ul style="list-style-type: none"> (i) Footpath works for the full frontage of the site to Main Street in accordance with the Planning Scheme Policy 10 – Footpath Paving (Tolga); (ii) Footpath earthworks and reinstatement of all disturbed footpath areas; (iii) Reinstatement of any damaged sections of kerb and channel; (iv) Removal of on-street car parks as is required to accommodate the proposed access works and any line marking required to rectify existing

	<p>on-street carparking;</p> <p>(v) If deemed necessary to accommodate the proposed access works (see Condition 6- Stormwater Drainage/Lawful Point of Discharge), relocation of the kerb inlet pit (Asset ID # SWP1318) on Main Street and associated remedial works;</p> <p>(vi) Removal of any redundant vehicle crossovers and installation of kerb and channel; and</p> <p>(vii) Adjustments and relocations necessary to public utility services resulting from these works.</p> <p>All the above works must be designed and constructed in accordance with FNQROC Development Manual (as amended) and indicated in any development application for a Development Permit for Operational Works.</p> <p>All works must be carried out in accordance with the approved plan(s), to the requirements and satisfaction of Council.</p>
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2. Council approve in part the request for a Negotiated Decision Notice for Development Permit MCU23/0001 in accordance with Section 76(3) of the *Planning Act 2016*.
3. The Applicant be advised via a Decision Notice as per Section 76(3) of the *Planning Act 2016* that Council agrees with some of the representations made in support of the request for a Negotiated Decision Notice.

CARRIED UNANIMOUSLY

ATTENDANCE

Cr Clifton returned to the meeting at 9.08am

8.3. A FLOREANCIG - RECONFIGURING A LOT (1 INTO 11 LOTS PLUS NEW ROAD AND DRAINAGE/OPEN SPACE LOT) - LOT 901 SP245606 - KENNEDY HIGHWAY, - RAL22/0011

Moved by Cr Cardew

Seconded by Cr Wilce

- (A) That Council determines that the application seeking a Development Permit for Reconfiguring a Lot (1 into 11 Lots plus new road and drainage/open space lot) on land described as Lot 901 on SP245606, located at Kennedy Highway, Atherton, does not conflict with a relevant instrument and that a development permit be issued, subject to the following conditions and plans:

APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
033-2301-00-SK-0001 (Revision A)	ATHERTON INDUSTRIAL PROJECT – OPTION A MASTERPLANS LOT LAYOUT	Neon Consulting	30/03/23

ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

1	<p>Development must be carried out substantially in accordance with the approved plans and the facts and circumstances submitted with the application, subject to any alterations:</p> <ul style="list-style-type: none"> - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and - to ensure compliance with the following conditions of approval.
2	<p>Timing of Effect</p> <p>The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in the conditions of approval.</p>
3	<p>General</p>
3.1	<p>The Applicant/Developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or works required by any condition of this approval.</p>
3.2	<p>At the time of seeking endorsement of any survey plan associated with this approval, the Applicant/Developer must provide a letter from the Concurrence Agency confirming that their conditions have been complied with. Any plan sealing application associated with this approval lodged prior to the closure of the Kennedy Highway-Manthey Road intersection (as required by condition 4 of the SARA concurrence response dated 10 July 2023) must be accompanied written advice from the Department of Transport and Main Roads explicitly stating that the Department has no objections to the survey plan being released despite non-compliance with the condition.</p>
3.3	<p>All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the relevant plan of survey and at the rate applicable at the time of payment.</p>

3.4	Any existing buildings, structures or incidental works that straddle the new boundaries must be altered, demolished or removed to address potential encroachments and to achieve compliance with the relevant setback requirements, unless otherwise approved by Council's delegated officer.
3.5	The Applicant/Developer must relocate (in accordance with FNQROC standards) any existing services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless otherwise approved by these conditions of approval or Council's delegated officer.
3.6	Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The Applicant/Developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
3.7	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.
3.8	<p>Charges</p> <p>All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to Council endorsing any relevant plan of survey.</p>
4	<p>Building Envelope Plan</p> <p>At the time of seeking endorsement of any survey plan containing the proposed Lots 7 to 10, a Building Envelope Plan (scaled and dimensioned for A3) must be submitted to the satisfaction of Council's delegated officer to ensure that future buildings and structures are not constructed within the area affected by Easements B and C on SP245606 and Easement A on ARP719407 at the date of this approval (i.e. easement extents prior to amendment or release).</p> <p>A rates notation will be recorded against Lots 7 to 10 to alert purchasers that Council holds a Building Envelope Plan for the properties.</p>

