



# Planning Committee Meeting

Coordination Centre, 15 Vernon Street, Atherton Qld 4883

Thursday, 12 January 2023

at 9:00 AM

## MINUTES

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### 1. MEMBERS IN ATTENDANCE

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

### 2. OFFICERS IN ATTENDANCE

G Rinehart (Chief Executive Officer), H Jackson (General Manager Community & Corporate Services), M Vis (General Manager Infrastructure & Environmental Services), K Reaston (Executive Manager Development Services), D O'Connor (Senior Planner), E Bowden (Manager Finance), S Dean (Senior Advisor Emergency Management), P Turner (Coordinator Legal & Governance), T Vallance (Strategic Communications) and J Hunter (Minute Secretary).

### 3. APOLOGIES/LEAVES OF ABSENCE

No apologies.

### 4. ACKNOWLEDGEMENT OF COUNTRY

The Mayor delivered the following 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 declared that he has a **Prescribed Conflict of Interest** (as defined in 150EQ(4)(a)(b) of the *Local Government Act 2009*), in relation to:

*ITEM-8.1. State of Qld (Department of Education) – Negotiated Decision Notice - MCU “Outdoor Sport & Recreation” - Lot 1 SP206189 - 30-90 Maunds Road, Atherton - MCU22/0016*

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 proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

## 6. DEPUTATIONS & DELEGATIONS

Ms Tammryn Petersen presented to the meeting at 9.01am regarding ITEM-8.1 *State of Qld (Department of Education) – Negotiated Decision Notice - MCU “Outdoor Sport & Recreation” - Lot 1 SP206189 - 30-90 Maunds Road, Atherton - MCU22/0016* on the Agenda.

Ms Petersen concluded her presentation at 9.09am.

## 7. MAYORAL MINUTE

Nil

## 8. CHIEF EXECUTIVE OFFICER

### 8.1. STATE OF QLD (DEPARTMENT OF EDUCATION) – NEGOTIATED DECISION NOTICE – MCU “OUTDOOR SPORT & RECREATION” – LOT 1 SP206189 – 30-90 MAUNDS ROAD, ATHERTON – MCU22/0016

#### ATTENDANCE

Cr Clifton dealt with the previously declared **Prescribed Conflict of Interest** by leaving the meeting at 9.09am.

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council receive the officer's report and open it for discussion."

**CARRIED UNANIMOUSLY**

***The following motion was moved in place of the officer’s recommendation. Reasons for not accepting the officer’s recommendation are that in Council’s view:***

- 1. The proposed amendments to the Officer’s recommendation are considered to address the Applicant’s concerns regarding operational issues associated with the development while continuing to ensure the impact on surrounding residents is mitigated.***
- 2. The Approval remains substantially consistent with the provisions of the Tablelands Regional Council Planning Scheme 2016 (V4).***

Moved by Cr Hodge

Seconded by Cr Wilce

“That, in relation to the approved Development Permit for a Material Change of Use for “Outdoor Sport and Recreation” (Multi-Purpose Court Facility) on land described as Lot 1 on SP206189 and located at 30-90 Maunds Road, Atherton (MCU22/0016), and the Applicants’ request for a Negotiated Decision Notice dated 23 November 2022, Council resolve to issue a Negotiated Decision Notice, subject to the following amended conditions:

1	<p>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:</p> <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>
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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 commencement of the use except where specified otherwise in these 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 any works required by condition(s) of this approval.</p>
3.2	<p>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.</p>
3.3	<p>Hours of Use</p> <p>The facility is approved for non-school related use between the hours of 7am and 9pm, Monday to Saturday, and between the hours of 7am and 6pm on Sundays and public holidays, except as otherwise required by these conditions of approval.</p>
4	<p>Infrastructure Services and Standards</p>
4.1	<p>Stormwater Drainage</p> <p>(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.</p> <p>(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.</p> <p>(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</p>

