# DELEGATED REPORT

SUBJECT:CONMAT PTY LTD - RECONFIGURING A LOT - SUBDIVISION<br/>(1 INTO 4 LOTS) - LOT 22 ON SP217220 - 2-4 QUILL STREET,<br/>MAREEBA - RAL/21/0012

**DATE:** 31 August 2021

<b>REPORT OFFICER'S</b>	
TITLE:	Senior Planner

**DEPARTMENT:** Corporate and Community Services

APPLICATION			PREMISES		
APPLICANT	Conmat Pty Ltd		ADDRESS		
				N	lareeba
DATE LODGED	24 June 2021		RPD	L	ot 22 on SP217220
TYPE OF	Deve	evelopment Permit			
APPROVAL		•			
PROPOSED	Reconfiguring a Lot - Subdivision (1 into 4 lots)				
DEVELOPMENT					
FILE NO		RAL/21/0012	AREA		8,401m2
LODGED BY		GHD	OWNEI	R	Conmat No1 Pty
					Ltd
PLANNING SCHEME		Mareeba Shire Council Planning Scheme 2016			
ZONE		Medium Density Residential zone			
LEVEL OF		Code Assessment			
ASSESSMENT					
SUBMISSIONS		n/a			

**APPLICATION DETAILS** 

ATTACHMENTS: 1. Proposal Plan/s

## **EXECUTIVE SUMMARY**

Council is in receipt of a development application described in the above application details.

The application is code assessable and was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

The key issues of the proposed development are conditioning building pad heights at the modelled ARI 100 year flood event (395.593m AHD) and conditioning haul routes and times.

Draft conditions were provided to the Applicant/ care of their consultant and have been agreed.

It is recommended that the application be approved in full with conditions.

# OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Conmat Pty Ltd	ADDRESS	2-4 Quill Street,
	-		Mareeba
DATE LODGED	24 June 2021	RPD	Lot 22 on SP217220
TYPE OF	Development Permit		
APPROVAL			
PROPOSED	Reconfiguring a Lot - Subdivision (1 into 4 lots)		
DEVELOPMENT		-	-

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

#### And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 lots)

## (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
12552164-SK002 C	Concept Layout	GHD	14/06/21
12552164-SK003 A	Concept Earthworks Plan	GHD	14/06/21
12552164-SK004 A	Concept Water & Sewer Layout	GHD	14/06/21

## (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) <u>Development assessable against the Planning Scheme</u>
- 1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and 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 endorsement of the plan of survey of the development, 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 the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.3 The 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 approved by Council's delegated officer.
  - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
  - 3.5 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.6 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

- 4. Infrastructure Services and Standards
  - 4.1 Access
    - (a) Access must be provided/constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
    - (b) An asphalt sealed or concrete driveway shall be provided for each lot generally to the extent shown on Plan Sketch 12552164-SK002 C to the satisfaction of Councils delegated officer.
  - 4.2 Quill Street

A 1 metre concrete backing strip is to be provided behind the kerb to extend the cul-de-sac radius of Quill Street.

#### 4.3 Earthworks

As part of a subsequent application for Operational Works, an earthworks plan (including the building pads on proposed Lots 1 to 4) is to be submitted, prepared by a suitably qualified RPEQ demonstrating compliance with the Works, Services and Infrastructure Code including the following detail:

- 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;
- Protection of adjoining properties and roads from ponding or nuisance from stormwater;
- Prevention of the spread of weeds; and
- Use of uncontaminated fill material.

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).

- 4.4 Stormwater Drainage
  - (a) The applicant/developer must take all necessary steps to ensure a nonworsening effect on surrounding land as a consequence of the development.
  - (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
  - (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
  - (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
  - (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

- (f) 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.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.
- 4.5 Water Supply
  - (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
  - (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- 4.6 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed 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).

4.7 Electricity provision/supply

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.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

## 4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

- 4.9 Building Envelopes and Required Flood Immunity
  - (a) The approved building envelopes for proposed Lots 1, 2, 3 and 4 are the building pads as shown on Plan Sketch 12552164-SK002 C dated 14 June 2021.
  - (b) Prior to the endorsement of the survey plan, the building envelopes for proposed Lots 1, 2, 3 and 4 must be filled to reach a minimum height of RL395.593 metres AHD. The filling must be approved as part of a subsequent development application for operational works.
  - (c) Prior to endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
  - (d) All buildings must be located within the approved building envelopes.
- 4.10 Haulage of fill material
  - (a) Haulage of fill material is not to occur outside the following times:
    - 9:00am to 2:00pm Monday to Friday; and
    - 7:00am to 1:00pm Saturday.
  - (b) Haulage of fill material to the site must be via the following haul route:
    - Byrnes Street;
    - either Rankin or Herberton Street;
    - Constance Street;
    - Hastie Street; and
    - Quill Street.

