



# Planning Committee Meeting

Coordination Centre, 15 Vernon Street, Atherton Qld 4883

Thursday, 07 September 2023

at 9:00 AM

## MINUTES

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### 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), K Reaston, (Planning Consultant), A Finocchiaro (Executive Manager Economic Development), S Titman (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 Bilney** declared that he has a **Declarable Conflict of Interest** (152 as defined in the *Local Government Act 2009*), in relation to *Item-8.1 LJ Livingstone & AJ Freeman - Material Change of Use for Tourist Park & Nature-Based Tourism - Lot 1 SP292113 - 238 Hemmings Lane, Upper Barron - MCU22/0019* as he is a executive member of ECHO in Malanda and recently one of the applicants, Louise Livingston has also joined executive board. Given this relationship Cr Bilney does not believe that he has an uncompromised opinion on the matter.

Cr Bilney declared that he proposes to exclude himself from the meeting while this matter is debated and the vote is taken.

In respect of *Item-8.1 LJ Livingstone & AJ Freeman - Material Change of Use for Tourist Park & Nature-Based Tourism - Lot 1 SP292113 - 238 Hemmings Lane, Upper Barron - MCU22/0019* the Chief Executive Officer acknowledged that:

- his wife is a member of the Atherton Tablelands Chamber of Commerce (ATCC) and is not an office bearer of the ATCC.
- One of the applicants is a member of the ATCC.
- His wife and one of the applicants have a common customer.

Notwithstanding the above he does not consider that he is conflicted in this matter. In respect to this he advised:

- He is not the decision maker.
- He is not the report author.
- He has not directed or advised the report author or other professionals about the application.
- He has given due consideration to and has been guided by the requirements placed on Councillors in respect of conflicts of interest.
- He has also taken advice in respect of the matter.
- He is certain he can exercise his judgement in the public interest.

He appreciates there is significant interest in this application and if participating Councillors wish him to exclude himself from the meeting he will do so.

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. LJ LIVINGSTONE & AJ FREEMAN - MATERIAL CHANGE OF USE FOR TOURIST PARK & NATURE-BASED TOURISM - LOT 1 SP292113 - 238 HEMMINGS LANE, UPPER BARRON - MCU22/0019

#### ATTENDANCE

Cr Bilney dealt with the declared **Declarable Conflict of Interest** by leaving the meeting at 9.03am.

Moved by Cr Haydon

Seconded by Cr Marti

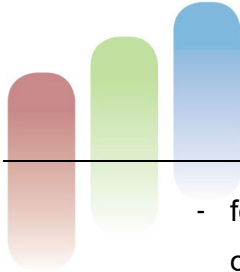
- (A) That Council grants a Development Permit a for a Material Change Use for “Nature-Based Tourism” and “Tourist Park” on land described as Lot 1 on SP292133, located at 238 Hemmings Lane, Upper Barron, subject to the following plans, documents and conditions:

#### APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
N/A	Site Plan	Northern Ecology	25/07/23
N/A	Camping Areas Plan 1	Northern Ecology	25/07/23
N/A	Camping Areas Plan 2	Northern Ecology	25/07/23
N/A	Camping Areas Co-ordinates Plan 1	Northern Ecology	25/07/23
N/A	Camping Areas Co-ordinates Plan 2	Northern Ecology	25/07/23
N/A	Site Boundary Points (Table)	Northern Ecology	25/07/23

#### ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

- 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

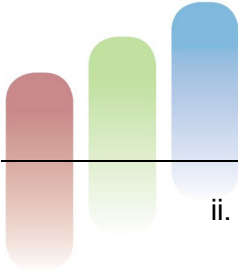
- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the Applicant/Developer must notify Council 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 external works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) to the satisfaction of Council's delegated officer.
- 3.4 Approved Use

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

- i. The combined total of persons being accommodated within approved camping areas and cabins, shown on the approved plans, must not exceed a maximum of 74 persons at any time (i.e. maximum site population for accommodation uses excluding manager/staff residences);

