



Ordinary Meeting

Coordination Centre, 15 Vernon Street, Atherton Qld 4883

Thursday, 09 February 2023

at 9:00 AM

MINUTES

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 (Acting Executive Manager Development Services), D O'Connor (Senior Planner), 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

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 delegations.

7. MAYORAL MINUTE

No Mayoral Minutes.

8. CHIEF EXECUTIVE OFFICER

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

Moved by Cr Cardew

Seconded by Cr Wilce

With the approval of the mover and seconder of the motion, a minor amendment was made to the recommended condition 4.6 Landscaping & Fencing for the following reasons:

- **There is already an existing 1.8m fence on the adjacent property on the eastern boundary.**
- **There is existing mature vegetation on the eastern boundary and this amendment will enable that vegetation to be maintained.**
- **The adjoining landowner is aware of the potential impacts of the development and supports the amendment to 4.6 Landscape & Fencing.**

“That Council:

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

APPROVED PLANS/DOCUMENTS:

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

ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

1.	Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations: <ul style="list-style-type: none"> - 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 must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3.	General
3.1	The Applicant/Developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
3.2	All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
3.3	The approved use will generally be limited to veterinary consulting for small animal species only (dogs, cats, and other small domestic pets or wildlife). The use will also include surgery and associated recovery that may include overnight hospitalisation and associated supervision by veterinary staff.
3.4	Hours of Operation

	<p>The public consulting hours shall be between 8:00am and 5:00pm, Monday to Friday and between 8:00am to 12:00pm on Saturday. No public consulting is permitted on Sunday or Public Holidays.</p> <p>Note: These requirements do not extend to out-of-hours emergency treatment of sick, diseased or injured animals, or animals recovering from treatment or surgery that are so ill that they require onsite overnight hospitalisation and supervision.</p>
3.5	Noise Nuisance
3.5.1	The approved veterinary clinic must operate so that animal noise does not cause an unreasonable nuisance in accordance with 'Division 4 Minimum standards' contained in <i>Council Local Law No. 2 (Animal Management) 2019</i> .
3.5.2	Any new refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3 dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8 dB(A) above background levels as measured from commercial locations.
3.5.3	The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.
3.5.4	Only animals that are recovering from treatment or surgery, and that are so ill that they require overnight supervision, will be kept overnight on the premises.
3.5.5	No more than ten (10) animals will be kept overnight on any one night.
3.5.6	Any animal hospitalised overnight will be housed in the rooms labelled 'Dog Ward' and 'Cat Ward' on the approved plan.
3.5.7	The walls and ceilings in rooms where animals are kept overnight are insulated with a product that is designed for sound reduction, such as high fire resistance sheeting products (that being 9mm cement sheets on walls that are fully insulated), to assist with acoustic impacts and climatic comfort for animals.
3.5.8	The applicant will maintain a register of animals hospitalised overnight. The register shall record the number of animals hospitalised overnight along with the date. The register shall be made available for inspection by Council's delegated officer when requested.
3.6	Signage
	The freestanding signage shown on the approved Site Plan (PD Designs Drawing No. 2601 S1 of 3, dated August 2022) is to be installed and maintained substantially in accordance with the Performance Outcomes of the Tablelands Regional Council Planning Scheme 2016 (V4) - Advertising Devices Code, to satisfaction of Council's delegated officer.

4.	Infrastructure Services and Standards
4.1	Waste Management
4.1.1	An on-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1-metre-wide landscaped screening buffer OR a 1.8m high solid fence, to the satisfaction of Council's delegated officer.
4.1.2	Where bulk bins are used internal access is to be of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear. Bulk bins must not be placed in the road reserve for collection.
4.2	Trade Waste A Trade Waste Permit will be required prior to the commencement of use.
4.3	Access An access crossover must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer. Prior to works commencing, plans for the above-described works must be approved as part of an Operational Works application.
4.4	Stormwater Drainage
4.4.1	The Applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
4.4.2	All stormwater drainage must be collected from the site and discharged to an approved lawful point of discharge.
4.5	Car Parking/Internal Driveways
4.5.1	Prior to commencement of the use the developer must ensure that the development is provided with 37 on-site car parking spaces, inclusive of one (1) Persons with Disabilities (PWD) space, which are available solely for the parking of vehicles associated with the use of the premises. In addition, the development is to provide one (1) Small Rigid Vehicle (SRV) parking space and one (1) Heavy Rigid Vehicle (HRV) parking space on-site.
4.5.2	All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
4.5.3	All car parking facilities, associated ramps, and driveways must be provided in accordance with the following latest amendments of the Australian/New Zealand Standards: (i) compliant with Australian Standard AS2890.1: 2004 Parking facilities - Off-street car parking; (ii) compliant with Australian Standard AS2890.6: 2022 Parking facilities - Off-street car parking for people with disabilities; and