	<p>Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.</p> <p>(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.</p> <p>(e) The above-described plans/reports must be submitted to Council as part of an application for Operational Works.</p> <p>(g) Stormwater drainage infrastructure must be constructed in accordance with the above-described plans/reports following endorsement by Council's delegated officer.</p> <p>(h) 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.</p> <p>(f) Stormwater drainage works must be completed to the satisfaction of Council's delegated officer prior to the commencement of any approved use.</p>
<p>4.2</p>	<p><b>Pedestrian Linkages / Frontage Works</b></p> <p>The pedestrian linkage from the north-eastern corner of the Council-controlled car park must be provided substantially in accordance with the approved Overall Ground Floor Plan (Drawing No. 262. AE-101, Revision 5, dated 1 March 2021) in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.</p> <p>Prior to any works commencing within the Council-controlled car park and/or road reserve, plans for the works must be approved as part of an Operational Works application</p>
<p>4.3</p>	<p><b>Water Supply</b></p> <p>(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.</p> <p>(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</p>

	<p>accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer.</p>
<p>4.4</p>	<p><b>Sewerage Connection</b></p> <p>(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.</p> <p>(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.</p>
<p>4.5</p>	<p><b>Earthworks</b></p> <p>Any filling/benching of the site that would result in the finished surface level of the courts being located above 790m AHD must not occur without the prior consent of Council's delegated officer, subject to the provision of a bulk earthworks plan prepared by a suitably qualified engineer, to their satisfaction.</p>
<p>4.6</p>	<p><b>Outdoor Lighting</b></p> <p>(a) 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) as amended, and to the satisfaction of Council's delegated officer.</p> <p>(b) Outdoor lighting must be designed, installed and operated within Lot 1 on SP206189 as is necessary to ensure that a safe lighting environment is provided to the approved facility and to the adjacent Council-controlled car park and drop-off/pick-up area. Outdoor lighting to the car park and drop-off/pick-up area must continue to operate for at least 30 minutes after the scheduled use of the facility has ceased.</p> <p>(c) Pedestrian routes between the approved on/off site parking areas and the facility must be illuminated in accordance with the abovementioned standards and must continue to operate for at least 30 minutes after the scheduled use of the facility has ceased.</p>

4.7 Noise Nuisance

- (a) Acoustic insulation with a minimum Noise Reduction Coefficient rating of 0.7 is to be incorporated into the underside roofing of the court structure to minimise reverberant noise build-up.
- (b) Any 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.
- (c) 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.
- (d) Should Council's evening use of the facility and be able to substantiate that the indoor noise impacts associated with the normal operation of the facility (including the associated use of the adjacent Council-controlled car park and pick-up/drop-off area) for non-school related purposes as described in the application, exceed the relevant Acoustic Quality Objectives identified by the *Environmental Protection (Noise) Policy 2019* [as amended] at the source of the complaint(s), the Council may, by resolution of Council, suspend the evening operation beyond 7.00pm until such time as a noise impact assessment (prepared by an appropriately qualified acoustic specialist) is provided to, and endorsed by Council, demonstrating compliance with the EP (Noise) Policy [as amended] at the source of the complaint(s), including any mitigation measures, if required. The assessment must include a study that models the impacts of noise on surrounding properties, specifically those fronting First Avenue and Maunds Road, and must be accompanied by information (e.g. plans, documentation) demonstrating how the recommendations of the assessment would be incorporated into the design and/or operation of the facility. NB: For the purposes of this condition, the "indoor noise impact" is taken to be that experienced at a sensitive receptor while the windows remain open for the duration of the evening use of the facility and the associated use of the adjacent Council-controlled car park and drop-off/pick-up area.