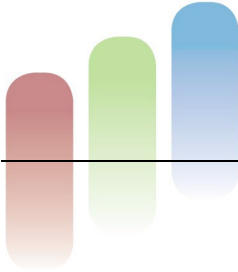
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- ii. No camping is permitted outside of the camping areas shown on the approved plans;
  - iii. Camping guests must be accommodated in temporary living quarters only (e.g. tents, camper trailers, caravans, campervans or people-movers);
  - iv. A maximum of 6 persons shall be accommodated in each of the three (3) approved cabins (Pioneers, Police Station and Old Mates) shown on the approved plans;
  - v. No more than thirty (30) day visitors are permitted per day;
  - vi. Only one (1) manager's residence (3-bedroom, 1 office, 2 bathroom/toilets) is permitted of approximately 200-300m<sup>2</sup> GFA, which is located substantially as shown by the approved plans;
  - vii. Only one (1) staff residence (4-bedroom, 2 bathroom/toilets) is permitted of approximately 200-300m<sup>2</sup>, which is located substantially as shown by the approved plans;
  - viii. The building shown as a "kiosk/office" on the approved plans, when converted from its existing use, must only be operated as a kiosk and office with ancillary seating areas and visitor/staff amenities having a maximum GFA of 180m<sup>2</sup>;
  - ix. The kiosk/office building may include kitchen facilities for the exclusive use of staff, however, the building must not be used for activities consistent with the definition of a "Food and Drink Outlet" as defined by the *Planning Regulation 2017*;
  - x. The kiosk must only be accessible to fee-paying day visitors and accommodation guests and is limited to the sale of essential convenience items, pre-packaged refreshments, basic camping supplies, tourist paraphernalia and promotional merchandise associated with the business being conducted on the premises (e.g. first aid kits, maps, guidebooks, batteries, snack foods/drinks, bread, milk, souvenirs);
  - xi. Nature-based recreational activities (as indicated by the approved plans and application material) may be engaged in by accommodation guests and fee-paying day visitors; and
  - xii. This approval does not permit the use of the premises for activities consistent with the definition a "Function Facility" as defined by the *Planning Regulation 2017*.

### 3.5 Development Plans

- (a) Prior to the use of the approved camping areas commencing, revised development plans must be submitted for the endorsement of Council's delegated officer, which identify (using coordinates) the location(s) of high bank relative to the approved camping areas (excludes cabins and staff residence). The extent of the camping areas must be amended on the plan so as to exclude any areas below high bank.
- (b) Prior to seeking a Development Permit for Building Works for any building (excludes structures) associated with the approved uses, site, floor and elevations plans must be provided to Council's delegated officer for endorsement. The siting of said buildings must be substantially in accordance with the approved site plans.
- (c) Any site plan provided in support of a newly proposed habitable building (NB: This includes conversion of an existing non-habitable building/structure to a habitable building) must identify the location(s) of high bank and no building may be located within 10m of an adjoining lot boundary or 10m of high bank of a stream order 1 watercourse.
- (d) Any newly proposed habitable building (NB: This includes conversion of an existing non-habitable building/structure to a habitable building) within an area of the site that is subject to the Planning Scheme's Flood Investigation Overlay must be accompanied by an assessment, prepared by a suitably qualified person, that demonstrates compliance with Flood Investigation Overlay Code.

### 3.6 Use Requirements

- (a) Coinciding with the peak of the wet season, all accommodation and day visitation must be suspended annually from 1 December until 31 March, unless the Applicant/Developer obtains prior written consent from Council's delegated officer (not to be unreasonably withheld) to operate within the closure period. Such consent must be obtained no less than 5 working days prior to accommodation and/or day visitation activities being conducted within the annual closure period.
- (b) The maximum length of stay must not exceed seven (7) consecutive nights;
- (c) Any Towed Vehicles checked-in to the site must be towed by a 4WD and must not exceed 21 ft (6.4 metres) in length and 11.5 ft (3.5metres)



in height. Single Motor Vehicles must not exceed 24 ft (7.3 metres). Any combination of Motor Vehicles and Towed Vehicles must not exceed 41 ft (12.5 metres);

- (d) The campsite areas must be clearly identifiable to visitors (e.g. signed, markers) to ensure that visitors do not camp outside of the areas nominated on the approved site plan(s);
- (e) Visitors must not bring hunting dogs, cats or unregistered off-road recreational vehicles (e.g. trailbikes, ATVs) onto the premises;
- (f) Visitors are not permitted to discharge firearms or hunt feral/pest species on the premises;
- (g) No visitors are to be checked-in to the site before 6.00am or after 8.00pm on any given day;
- (h) A register of accommodation guests and day visitors is to be kept detailing the number of persons accommodated on any given night and the number of day visitors admitted to premises in any given 24-hour period. The register is to be made available for inspection at the request of Council's delegated officer; and
- (i) Registration details must be recorded for all Motor Vehicles and Towed Vehicles during the booking process and the details made available for inspection at the request of Council's delegated officer.