	(iii) compliant with Australian Standard AS2890.2: 2018 – Off-street parking commercial vehicle facilities.
4.5.4	A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.
4.5.5	Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.
4.5.6	The parking area is compacted, sealed, drained and line marked and maintained. The type of seal is to be approved by Council's delegated officer prior to any works on the car parking/manoeuvring area commencing.
4.5.7	The car parking area must be designed with sufficient circulation for all vehicles to be able to enter and exit the site in a forward gear.
4.6	Landscaping and Fencing
4.6.1	<p>Prior to the commencement of building works, a landscape plan must be prepared for the site in accordance with Planning Scheme Policy No. 6 and submitted to Council's delegated officer for consideration and approval. The plan will provide for the following buffer screen plantings:</p> <ul style="list-style-type: none"> (i) A 1.5m wide landscape strip along the entire southern boundary of the site (Newton Close frontage) excluding the access crossover; and (ii) A 1.5m wide landscape strip along the entire Herberton Road frontage of the site. (iii) A 1.8m high solid screen fence for the full length of the northern boundary adjoining Lot 7 on RP711004; and (iv) Either a 1.8m high solid screen fence OR a minimum 2m wide landscaping strip for the full length of the eastern boundary adjoining Lot 91 on SP292141. If landscaped, the buffer must be densely planted and comprise species that have a minimum height at maturity of 2m.
4.6.2	The landscaping and fencing of the site must be carried out in accordance with the endorsed landscaping and fencing plan prior to the commencement of the use and landscaping must be irrigated, mulched and maintained to the satisfaction of Council's delegated officer.
4.6.3	Any fencing along the Newton Close frontage of the site is to be a maximum of 1.5m in height and at least 50% transparent.
4.7	Outdoor Lighting
4.7.1	Where outdoor lighting is required, the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 (as amended) – Lighting for Roads and Public Spaces.

4.7.2	Illumination resulting from direct, reflected or other incidental light emanating from the subject land must not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 (as amended) – Control of the Obtrusive Effects of Outdoor Lighting.
4.8	Water Supply
4.8.1	The development must be connected to Council's reticulated water system, and a water meter installed, in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
4.8.2	As part of an application for Operational Works, the developer must lodge a water network analysis clearly demonstrating that peak firefighting flows and pressures would not be detrimentally affected a result of the development.
4.9	Sewerage Connection The developer must connect the proposed development to Council's reticulated sewerage system via manhole E6/7 in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer prior to the commencement of use. Details of the works must be submitted for endorsement by Council's delegated officer as part of an application for Operational Works.
4.10	Electricity and Telecommunications Electricity and telecommunications must be provided in accordance with the FNQROC Development Manual.
4.11	Soil Erosion Minimisation & Sediment Control Erosion and sediment control management must be installed and maintained in accordance with the FNQROC Development Manual.

ASSESSMENT MANAGER'S ADVICE

(a) Infrastructure Charges Notice

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

(b) Charges & Payments

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

(c) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(d) Advertising devices

Advertising signage for the proposed development may require a Development Permit for Operational Works. Please contact TRC Development Services prior to installing any advertising signage on the premises.

(e) Compliance with applicable codes/policies

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

(f) Compliance with Acts and Regulations

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

(g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from <https://www.dsdsatsip.qld.gov.au>.

(h) Specifications and Drawings

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

(i) Building Over/Adjacent to Services

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

REFERRAL AGENCY CONDITIONS

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

Referral Status	Referral Agency and Address	Referral Trigger
Referral Agency	State Assessment and Referral Agency (SARA) Department of State Development, Infrastructure, Local Government and Planning PO Box 2358 Cairns QLD 4870 CairnsSARA@dasilgp.qld.gov.au	Planning Regulation 2017, Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1. Material change of use of premises near a State transport corridor or that is a future State transport corridor.

A copy of the referral agency conditions, dated 21 October 2022, is provided as Attachment 2.

CURRENCY PERIOD

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

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

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

FURTHER DEVELOPMENT PERMITS REQUIRED

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

OTHER APPROVALS REQUIRED FROM ASSESSMENT MANAGER (COUNCIL)