4.8	<p><b>Landscaping</b></p> <p>(a) Prior to the commencement of landscaping works, a landscaping plan, prepared substantially in accordance with Planning Scheme Policy No. 6 and the Sport and Recreation Activities Code is to be submitted for the endorsement of Council's delegated officer. The plan must nominate species in accordance with Schedule A of the policy.</p> <p>(b) Landscaping of the site is to be carried out substantially in accordance with the endorsed landscaping 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.</p>
4.9	<p><b>Waste Management</b></p> <p>On-site refuse storage areas are to be screened when viewed from adjacent properties and the road reserve by a minimum 1.8m high solid fence, dense landscaping or similar, to the satisfaction of Council's delegated officer.</p>

**CARRIED UNANIMOUSLY**

**ATTENDANCE**

*Cr Clifton returned to the meeting at 9.34am.*

**8.2. EVENTIDE HILLS DISTILLERY - MATERIAL CHANGE OF USE - BOUTIQUE DISTILLERY & CELLAR DOOR OPERATION (UNDEFINED LAND USE) LOT 3 RP729227 - 2-10 AULD ROAD, TOLGA MCU22/0022**

Moved by Cr Wilce

Seconded by Cr Bilney

- (A) That Council resolve that the application does not conflict with a relevant instrument and approve a Development Permit for a Boutique Distillery & Cellar Door Operation (Undefined Land Use) on land described as Lot 3 on RP 729227, situated at 2-10 Auld Road Tolga subject to the following:

**APPROVED PLANS/DOCUMENTS:**

<b>Plan No.</b>	<b>Plan Name</b>	<b>Date</b>
Sheet 3, Issue A	<i>Floor Plan (Preliminary Issue)</i> , prepared by Superior Steel Homes	14 August 2022
Sheet 5, Issue A	<i>3D Views (Preliminary Issue)</i> , prepared by Superior Steel Homes	14 August 2022



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## 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 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 Use Requirements
    - 3.4.1 Until such time as an on-site effluent disposal system to accommodate the use is provided in accordance with Condition 4.5, the use is limited to a maximum of 15 persons per day for tastings. Use of toilet facilities is limited to persons attending tasting sessions and employees.
    - 3.4.2 Until such time as an on-site effluent disposal system to accommodate the use is provided in accordance with Condition 4.5, no on-site dining is permitted. This includes consuming food from food trucks.

3.4.3 No open flames (such as candles, gas stoves, fire pits etc.) are permitted within 10m of the commercial building.

3.4.4 A designated outdoor smoking area must be established a minimum of 10m from the commercial building.

3.4.4.1 The smoking area must not be located directly outside the distilling room.

3.4.4.2 Smoking is not permitted outside of this smoking area.

Machinery (including the grain roller mill) shall only be operated between the hours of 7am and 6pm.

*Advice note: The spirit distiller is not considered machinery for the purpose of interpreting the above condition and can be operated at all times.*

3.4.5 The distillery must be mechanically ventilated to reduce the build-up of ethanol vapour.

3.4.6 An ethanol vapour detector must be installed in the kitchen area near the lowest point at the entrance to the kitchen.

3.4.7 Record Keeping

Adequate records must be kept and made available to Council for inspection on request to demonstrate compliance with the following conditions-

(i) Condition 3.4.1 & 3.4.2 – Use requirements

(ii) Condition 4.5 – On-site waste management

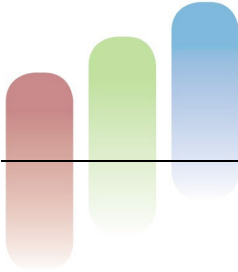
#### 4. Infrastructure Services and Standards

##### 4.1 Stormwater Drainage

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.

##### 4.2 On-site Car Parking

4.2.1 Prior to the commencement of the approved use, the Applicant/Developer must ensure that the development is provided with a minimum of 12 on-site car parking spaces, including a minimum of one (1) disabled space and one (1) SRV space, in accordance with AS2890.1, AS2890.2 and AS2890.6 (as amended).