### 3.7 Building Declassification

No more than two (2) permanent residences (i.e. non-guest accommodation buildings) are permitted on the site at any time. Should the proposed manager's residence and staff residence be constructed before the existing dwelling is reclassified in connection with the proposed non-residential use (kiosk/office), the Applicant/Developer must ensure that the existing dwelling is declassified to a non-habitable status prior to the final certificate of classification being issued for the second of the new residences being issued.

### 3.8 Waste Management

- (a) Signage is to be erected and appropriately located, to the satisfaction of Council's delegated officer, advising visitors to take all refuse with them upon departure and to store refuse in a secure location that is

inaccessible to wildlife for the duration of their stay. Where on-site refuse bins are provided in the vicinity of the campsites, they must be centrally located and include measures to prevent them from being accessed by wildlife and vermin.

- (b) Where the development would be serviced by commercial collection services, the industrial bin(s) must be stored and collected within the site such that refuse collection vehicles can 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.

### 3.9 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.

### 3.10 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.

### 3.11 Wildlife Feeding

Signage is to be erected and appropriately located, to the satisfaction of Council's delegated officer, notifying visitors that the feeding of wildlife is not permitted.

### 3.12 Firepits

If visitors are permitted to light campfires, firepits (maximum 1m<sup>2</sup>) must be provided for the campsites. Signage is to be erected and appropriately located, to the satisfaction of Council's delegated officer, to notify visitors



that campfires are only permitted within the firepits provided and to inform visitors of when campfires are not permitted (e.g. during QFES fire bans).

### 3.13 Vegetation Removal

- (a) Unless it can be demonstrated to the satisfaction of Council's delegated officer that exemptions apply pursuant to the *Vegetation Management Act 1999* (or its future equivalent), the removal of non-riparian regulated vegetation is not permitted and any new buildings, structures and other permanent campground/visitor infrastructure (e.g. amenities, effluent application areas, vehicle parking and manoeuvring areas) are to be located and constructed so as to avoid the need (or potential need) for the further clearing of regulated vegetation. Temporary relocatable structures (e.g. firepits, shade structures) will not entitle or allow any regulated vegetation clearing.
- (b) Regardless of any exemptions that may apply pursuant to the *Vegetation Management Act 1999* (or its future equivalent), the removal of native trees in the riparian zone (existing and regrowth) is not permitted unless the Applicant/Developer obtains prior written consent to such from Council's delegated officer (not to be unreasonably withheld). Such consent must be obtained no less than 2 working days prior to commencement of the works.

## 4. Infrastructure Services and Standards

### 4.1 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.

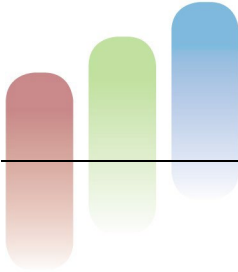
### 4.2 Car Parking / Internal Driveways

- (a) The approved kiosk/office building is to be provided with a compacted gravel parking area capable of accommodating a minimum of 5 vehicles, located generally as nominated by the approved plans.
- (b) Day visitor parking demand must be accommodated within the approved camping areas.

- (c) All car-parking spaces, queueing/holding areas and associated manoeuvring areas are to have a surface treatment of 150mm thickness compacted gravel that is all-weather, dust free and appropriately drained prior to the commencement of the use.
- (d) All internal driveways must be constructed to a minimum width of 3 metres and must be provided with a compacted gravel surface treatment.

#### 4.3 Roadworks External

- (a) Prior to commencement of the approved uses (or any component thereof), the Applicant/Developer must undertake the following:
  - i. Seal Hemmings Lane to a 2-coat bitumen standard (minimum 4m wide with the exception of the existing culvert, which is to be sealed to a width of 3.5m) from the intersection with the Kennedy Highway to just past the access servicing Lot 2 on RP744932 (approximately 120m).
  - ii. Install improved MUTCD-compliant signage to warn motorists of tight corners, on-coming crests, potentially hazardous obstructions (e.g. vegetation) and other non-standard road alignment issues, with the type and location of signage to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.
  - iii. Remove non-MUTCD-compliant traffic signage from the Hemmings Lane road reserve with the signage to be removed determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.
  - iv. Install convex mirrors within the Hemmings Lane road reserve to improve sight lines on tight horizontal curves, with the type and location of mirrors to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.
  - v. Undertake works as is necessary to establish an appropriate give-way arrangement at the existing bridge crossing on Hemmings Lane, including (but not limited to) the installation of MUTCD-compliant signage, with the details of the works to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.



