

Planning Committee Meeting

Coordination Centre, 15 Vernon Street, Atherton Qld 4883

9.00am Thursday, 13 July 2023

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), E Bowden (Finance Manager), A Finocchiaro (Executive Manager Economic Development), 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

There were no 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 Minutes

8. CHIEF EXECUTIVE OFFICER

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

Moved by Cr Hodge

Seconded by Cr Wilce

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

APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9256 (Sheet 1)	Development Plan Stage 1 Plan of Lots 1 & 10 Cancelling Lot 21 on SP306387 and Lot 11 on SP310236	Twine Surveys P/L	15/03/23
9256 (Sheet 2)	Development Plan Stage 2 Plan of Lots 2 & 10 Cancelling Lot 21 on SP306387 and Lot 11 on SP310236	Twine Surveys P/L	15/03/23
9256 (Sheet 3)	Development Plan Stage 3 Plan of Lots 3 & 4 Cancelling Lot 21 on SP306387 and Lot 11 on SP310236	Twine Surveys P/L	20/03/23

ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

1	<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>All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.</p>
3.3	<p>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.</p>
3.4	<p>The Applicant/Developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless otherwise approved by these conditions of approval or Council's delegated officer.</p>
3.5	<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>
3.6	<p>Charges</p> <p>All outstanding rates, charges and expenses pertaining to the land are to be paid in full.</p>

4	<p>Development Staging & Lot-by-Lot Releases</p> <p>Any proposed staging arrangement or request to release titles on a lot-by-lot basis will be considered in the context of Council’s Survey Plan Sealing Policy (CORP 051). Should it be determined that a request for plan endorsement is contrary to the policy, Council reserves the right to withhold endorsement until such time it has been demonstrated to the satisfaction of Council’s delegated officer that the request would achieve the intent of the policy.</p>
5	<p>Stormwater Drainage/Water Quality</p> <p>(a) As part of a subsequent Operational Works application, the Applicant/Developer must submit the Stormwater Management Plan/Report prepared by Premise Water (Report No. RPS-0061, Revision 1, dated 17 July 2019) for the endorsement of Council’s delegated officer.</p> <p>(b) The Stormwater Management Plan/Report must be accompanied by a Stormwater Quality Management Plan/Report, prepared and certified by a suitably qualified design engineer (RPEQ), which meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline, the Queensland Water Quality Guideline and the FNQROC Development Manual (specifically, section D5) to the satisfaction of Council’s delegated officer.</p> <p>(c) The Operational Works application must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia), to the satisfaction of Council’s delegated officer.</p> <p>(d) Any necessary temporary drains and associated drainage easements within the balance area will be provided to the satisfaction of Council’s delegated officer.</p> <p>(e) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site other than the approved drainage lot.</p>
6	<p>Easements</p> <p>Where Council is a party to a proposed easement, and/or if the proposed easement is in favour of Council, the Applicant/Developer is to pay all costs (including Council’s legal expenses) to prepare and register the easement documents, using Council’s standard form of easement. The approved easement documents must be submitted at the same time the Applicant/Developer seeks endorsement of the relevant plan of survey and must be lodged and registered with the Registrar of Titles in conjunction with the relevant plan of survey.</p>

7	<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>
8	<p>Water Supply</p> <p>The Applicant/Developer is required to extend the reticulated water supply infrastructure to connect the proposed lots to Council's existing infrastructure and water service connections (including meters) must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer. Prior to works commencing, plans for the works must be approved as part of an Operational Works application.</p>
9	<p>Sewerage Connection / Easement</p> <p>(a) The Applicant/Developer must connect the proposed lots to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.</p> <p>(b) Where existing sewer connections are not satisfactory to service the development, the Developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).</p> <p>(c) Where existing sewerage infrastructure would traverse any of the proposed lots on a non-standard alignment, a 4m wide easement for access and maintenance</p>