- 4.2.1.1 Where the construction of an additional parking area is required to accommodate the required number of parking spaces, the area must be constructed to a compacted gravel base of 150mm minimum thickness with a minimum thickness of 25mm of asphalt surfacing, or compacted gravel base of 150mm minimum thickness with a two coat sprayed bitumen seal, to the satisfaction of Council's delegated officer.
- 4.2.2 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.
- 4.2.3 The parking area is compacted, sealed, drained, line marked prior to the commencement of the use.
- 4.2.4 No loading/unloading 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.
- 4.2.5 Secure bicycle parking facilities for a minimum of 2 bikes must be provided within the boundaries of the site.
- 4.2.6 Pedestrian routes from the parking area to building entrances, are safe and readily identifiable.
- 4.2.7 A 2m wide concrete footpath must be constructed between the toilet facilities and the main building, to the satisfaction of Council's delegated officer.
- 4.3 Non-Reticulated Water Supply
- 4.3.1 Prior to commencement of the use, the applicant/developer must demonstrate that a minimum supply equivalent to 500 litres/person/day can be achieved by way of:
- on-site water storage tank/s; or
  - a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.
- 4.3.1.1 Where supply is proposed to be achieved via bore, the Applicant/Developer is required to provide Council's delegated officer with written evidence of the relevant licences/permits pursuant to the *Water Act 2000*.
- 4.3.2 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), to the satisfaction of Council's delegated officer.

4.5 On-site waste management

Prior to the use commencing beyond the limitations outlined in Conditions 3.4.1 and 3.4.2, the applicant/developer must submit documentation to the satisfaction of council's officer that the existing on-site effluent disposal system has either been upgraded or replaced as is necessary to accommodate the loading associated with the ultimate use of the premises as described in the planning report accompanying the application, in accordance with the *Plumbing and Drainage Act 2018*, the *Plumbing and Drainage Regulation 2019* and the *Environmental Protection Regulation 2019* (as amended).

4.6 Outdoor Lighting

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

4.7 Waste Management

4.7.1 On-site refuse storage areas are to be screened when viewed from adjoining properties and the road reserve by a 1.2m high solid fence, dense landscaping or similar.

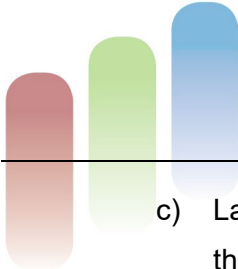
4.7.2 Where bulk bins are used, the bins must be collected from a location within the boundaries of the site that enables refuse vehicles to enter and exit the site safely in forward gear.

4.7.3 Waste from the manufacturing process (dunder) is to be stored in a holding tank and collected by a regulated waste contractor.

4.8 Landscaping and Fencing

Within 6 months of commencing the use, the applicant/developer must provide:

- a) A landscape strip with a minimum width of 1.5m is provided adjacent the road frontage to Auld Road and Kennedy highway for the entire length of the parking area.
- b) The above-described plantings must comprise species selected from Schedule A of Planning Scheme Policy 6 and must be planted at no greater than 1m spacings

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

#### ASSESSMENT MANAGER'S ADVICE

- a) The change in the use of the building may also require a change in the classification of the building under the *Building Act 1975*. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- b) Food Premises  
The applicant is advised that they must apply for a food licence under the *Food Act 2006* prior to operating. Please make an appointment with the Environmental Health Officer.
- c) Advertising signage for the proposed development may require a Development Permit for Operational Works. Please contact the Community & Regional Planning Department prior to installing any advertising signage on the premises.
- d) Compliance with applicable codes/policies  
The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.
- e) 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.
- f) Cultural Heritage  
In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.dor.qld.gov.au](http://www.dor.qld.gov.au).

#### REFERRAL AGENCY CONDITIONS

A copy of the referral agency conditions dated 20 October 2022 is attached.

#### 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.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Nil

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

- Nil

**CARRIED UNANIMOUSLY**

**8.3. BARLETTA INVESTMENTS PTY LTD - MATERIAL CHANGE OF USE FOR WINERY - LOT 25 SP119116 - 255 MARKS LANE, ATHERTON - MCU22/0025**

Moved by Cr Cardew

Seconded by Cr Wilce

- (A) That Council determines that the application seeking a Development Permit for a Material Change of Use for “Winery” on land described as Lot 25 on SP119116 and located at 255 Marks Lane, Atherton, be approved subject to the following plans and conditions:

**APPROVED PLANS/DOCUMENTS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
150 – WD2	Site Plan	Own Home Design	12/08/21
150 – WD3	Floor Plan	Own Home Design	12/08/21

**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 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 the use, Council must be notified that all 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 the conditions of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the associated Infrastructure Charges Notice 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.