NB: These works do not extend to sealing, pavement or realignment works or bridge upgrading/safety measures such as guard rails.

- vi. Undertake vegetation slashing and/or removal within the Hemmings Lane road reserve, with the details of the works to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.
  - vii. The above-described works must be undertaken in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
  - viii. Prior to works commencing, plans for the above-described works must be approved as part of an application for Operational Works.
- (b) The on-site queuing area shown on the approved plans must be kept available at all times that the facility is in operation. If a gate is provided where the queuing area adjoins the road frontage, the gate must be kept unlocked and open while the facility is in operation.

#### 4.4 Water Supply

Prior to commencement of the approved uses:

- (a) A readily accessible and reliable source of potable water must be made available to visitors that is provided free of charge and is capable of servicing a minimum demand of 150 litres/campsite/day, to the satisfaction of Council's delegated officer.
- (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, a cam-lock fittings and which are located adjacent to the campsites/cabins to the satisfaction of Council's delegated officer.
- (c) Supply from a watercourse will be accepted provided that it can be demonstrated that the watercourse has sufficient flow and is perennial in all, but the driest years. Written evidence is to be 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 to be provided demonstrating that the Department of Resources is agreeable to the granting of a water licence for the purposes sought.

- (e) 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) The approved cabins, manager's residence, staff residence and kiosk/office buildings must 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 Visitor Amenities / On-Site Wastewater Management

- (a) Prior to their use, the relevant building and plumbing permits must be obtained for the proposed amenities blocks and associated on-site treatment systems.
- (b) Prior to any component of the approved development commencing, permanent or temporary toilet and shower facilities and associated on-site treatment systems (including PWD accessible facilities) must be provided as is necessary to meet the anticipated demand, to the satisfaction of the Council's delegated officer.
- (c) Within 12 months of any component of the approved development commencing, any temporary toilet and/or shower facilities and associated on-site treatment systems (including PWD accessible facilities) must have been replaced with permanent facilities/systems as is necessary to meet the anticipated demand, to the satisfaction of the Council's delegated officer.
- (d) Prior to installation of any effluent dump point (i.e. pump out facility), plans and design documentation must be provided for the endorsement of Council's delegated officer, including a site plan (scaled and dimensioned for A3) that shows the dump point location as being setback no less than 50m from the high bank of any watercourse.

(e) Within 12 months of commencement of the approved uses, the Applicant/Developer must provide one of the following for each effluent disposal system that would service guests/visitors, to the satisfaction of Council's delegated officer:

- i. 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
- ii. A written statement from the Department of Environment and Science confirming that the effluent disposal systems do 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).

#### 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) Events such as organised sporting events, concerts, festivals, and exhibitions must comply with Council Policies and Local Laws applicable at the time of the event.
- (c) Environmental Protection and Biodiversity Conservation Act 1999

The Applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from:

<https://www.dcceew.gov.au/environment/epbc/publications/factsheet-submitting-referral-under-epbc-act> .

(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.

(e) 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.

(f) Compliance with Acts and Regulations

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

(g) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*. The electric ant restricted zone exists in five local government areas including the Tablelands Regional Council. Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the Applicant to check if the nominated property lies within the restricted zone. All persons have a **general**

**biosecurity obligation** under the *Biosecurity Act 2014* to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation. For more information, please visit the electric ant website at [www.daf.qld.gov.au/anthunt](http://www.daf.qld.gov.au/anthunt) or contact Biosecurity Queensland 13 25 23.

RELEVANT PERIOD

When approval lapses if development not started (s.341)