	<p>purposes must be registered in favour of Council over the full length of the sewer main, to the satisfaction of Council's delegated officer.</p>
10	<p>Access</p> <p>Any allotment accesses constructed in conjunction with this approval must be to a commercial standard and have a minimum 6m width, substantially in accordance with section D1.17 of the FNQROC Development Manual and Standard Drawing No. S1015 (as amended), to the satisfaction of Council's delegated officer. Prior to commencing, plans for the access works must be approved as part of an application for Operational Works.</p>
11	<p>Roadworks</p> <p>The proposed new road and on-street parking facilities must be constructed substantially in accordance with the civil designs included in the Prior's Creek Development Engineering Services Report (5KF Report No. 035-2201-R-00, Revision B, dated 30 May 2023), the FNQROC Development Manual (as amended) and AS890.5 (as amended), to the satisfaction of Council's delegated officer. Prior to commencing, plans for the works must be approved as part of an application for Operational Works.</p>
12	<p>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 Manual standards (as amended) to the satisfaction of Council's delegated officer.</p> <p>(b) Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of underground power reticulation.</p>
13	<p>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>
14	<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>

15	<p>Street Trees</p> <p>The Applicant/Developer is to provide street trees substantially in accordance with section D9.07 of the FNQROC Development Manual (as amended) and a planting plan identifying species must be submitted to Council for approval as part of a subsequent application for Operational Works.</p>
16	<p>Frontage Works</p> <p>The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) save for any variations agreed to the satisfaction of Council's delegated officer:</p> <ul style="list-style-type: none"> (a) With the exception of the proposed Lot 1, a clay-paved footpath must be constructed where any proposed lot would have frontage to a constructed road (excluding access driveways/crossovers) substantially in accordance with Planning Scheme Policy 10. (b) Any existing sections of concrete footpath along the above-described frontages must be removed and all footpath paving must be constructed to the kerb. (c) During the construction phase, any damage to infrastructure in the road reserve (e.g. footpaths, kerb and channel, signage) must be repaired/replaced in accordance with FNQROC Development Manual standards. (d) The Applicant/Developer is responsible for all footpath earthworks, topsoiling and turf reinstatement of all disturbed footpath/verge areas fronting adjoining lots. (e) Footpath earthworks and paving must achieve a level transition between adjoining footpath and grassed verge surfaces. (f) The Applicant/Developer is responsible for all costs associated with adjustments and relocations necessary to public utility services and Council infrastructure resulting from frontage works, including (but not limited to) relocation of traffic signage, water meters and fire hydrants (where required). <p>Prior to commencing, plans for the above-described works must be approved as part of an Operational Works application.</p>
17	<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.
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ASSESSMENT MANAGER'S ADVICE

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

(b) Endorsement Fees

Please be advised that Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

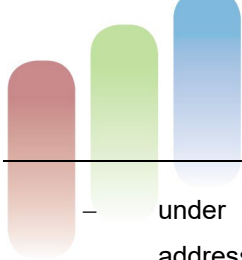
(c) Compliance with applicable codes/policies

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

(d) Cultural Heritage

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

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



- under a native title agreement or another agreement with an Aboriginal party that addresses cultural heritage.

REFERRAL AGENCY RESPONSE

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

CURRENCY PERIOD

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

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

OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Operational Works

OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

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

9. NOTICE OF MOTION

No notice of motion submitted.

10. BUSINESS WITHOUT NOTICE

No business without notice.

11. CONFIDENTIAL ITEMS

CLOSURE OF MEETING

Moved by Cr Clifton

Seconded by Cr Bilney

"That in accordance with Section 254J of the *Local Government Regulation 2012*, the meeting be closed to the public at 9.06am to discuss matters relative to:



11.1. Petersen Creek Walk - Options Update

- (e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

CARRIED UNANIMOUSLY

OPENING OF MEETING

Moved by Cr Wilce

Seconded by Cr Haydon

"That the meeting be opened at 9.24am."

CARRIED UNANIMOUSLY

11.1. PETERSEN CREEK WALK - OPTIONS UPDATE

Moved by Cr Clifton

Seconded by Cr Hodge

"That Council note the contents of the report entitled "Petersen Creek Walk – Options Update'."

CARRIED UNANIMOUSLY

12. NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Atherton

Ordinary Meeting 9:00 am on 27 July 2023

Planning Committee Meeting 9.00am on 10 August 2023

There being no further business, the meeting closed at 9.23am.

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Cr Rod Marti

Mayor

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Gary Rinehart

Chief Executive Officer