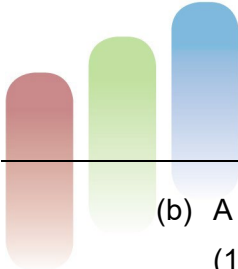
4. Infrastructure Services and Standards

4.3 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 Queensland Urban Drainage Manual (QUDM) and 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.

4.4 Car Parking and Manoeuvring Areas

- (a) A minimum of four (4) sealed on-site car parking spaces must be retained, and kept available, to service the approved "Winery" within the existing sealed parking area (NB: This is additional to the minimum parking provision associated with the approved "Food Processing and Kiosk" use – MCU22/012).

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- (b) A service vehicle parking area capable of accommodating a minimum of one (1) HRV is to be kept available within the gravel surfaced parking area during business hours.

#### 4.5 Landscaping

- (a) A minimum 1m wide landscaping strip must be planted to screen for the gravel surfaced carpark when viewed from the Gillies Range Road to the satisfaction of Council's delegated officer.
- (b) The above-described landscaping strip must comprise shrub species selected from Schedule A of Planning Scheme Policy 6 that would have a minimum height at maturity of 1m and which are planted at no greater than 1m spacings.
- (c) The existing landscaping treatments along the Marks Lane and Gillies Range Road frontages of the site must be retained.
- (d) Landscaping is to be carried out prior to commencement of the use and all landscaping treatments must be irrigated, mulched and maintained to the satisfaction of Council's delegated officer for the life of the approved use.

#### 4.6 Water Supply

- (a) The approved development is to be supplied by the reticulated water service connection and associated meter currently servicing the property.
- (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, OR, the Applicant/Developer must provide information, to the satisfaction of Council's delegated officer, that supply can be achieved via alternative on-site means (e.g. bore, rainwater tank).

#### 4.7 On-site effluent disposal

Within 12 months of commencement of the use either:

- (a) Evidence of an Environmental Authority for the conduct of Environmentally Relevant Activity No. 63 (sewerage treatment) must be provided to Council 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



- (b) A written statement from the Department of Environment and Science must be provided confirming that the recently upgraded effluent disposal system does not constitute an Environmentally Relevant Activity.

#### 4.6 Outdoor Lighting

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

#### 4.7 Waste Management

- (a) An on-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1.8m high dense landscaping or solid fencing.
- (b) The kerb-side collection of refuse receptacles is not permitted, all refuse collection must occur internal to the site, where industrial bins are used, refuse collection vehicles must be able to safely and efficiently access the on-site refuse collection point and enter/exit the site in forward gear.
- (c) Putrescible waste receptacles are to be secured and located to prevent access by wildlife and vermin.

### 5. Operational Requirements

- 5.1 The use of any chemical or substance in the manufacturing process, any wastewater discharge and the disposal of any accumulated sediment material is to be treated prior to being discharged as stormwater or alternatively removed from the site for treatment and disposal.
- 5.2 Any stormwater leaving the premises shall contain no visible floating oil, grease, scum, litter or other matter.
- 5.3 The discharge of contaminated run-off to the site, drainage features or waterways is not permitted.
- 5.4 Airborne contaminants, including but not limited to odour, dust, smoke, fumes, particulates and aerosols are not to be emitted beyond the property boundaries of the premises.
- 5.5 No incineration or open burning is to be carried out at the premises.
- 5.6 Chemicals stored in bulk at the premises (>20L) must be stored in a bunded area that is large enough to contain 110% of the largest container stored.

5.7 Any spillage of wastes or potential contaminants must be cleaned up immediately following an incident.

5.8 The winery building must be designed so that internal run-off is captured by stormwater drains and external stormwater is prevented from entering buildings.

#### 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) Food Premises

A food licence is required under the *Food Act 2006* prior to the commencement of the approved use. Please contact Council's Environmental Health Officer on 1300 362 242 to make an appointment.