- 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
- Development Permit for Operational 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: Dwelling house (x1). Charge Exclusions: -30% for water supply, -30% for sewerage, -10% for stormwater.	Manager's Residence (3-bedroom)	\$22,500.00 per 3 (or more) bedroom dwelling	<b>\$6,750.00</b> (N/A if only 1 dwelling on land at time of final CoC being issued)
		Staff Residence (4-bedroom)	\$22,500.00 per 3 (or more) bedroom dwelling	<b>\$6,750.00</b> (N/A if only 1 dwelling on land at time of final CoC being issued)
		Tourist Park (74 accommodation guests / 37 beds)	\$2,500.00/bed	<b>\$27,750.00</b>
	Credits: N/A Charge Exclusions: -45% for water supply, -35% for sewerage, stormwater/parks – N/A.	Kiosk/Office (max. 180m <sup>2</sup> GFA)	\$110.00 - \$130.00 per m <sup>2</sup> GFA	<b>\$3,960.00 - \$4,680.00</b> (TBC upon receipt of building plans required by condition 3.5)
		Nature-based Tourism (day visitation – max. 30 visitors/day)	1 vpd = \$529.40 (having regard LGIP Table SC 3.1.3) x 15 vpd (assuming 2 visitors per vehicle for up to 30 day visitors)	<b>\$7,941.00</b>

Total Charge less Charge Exclusions	\$53,151.00 - \$53,871.00
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LOST 2-4

**ALTERNATIVE MOTION**

Moved by Cr Hodge

Seconded by Cr Wilce

(A) That Council grants a Development Permit a for a Material Change Use for “Nature-Based Tourism” and “Tourist Park” on land described as Lot 1 on SP292133, located at 238 Hemmings Lane, Upper Barron, subject to the following plans, documents and conditions:

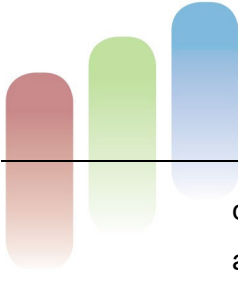
APPROVED PLANS/DOCUMENTS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
N/A	Site Plan	Northern Ecology	25/07/23
N/A	Camping Areas Plan 1	Northern Ecology	25/07/23
N/A	Camping Areas Plan 2	Northern Ecology	25/07/23
N/A	Camping Areas Co-ordinates Plan 1	Northern Ecology	25/07/23
N/A	Camping Areas Co-ordinates Plan 2	Northern Ecology	25/07/23
N/A	Site Boundary Points (Table)	Northern Ecology	25/07/23

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





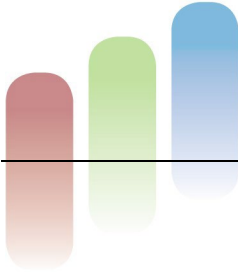
complied with, except where specified otherwise in these conditions of approval.

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

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

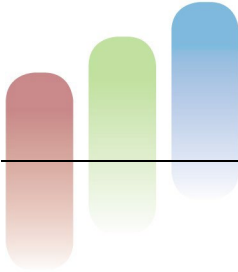
- i. The combined total of persons being accommodated within approved camping areas and cabins, shown on the approved plans, must not exceed the maximum number of people permitted under DA/17/0027 (being 12 persons) at any time (i.e. maximum site population for accommodation uses excluding manager/staff residences);
- ii. No camping is permitted outside of the camping areas shown on the approved plans;
- iii. Camping guests must be accommodated in temporary living quarters only (e.g. tents, camper trailers, caravans, campervans or people-movers);
- iv. A maximum of 6 persons shall be accommodated in each of the three (3) approved cabins (Pioneers, Police Station and Old Mates) shown on the approved plans;
- v. Day visitors are not permitted.
- vi. Only one (1) manager's residence (3-bedroom, 1 office, 2 bathroom/toilets) is permitted of approximately 200-300m<sup>2</sup> GFA,



- which is located substantially as shown by the approved plans;  
*Advice Note: The manager’s residence must not be used to accommodate overnight guests and is limited to use by employees of the Applicant/Developer only.*
- vii. Only one (1) staff residence (4-bedroom, 2 bathroom/toilets) is permitted of approximately 200-300m<sup>2</sup>, which is located substantially as shown by the approved plans;  
*Advice Note: The staff residence must not be used to accommodate overnight guests and is limited to use by employees of the Applicant/Developer only.*
  - viii. The building shown as a “kiosk/office” on the approved plans, when converted from its existing use, must only be operated as a kiosk and office with ancillary seating areas and visitor/staff amenities having a maximum GFA of 180m<sup>2</sup>;
  - ix. The kiosk/office building may include kitchen facilities for the exclusive use of staff, however, the building must not be used for activities consistent with the definition of a “Food and Drink Outlet” as defined by the *Planning Regulation 2017*;
  - x. The kiosk must only be accessible to accommodation guests and is limited to the sale of essential convenience items, pre-packaged refreshments, basic camping supplies, tourist paraphernalia and promotional merchandise associated with the business being conducted on the premises (e.g. first aid kits, maps, guidebooks, batteries, snack foods/drinks, bread, milk, souvenirs);
  - xi. Nature-based recreational activities (as indicated by the approved plans and application material) may be engaged in by accommodation guests only; and
  - xii. This approval does not permit the use of the premises for activities consistent with the definition a “Function Facility” as defined by the *Planning Regulation 2017*.