5	<p>Access</p> <p>(a) With the exception of any balance lot, all proposed lots must be accessed via the Turpin Drive-Kennedy Highway intersection.</p> <p>(b) The proposed Lots 1 to 6 and Lot 11 are not to access Manthey Road directly, save that the proposed Lot 6 is permitted to egress (only) directly onto Mathey Road subject to the access location and crossover design being approved as part of a subsequent application for Operational Works and subject to the frontage of Lot 6 having been constructed to pursuant to condition 12 (Roadworks Internal/External) of this approval.</p>
6	<p>Development Staging & Lot-by-Lot Releases</p> <p>Any proposed staging arrangement or request to release titles on a lot-by-lot basis will be considered in the context of Council’s Survey Plan Sealing Policy (CORP 051). Should it be determined that a request for plan endorsement is contrary to the policy, Council reserves the right to withhold endorsement until such time it has been demonstrated to the satisfaction of Council’s delegated officer that the request would achieve the intent of the policy.</p>
7	<p>Stormwater Drainage/Water Quality</p> <p>(a) As part of a subsequent Operational Works application, the Applicant/Developer must submit a Stormwater Management Plan and Report 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 (as amended) to the satisfaction of Council’s delegated officer.</p> <p>(b) The Stormwater Management Plan/Report will be generally in accordance with the Engineering Servicing Report prepared by Neon Consulting (033-2301-R-001, Revision B, dated 27 April 2023), must ensure a non-worsening effect on surrounding land as a consequence of the development, and all reasonable and practicable measures must be taken to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual (as amended).</p> <p>(c) The Stormwater Management Plan/Report must include a Stormwater Quality Management Plan/Report, prepared and certified by a suitably qualified design engineer (RPEQ), which meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline, the Queensland Water Quality Guideline and the FNQROC Development Manual (as amended) to the satisfaction of Council’s delegated officer.</p>

	<p>(d) The Stormwater Quality Management Plan/Report must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia – as amended), to the satisfaction of Council’s delegated officer.</p> <p>(e) Stormwater drainage infrastructure must be designed and constructed to accept upstream developed flows in addition to those collected from the development site and all discharges must be to an approved legal point of discharge.</p> <p>(f) The lot shown as “Reserve” on the approved plan of reconfiguration must be constructed in accordance with the approved Stormwater Management Plan/Report and transferred to Council in freehold upon registration of the first plan of survey associated with this approval.</p> <p>(g) Removable/lockable bollards, or similar measures to the satisfaction of Council’s delegated officer, must be installed along the road frontage where the “Reserve” lot shown on the approved plan of reconfiguration would interface with the road reserve. Any keys or combinations required for Council staff/vehicles to access the area, must be provided to Council prior to the asset being placed on Council’s maintenance register.</p> <p>(h) Any detention basin(s) will be constructed to be free-draining and capable of being mowed, landscaped and maintained. The maximum batter slopes within areas intended for use as recreational open space will be 1 in 6 for park areas and road frontages, and 1 in 4 in all other instances.</p> <p>(i) All constructed or retained stormwater channels through the balance area must be within a registered easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.</p> <p>(j) Any necessary temporary drains and associated drainage easements within the balance area will be provided in connection with the relevant survey plans.</p> <p>(k) Temporary drainage is to be provided and maintained during the construction phase of the development and discharged to a lawful point clear of construction works.</p>
8	<p>Easements</p> <p>Where Council is a party to a proposed easement, and/or if the proposed easement is in favour of Council, the Applicant/Developer is to pay all costs (including Council’s legal expenses) to prepare and register the easement documents, using Council’s standard form of easement. The approved easement documents must be submitted at the same time the Applicant/Developer seeks</p>

	endorsement of the relevant plan of survey and must be lodged and registered with the Registrar of Titles in conjunction with the relevant plan of survey.
9	<p>Bulk Earthworks Master Plan</p> <p>As part of a subsequent Operational Works application:</p> <p>(a) A Bulk Earthworks Master Plan is to be submitted, prepared and certified by a suitably qualified RPEQ, which demonstrates compliance with the TRC Planning Scheme’s Works, Services and Infrastructure Code, to the satisfaction of Council’s delegated officer, and that includes the following details:</p> <ul style="list-style-type: none"> - Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary; - Preservation of all drainage structures from the effects of structural loading generated by the earthworks; and - Protection of adjoining properties and roads from ponding or nuisance from stormwater. <p>(b) All site earthworks, drainage and pavement construction are to be designed and supervised by a RPEQ. Testing is to be carried out by NATA Registered Laboratories and results submitted as part of the “As Constructed” information. The Supervising Engineer must submit a certificate demonstrating that all work has been satisfactorily completed to the quality control criteria for the site and in accordance with AS3798 (as amended).</p>
10	<p>Water Supply</p> <p>(a) The Applicant/Developer is required to extend the reticulated water supply infrastructure to connect the proposed lots to Council’s existing infrastructure and water service connections (including meters) must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer.</p> <p>(b) Where the existing reticulated water supply is not at adequate capacity 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).</p> <p>(c) Prior to works commencing, plans for the water supply works required by condition 9a or 9b must be approved as part of an Operational Works application.</p>
11	Sewerage Connection / Easement