(d) The change in the use of the building would also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier regarding the change in the classification.

(e) Advertising signage for the proposed development may require a Development Permit for Operational Works. Please contact Council's Development Services section 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 and all other relevant Acts, Regulations and Laws, and these approval conditions.

CURRENCY PERIOD

When approval lapses if development not started (*Planning Act 2016* s85):

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

The approval, to the extent it relates to the development or aspect not completed, lapses at the end of the currency period.

REFERRAL AGENCY RESPONSE

Department of State Development, Local Government, Infrastructure and Planning, conditions dated 2 November 2022.

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.

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

Calculation				
Catchment/s	Credits/Charge Exclusions (CE)	Additional demand	AICR Charge Category*	Charge amount
Outside PIA	Nil credits. -35% sewerage CE, Stormwater and Parks – N/A	86m <sup>2</sup> of "Winery" GFA	\$20.00/m <sup>2</sup> GFA before charge exclusions	\$1,720.00
<b>Total Charge less Charge Exclusions</b>				<b>\$1,118.00</b>

**CARRIED UNANIMOUSLY**

**8.4. DISPOSAL OF NON-CURRENT ASSET - BOUNDARY CORRECTION - LOT 2 SP273721 - 46 KELLY STREET, ATHERTON**

Moved by Cr Hodge

Seconded by Cr Wilce

"That Council:

1. Apply the exemption in s 236 (1)(iv) of the Local Government Regulation 2012 to dispose of an area of land, being part of Lot 2 on SP273721 ("the Land"), comprising of approximately 15m<sup>2</sup>.
2. Acquire an area of land being part of Lot 1 on RP738090, comprising of an area of approximately 1m<sup>2</sup>;

3. Determine that it is appropriate to calculate the consideration for the disposed of land on the same square meter value as the sale price of the Land, notwithstanding it being acquired from the adjacent parcel (being Lot 3 on SP273721);
4. Determine the area for the calculation of consideration is 14m<sup>2</sup> (area being disposed less area being acquired);
5. Determine that except to the extent contemplated by this resolution, each party is to bear their own costs associated with the preparation, lodgement and finalisation of the matter; and
6. Require the owner of Lot 2 on SP273721, being FNQ Spec Homes Pty Ltd ACN 613 266 023 to provide consideration to Council calculated as follows:
 
$$\text{Consideration} = \frac{\text{Value Total Land Area}}{\text{Total Land Area}} \times \text{Nett Disposed Land Area}$$

$$\text{Consideration} = \frac{\$170,000}{1456\text{m}^2} \times 14\text{m}^2$$

$$\text{Consideration} = \$1,634.62$$
7. Delegates the power to the Chief Executive Officer to sign all documents and do all things necessary to finalise this matter.

**CARRIED UNANIMOUSLY**

**8.5. DEVELOPMENT OPTIONS - 15-25 MAUNDS ROAD, ATHERTON**

Moved by Cr Hodge

Seconded by Cr Bilney

“That Council:

1. Not proceed with the engagement of a suitability qualified person to prepare a Variation Request to introduce Medium Density Residential use rights over 15-25 Maunds Road, Atherton (Lot 1 on RP 726686) on behalf of Tablelands Regional Council.
2. Confirm its commitment to the key actions identified in Council’s Economic Development Strategy 2018-2022, one of which is to prepare for sale, or development of, Council’s land holdings as determined by investment market conditions.
3. Continue to explore opportunities to facilitate higher density residential development in the Tablelands Regional Council Local Government Area.”

**CARRIED 5-2**

**Crs Clifton & Cardew voted against the motion**



**9. NOTICE OF MOTION**

No Notice of Motion by Councillors.

**10. BUSINESS WITHOUT NOTICE**

No business without notice

**11. CONFIDENTIAL ITEMS**

No confidential reports.

**12. NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at Atherton

Ordinary Meeting 9:00 am on 25 January 2023

There being no further business, the meeting closed 9.49am.

.....

Cr Rod Marti

Mayor

.....

Gary Rinehart

Chief Executive Officer