### 3.5 Development Plans

- (a) Prior to the use of the approved camping areas commencing, revised development plans must be submitted for the endorsement of Council’s delegated officer, which identify (using coordinates) the location(s) of high bank relative to the approved camping areas (excludes cabins and staff residence). The extent of the camping areas

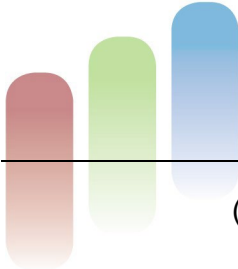


must be amended on the plan so as to exclude any areas below high bank.

- (b) Prior to seeking a Development Permit for Building Works for any building (excludes structures) associated with the approved uses, site, floor and elevations plans must be provided to Council's delegated officer for endorsement. The siting of said buildings must be substantially in accordance with the approved site plans.
- (c) Any site plan provided in support of a newly proposed habitable building (NB: This includes conversion of an existing non-habitable building/structure to a habitable building) must identify the location(s) of high bank and no building may be located within 10m of an adjoining lot boundary or 10m of high bank of a stream order 1 watercourse.
- (d) Any newly proposed habitable building (NB: This includes conversion of an existing non-habitable building/structure to a habitable building) within an area of the site that is subject to the Planning Scheme's Flood Investigation Overlay must be accompanied by an assessment, prepared by a suitably qualified person, that demonstrates compliance with Flood Investigation Overlay Code.

### 3.6 Use Requirements

- (a) Coinciding with the peak of the wet season, all accommodation must be suspended annually from 1 December until 31 March, unless the Applicant/Developer obtains prior written consent from Council's delegated officer (not to be unreasonably withheld) to operate within the closure period. Such consent must be obtained no less than 5 working days prior to accommodation activities being conducted within the annual closure period.
- (b) The maximum length of stay must not exceed seven (7) consecutive nights;
- (c) Any Towed Vehicles checked-in to the site must be towed by a 4WD/**AWD** and must not exceed 21 ft (6.4 metres) in length and 11.5 ft (3.5metres) in height. Single Motor Vehicles must not exceed 24 ft (7.3 metres). Any combination of Motor Vehicles and Towed Vehicles must not exceed 41 ft (12.5 metres);

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- (d) The campsite areas must be clearly identifiable to visitors (e.g. signed, markers) to ensure that visitors do not camp outside of the areas nominated on the approved site plan(s);
  - (e) Visitors must not bring hunting dogs, cats or unregistered off-road recreational vehicles (e.g. trailbikes, ATVs) onto the premises;
  - (f) Visitors are not permitted to discharge firearms or hunt feral/pest species on the premises;
  - (g) No visitors are to be checked-in to the site before 6.00am or after 8.00pm on any given day;
  - (h) A register of accommodation 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; and
  - (i) Registration details must be recorded for all Motor Vehicles and Towed Vehicles during the booking process and the details made available for inspection at the request of Council's delegated officer.

### 3.7 Building Declassification

No more than two (2) permanent residences (i.e. non-guest accommodation buildings) are permitted on the site at any time. Should the proposed manager's residence and staff residence be constructed before the existing dwelling is reclassified in connection with the proposed non-residential use (kiosk/office), the Applicant/Developer must ensure that the existing dwelling is declassified to a non-habitable status prior to the final certificate of classification being issued for the second of the new residences being issued.

### 3.8 Waste Management

- (a) Signage is to be erected and appropriately located, to the satisfaction of Council's delegated officer, advising visitors to take all refuse with them upon departure and to store refuse in a secure location that is inaccessible to wildlife for the duration of their stay. Where on-site refuse bins are provided in the vicinity of the campsites, they must be centrally located and include measures to prevent them from being accessed by wildlife and vermin.

- (b) Where the development would be serviced by commercial collection services, the industrial bin(s) must be stored and collected within the site such that refuse collection vehicles can 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.