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

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

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

CARRIED UNANIMOUSLY

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

Moved by Cr Hodge

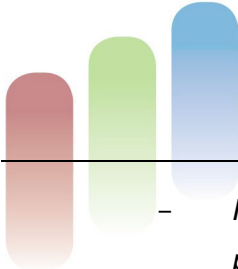
Seconded by Cr Cardew

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

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

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

- (A) The Infrastructure Charges Notice, dated 5 May 2022, is retained unchanged.
- (B) Condition 3.6 (Building Appearance) of the Decision Notice, dated 5 May 2022, is amended as follows (NB: strikethrough text = deletion, underlined text = addition):
- (a) *Any new external plant, including gensets, air-conditioning motors and the like, are to be positioned such that they would not be visible from the road frontage or the Rail Trail and must be provided with screening that compliments the materials and finishes of the building.*
 - (b) *Building finishes (excluding signage) must comprise neutral colours, which complement the existing building and facades must not incorporate unpainted, un-rendered or highly reflective finishes.*
 - (c) *The approved bottle-shop extension is to be painted and finished such that it matches the existing hotel building, substantially in accordance with the letter from Clarke and Prince Architects titled "Tolga Hotel – Council Information Request Response" (Document Reference 1510-001, dated 14 December 2021). ~~At the time of lodging the application for Building Work assessable against the Planning Scheme required by condition 3.7, the submitted plans must comprise a pedestrian awning on the Main Street façade of the bottle-shop extension that matches the height and horizontal projection of the pedestrian awning proposed for the main hotel building.~~*
- (C) Condition 3.7 (Pedestrian Awning – Main Street) of the Decision Notice, dated 5 May 2022, is deleted and the subsequent conditions are re-numbered to reflect the deletion.
- (D) Condition 4.4 (Frontage Works) of the Decision Notice, dated 5 May 2022 is amended as follows (NB: strikethrough text = deletion, underlined text = addition):
- The Applicant/Developer is required to undertake the following works in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:*
- *At such time as alternative wheelchair access to the building is provided in compliance with the Disability Discrimination Act 1992, the temporary wheelchair ramp on the Main Street frontage of the site must be removed;*
 - *Removal of the existing 1.2m wide concrete footpath on the site's Main Street frontage between the proposed vehicle crossovers and replacement with a 2m wide concrete footpath;*

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

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

(E) Condition 4.7 (Outdoor Lighting) of the Decision Notice, dated 5 May 2022, is retained unchanged.

(F) Condition 4.8 (Noise Nuisance) of the Decision Notice, dated 5 May 2022, is amended as follows (NB: strikethrough text = deletion, underlined text = addition):

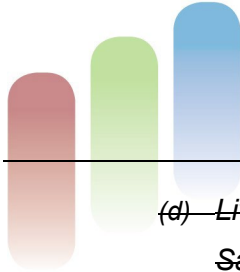
~~(a) Noise emissions at/from the premises must not damage a persons' hearing and noise emissions must not exceed the noise exposure levels/durations specified by Table 1 below (NB: Table 1 taken from Safe Work Australia~~

~~“Managing Noise and Preventing Hearing Loss at Work Code of Practice September 2015”.~~

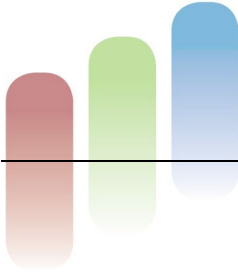
Table 1

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

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



- ~~(d) Live music is not permitted at the premises after 11.59pm on Friday and Saturday or after 10pm, Monday to Thursday and Sunday, unless otherwise approved in writing by Council's delegated officer no less than 48 hours prior to the event.~~
- ~~(e) (b) Speakers to outdoor areas must be positioned in a way that minimises noise emission impacts on adjacent residences.~~
- ~~(f) (c) Any new refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.~~
- ~~(g) (d) The Applicant/Developer is required to install and maintain suitable screening to any new air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.~~
- (G) Condition 4.9 (Landscaping and Fencing) of the Decision Notice, dated 5 May 2022, is amended as follows (NB: strikethrough text = deletion, underlined text = addition):
- (a) *Prior to the commencement of landscaping and fencing works, a landscaping and fencing plan, prepared in accordance with Planning Scheme Policy No. 6 is to be submitted to Council's delegated officer for endorsement. The plan must nominate species in accordance with Schedule A of the policy.*
- (b) *The above-described landscaping and fencing plan must reflect the following requirements:*
- *A landscape feature comprising low level shrubs, ground covers and turfing must be provided within the area of void between the west-facing wall of the bottle-shop extension and the proposed ingress/egress crossover.*
 - *A 1m wide landscaping strip comprising low level shrubs and ground covers with concrete edge restraint on the eastern and western sides of the strip must be provided entirely within the area of Lot 113 on*



SP113932 proposed for lease/transfer (approx. 1,479m²) generally as shown by the approved Site Plan (Clarke and Prince Drawing No. 1510 - CD-A00.01, Issue P24, dated 10 March 2022).

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

(c) If, following commencement of the use, it is determined by Council's delegated officer that headlight glare from the operation of the on-site car park

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

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

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

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

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

CARRIED UNANIMOUSLY

11. NOTICE OF MOTION

No Notice of Motions submitted.

12. BUSINESS WITHOUT NOTICE

No Business without Notice.

13. CONFIDENTIAL ITEMS

No Confidential Motions.



14. NEXT MEETING OF COUNCIL

The next meetings of Council will be held in Atherton

Ordinary Meeting 9:00 am on 23 February 2023

There being no further business, the meeting closed 9.26am.

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Cr Rod Marti

Mayor

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Gary Rinehart

Chief Executive Officer