	<p>(a) The Applicant/Developer must connect the proposed lots to Council’s reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council’s delegated officer.</p> <p>(b) Where existing sewer connections are not satisfactory to service the development, the Applicant/Developer is required to extend/upgrade the reticulated sewerage infrastructure to connect the site to Council’s existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).</p> <p>(c) Prior to works commencing, plans for the sewerage works required by Condition 10a or 10b must be approved as part of an Operational Works application.</p> <p>(d) Where Council sewerage infrastructure would traverse any of the proposed lots on non-standard alignment (including the “Reserve” lot shown on the approved plan of reconfiguration), easements for access and maintenance must be registered in favour of Council using Council’s standard form of easement.</p>
12	<p>Roadworks Internal/External</p> <p>(a) The proposed internal road, external local roads fronting the proposed Lots 6 and 11 (Manthey Road and Turpin Drive) and associated intersections must be dedicated, designed and constructed to a full-width Industrial Collector standard in accordance with the FNQROC Development Manual (as amended), to the satisfaction of Council’s delegated officer.</p> <p>(b) At such time as the Manthey Road-Kennedy Highway intersection is closed pursuant to condition 4 of the SARA concurrence response dated 10 July 2023, Manthey Road must be closed to vehicle movements (NB: Road reserve to remain open) approximately where the common boundary of the proposed Lots 5 and 6 would intersect with the road frontage in accordance with FNQROC Development Manual requirements (as amended) and the Manual of Uniform Traffic Control Devices (as amended).</p> <p>(c) A temporary gravel turnaround must be provided within any balance lot that has a minimum diameter of 20m and which is either dedicated as road or registered as easement in gross, to the satisfaction of Council’s delegated officer.</p> <p>(d) Prior to the above works commencing, plans for the works must be approved as part of an application for Operational Works.</p>
13	<p>Electricity Supply</p> <p>(a) The Applicant/Developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development</p>

	<p>Manual standards (as amended) to the satisfaction of Council's delegated officer.</p> <p>(b) Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of underground power reticulation.</p>
14	<p>Electricity Service Provider Conditions</p> <p>With the exception of requirement No. 4 of Ergon Energy's advice agency response dated 10 July 2023, and save for any variation required by the other conditions of this approval, the advice agency requirements are taken to be conditions imposed and enforceable by Council.</p>
15	<p>Telecommunications</p> <p>The Applicant/Developer must enter into an agreement with a telecommunications carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.</p>
16	<p>Street Lighting</p> <p>(a) Street lighting must be provided to the new road substantially in accordance with section D8.07 of the FNQROC Development Manual (as amended).</p> <p>(b) Prior to works commencing, street lighting plans must be approved as part of an application for Operational Works.</p>
17	<p>Balance Lot Buffer/Maintenance</p> <p>The Applicant/Developer will ensure a minimum 5m wide buffer within any balance lot is grassed, slashed and maintained to the satisfaction of Council's delegated officer. Any undeveloped parts of the site, including buffer areas, must be kept free of noxious weeds and must not become overgrown or harbour vermin.</p>
18	<p>Landscaping and Site Maintenance</p> <p>Landscaping/site maintenance must be carried out as per the conditions of this approval and substantially in accordance with section D9 of the FNQROC Development Manual (as amended) for all areas, including covenant areas, easements and road verges as follows:</p> <ul style="list-style-type: none"> - replacement of trees/shrubs/plantings as required; - regular mowing/slashing of all areas outlined above; and - landscaping/site maintenance is to be continued throughout the Defects Liability Period until the date of Final Acceptance.

ASSESSMENT MANAGER'S ADVICE

- (a) 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) Turpin Drive - Manthey Road Link
- Pursuant to the Council resolution of 16 December 2021, Council's Chief Executive Officer has delegated authority to progress negotiations with respect to delivery of the proposed Turpin Drive - Manthey Road connection.
- (d) Easement Documents
- The Tablelands Regional Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact Development Services for more information regarding the drafting of easement documents for Council easements.
- (e) 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.
- (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) Transportation of Soil
- All soil transport to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.
- (h) Notation on Rates Record

A notation will be placed on Council's rates record in respect of Condition 4 (Building Envelope Plan).

(i) Cultural Heritage

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

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

REFERRAL AGENCY RESPONSE

- Department of State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency) concurrence agency response dated 10 July 2023.
- Ergon Energy advice agency response dated 10 July 2023.

CURRENCY PERIOD

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

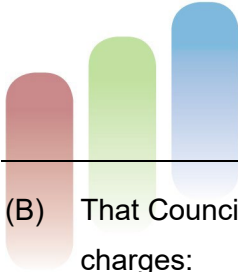
- Reconfiguring a Lot – Four (4) years starting the day the approval takes effect.

OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Operational Works

OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil



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

Calculation				
Catchment/s	Credits/Charge Exclusions	Additional Demand	Charge Category	Charge Amount
Inside PIA	N/A	10 additional industrial lots	\$22,500.00/additional industrial lot	\$225,000.00
Total Charge				\$225,000.00

CARRIED UNANIMOUSLY

9. NOTICE OF MOTION

No Notice of Motion items.

11. BUSINESS WITHOUT NOTICE

No business without notice.

12. CONFIDENTIAL ITEMS

No confidential items



13. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton

Ordinary Meeting 9:00 am on 24 August 2023

Planning Committee Meeting 9.00am on 13 September 2023

There being no further business, the meeting closed at 9.25am.

.....
Cr Rod Marti
Mayor

.....
Gary Rinehart
Chief Executive Officer