### 3.9 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.

### 3.10 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.

### 3.11 Wildlife Feeding

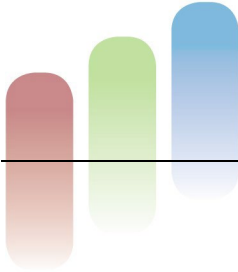
Signage is to be erected and appropriately located, to the satisfaction of Council's delegated officer, notifying visitors that the feeding of wildlife is not permitted.

### 3.12 Firepits

If visitors are permitted to light campfires, firepits (maximum 1m<sup>2</sup>) must be provided for the campsites. Signage is to be erected and appropriately located, to the satisfaction of Council's delegated officer, to notify visitors that campfires are only permitted within the firepits provided and to inform visitors of when campfires are not permitted (e.g. during QFES fire bans).

### 3.13 Vegetation Removal

- (a) Unless it can be demonstrated to the satisfaction of Council's delegated officer that exemptions apply pursuant to the *Vegetation*



*Management Act 1999* (or its future equivalent), the removal of non-riparian regulated vegetation is not permitted and any new buildings, structures and other permanent campground/visitor infrastructure (e.g. amenities, effluent application areas, vehicle parking and manoeuvring areas) are to be located and constructed so as to avoid the need (or potential need) for the further clearing of regulated vegetation. Temporary relocatable structures (e.g. firepits, shade structures) will not entitle or allow any regulated vegetation clearing.

- (b) Regardless of any exemptions that may apply pursuant to the *Vegetation Management Act 1999* (or its future equivalent), the removal of native trees in the riparian zone (existing and regrowth) is not permitted unless the Applicant/Developer obtains prior written consent to such from Council's delegated officer (not to be unreasonably withheld). Such consent must be obtained no less than 2 working days prior to commencement of the works.

#### 4. Infrastructure Services and Standards

##### 4.1 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.

##### 4.2 Car Parking / Internal Driveways

- (a) The approved kiosk/office building is to be provided with a compacted gravel parking area capable of accommodating a minimum of 5 vehicles, located generally as nominated by the approved plans.
- (b) All car-parking spaces, queueing/holding areas and associated manoeuvring areas are to have a surface treatment of 150mm thickness compacted gravel that is all-weather, dust free and appropriately drained prior to the commencement of the use.
- (c) All internal driveways must be constructed to a minimum width of 3 metres and must be provided with a compacted gravel surface treatment.

4.3 Roadworks External

- (a) Prior to commencement of the approved uses (or any component thereof), the Applicant/Developer must undertake the following:
- i. Seal Hemmings Lane to a 2-coat bitumen standard (minimum 4m wide with the exception of the existing culvert, which is to be sealed to a width of 3.5m) from the intersection with the Kennedy Highway to just past the access servicing Lot 2 on RP744932 (approximately 120m).
  - ii. Install improved MUTCD-compliant signage to warn motorists of tight corners, on-coming crests, potentially hazardous obstructions (e.g. vegetation) and other non-standard road alignment issues, with the type and location of signage to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.
  - iii. Remove any non-MUTCD-compliant traffic signage from the Hemmings Lane road reserve.
  - iv. Install convex mirrors within the Hemmings Lane road reserve to improve sight lines on tight horizontal curves, with the type and location of mirrors to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.
  - v. Undertake works as is necessary to establish an appropriate give-way arrangement at the existing bridge crossing on Hemmings Lane, including (but not limited to) the installation of MUTCD-compliant signage, with the details of the works to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works. NB: These works do not extend to sealing, pavement or realignment works or bridge upgrading/safety measures such as guard rails.
  - vi. Undertake vegetation slashing and/or removal within the Hemmings Lane road reserve, with the details of the works to be determined in consultation with, and to the satisfaction of, Council's delegated officer prior to lodgement of an application for Operational Works.

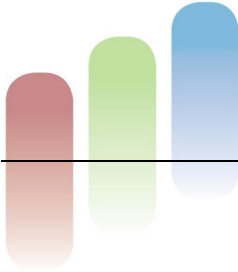
- i. The above-described works must be undertaken in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
  - ii. Prior to works commencing, plans for the above-described works must be approved as part of an application for Operational Works.
- (c) The on-site queuing area shown on the approved plans must be kept available at all times that the facility is in operation. If a gate is provided where the queuing area adjoins the road frontage, the gate must be kept unlocked and open while the facility is in operation.

#### 4.4 Water Supply

Prior to commencement of the approved uses:

- (a) A readily accessible and reliable source of potable water must be made available to visitors that is provided free of charge and is capable of servicing a minimum demand of 150 litres/campsite/day, to the satisfaction of Council's delegated officer.
- (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, a cam-lock fittings and which are located adjacent to the campsites/cabins to the satisfaction of Council's delegated officer.
- (c) Supply from a watercourse will be accepted provided that it can be demonstrated that the watercourse has sufficient flow and is perennial in all, but the driest years. Written evidence is to be 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 to be provided demonstrating that the Department of Resources is agreeable to the granting of a water licence for the purposes sought.
- (e) 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



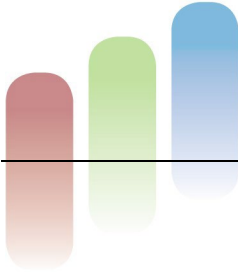


Ministerial Council - as amended) and AS3497:2021 (*Drinking water treatment systems — Design and performance requirement*).

- (f) The approved cabins, manager's residence, staff residence and kiosk/office buildings must 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 Visitor Amenities / On-Site Wastewater Management

- (a) Prior to their use, the relevant building and plumbing permits must be obtained for the proposed amenities blocks and associated on-site treatment systems.
- (b) Prior to any component of the approved development commencing, permanent or temporary toilet and shower facilities and associated on-site treatment systems (including PWD accessible facilities) must be provided as is necessary to meet the anticipated demand, to the satisfaction of the Council's delegated officer.
- (c) Within 12 months of any component of the approved development commencing, any temporary toilet and/or shower facilities and associated on-site treatment systems (including PWD accessible facilities) must have been replaced with permanent facilities/systems as is necessary to meet the anticipated demand, to the satisfaction of the Council's delegated officer.
- (d) Prior to installation of any effluent dump point (i.e. pump out facility), plans and design documentation must be provided for the endorsement of Council's delegated officer, including a site plan (scaled and dimensioned for A3) that shows the dump point location as being setback no less than 50m from the high bank of any watercourse.
- (e) Within 12 months of commencement of the approved uses, the Applicant/Developer must provide one of the following for each effluent disposal system that would service guests/visitors, to the satisfaction of Council's delegated officer:
  - i. 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

- ii. A written statement from the Department of Environment and Science confirming that the effluent disposal systems do 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).

#### 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) Events such as organised sporting events, concerts, festivals, and exhibitions must comply with Council Policies and Local Laws applicable at the time of the event.
- (c) Environmental Protection and Biodiversity Conservation Act 1999

The Applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from:

<https://www.dcceew.gov.au/environment/epbc/publications/factsheet-submitting-referral-under-epbc-act> .

- (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.
- (e) 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.
- (f) Compliance with Acts and Regulations
- The erection and use of buildings must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

#### RELEVANT PERIOD

When approval lapses if development not started (s.341)

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

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

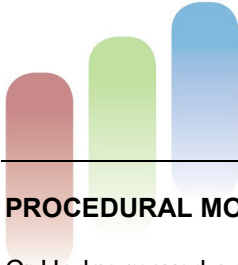
- Development Permit for Building Work
- Development Permit for Operational Work

#### OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
  - Accommodation licence (Local Laws)
- (B) That Council issues an Infrastructure Charges Notice calculated in accordance with Council's Adopted Infrastructure Charges Resolution (No.1 of 2019).

#### **Reasons to Support Alternative Motion**

1. *The proposed development at the revised scale does not compromise the rural character and rural activities of the area.*
2. *The proposed development at the revised scale is considered to be a tourism activity that is “small-scale” or “low impact”.*
3. *The level of traffic generated by the proposed development at the revised scale results in acceptable impacts on adjacent land uses and the safety and efficiency of the external road network (Hemmings Lane).*



**PROCEDURAL MOTION**

Cr Hodge moved a procedural motion that the motion be put.

The Mayor indicated that he was putting the matter to the vote and Cr Hodge withdrew his procedural motion.

**CARRIED 4-2**

**ATTENDANCE**

Cr Bilney returned to the meeting at 9.43am.

**9. BUSINESS WITHOUT NOTICE**

No Business Without Notice.

**10. CONFIDENTIAL ITEMS**

No confidential items.

**12. NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at Atherton  
Planning Committee Meeting 9.00am on 13 September 2023  
Ordinary Meeting 9:00 am on 28 September 2023

There being no further business, the meeting closed at 9.44am.

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Cr Rod Marti

Mayor

.....

Gary Rinehart

Chief Executive Officer