Empty haul trucks shall travel from the site via the same route.

4.11 Dust management

A management plan for dust and air pollutants must be prepared and implemented during the on site earthworks to ensure emissions do not cause significant environmental harm or nuisance impacts.

## (D) ASSESSMENT MANAGER'S ADVICE

- (a) 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) 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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) Endorsement Fees

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.

(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) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- an approved building envelope plan
- a registered easement over the subject site
- (g) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(h) 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 www.environment.gov.au.

(i) Cultural Heritage

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

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot four (4) years (starting the day the approval takes effect);
- (F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
  - Development Permit for Operational Works
- (H) OTHER APPROVALS REQUIRED FROM COUNCIL
  - Nil
- 2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per Lot	Lots		Lots	
Residential Lots	\$19,764.00	4	\$79,056.00	1 (\$19,764.00)	\$59,292.00
TOTAL CURRENT AMOUNT OF CHARGE			\$59,292.00		

## THE SITE

The subject site is situated at 2-4 Quill Street, Mareeba, and is more particularly described as Lot 22 on SP217220. The site is irregular in shape, with an area of 8,401m<sup>2</sup> and is zoned Medium Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains 63.8 metres of frontage to Quill Street. Quill Street is constructed to bitumen sealed standards including kerb and channel. Formal access to the site is gained via an unsealed driveway off the Quill Street cul-de-sac head.

The site contains no improvements and is mostly cleared with some mature vegetation scattered across the site. The site has an undulating topography with a large drain/waterway running through it from the southern end of the site through to the eastern side of the site which is responsible for draining water from a number of properties to the south of the site.

All surrounding lots are zoned Medium density residential and contain a mix of uses including dwelling houses, units, a respite centre and Primary School (Saint Thomas's).



#### Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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# **BACKGROUND AND CONTEXT**

Nil

# **PREVIOUS APPLICATIONS & APPROVALS**

Nil

# DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 lots) in accordance with the plans shown in **Attachment 1**.

The proposed lots are as follows:

Lot 1 - area of 1,844m2, 30 metres frontage to Quill Street;

Lot 2 - area of 1,906m2, 13.72 metres frontage to Quill Street;

Lot 3 - area of 2,128m2, approximately 10 metres frontage to Quill Street; and

Lot 4 - area of 2,520m2, approximately 10 metres frontage to Quill Street.

All lots will be accessed off the Quill Street cul-de-sac head. Driveways will be constructed for each lot from the Quill Street pavement, well into each of the proposed lots.

A building pad will be provided on each proposed lot to ensure future dwellings are built above the modelled 100 year flood event.

The existing drainage easement will be formalised with a concrete and rock lined drain.

Each lot will be supplied with connections to water, sewerage, electricity and telecommunication services.

# **REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

# PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<ul> <li>Land Use Categories</li> <li>Residential Area</li> <li>Natural Environment Elements</li> <li>Biodiversity Area</li> </ul>
Zone:	Medium Density Residential zone
Overlays:	Airport Environs Overlay Environmental Significance Overlay Flood Hazard Overlay Residential Dwelling House & Outbuilding Overlay Transport Infrastructure Overlay

## **RELEVANT PLANNING INSTRUMENTS**

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

## (a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

## (b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

## (c) Mareeba Shire Council Planning Scheme 2016

## **Relevant Development Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.7 Medium density residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
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Medium density residential zone code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Airport environs overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:
	<ul><li>AO11</li><li>AO13</li></ul>
	Refer to planning discussion section of report.
Landscaping code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application complies with applicable performance criteria including the following:
	<ul> <li>PO7</li> </ul>
	Refer to planning discussion section of report.

# (e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring any development works be designed and constructed in accordance with FNQROC Development Manual standards.

# (f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2021, a charge of \$19,764.00 will apply to each additional residential allotment created.

The application proposes the creation of three (3) additional residential lots.

\$19,764.00 x 3 (lot) = **<u>\$59,292.00</u>** 

## REFERRALS

This application did not trigger a referral under Schedule 10 of the Planning Regulation 2017.

#### Internal Consultation

**Technical Services** 

## PLANNING DISCUSSION

Compliance with the relevant acceptable outcomes/performance outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

#### Flood hazard overlay code

#### P011

Development involving earthworks in a Flood hazard area below the defined flood level must protect life and property on premises and off premises through maintaining:

- (a) flood storage capacity of land;
- (b) flood conveyance function of land;
- (c) flood and drainage channels;
- (d) overland flow paths; and
- (e) flood warning times.

#### A011

Development does not involve in excess of 50m<sup>3</sup> of fill above ground level per 1,000m<sup>2</sup> of site area.

#### <u>Comment</u>

The site is affected by flood storage only, not conveyance of the flood event. The minor flood storage reduction poses no adverse effects. Overland flow paths – for non-flooding local events are maintained.

Section 1.1.1 of information request response is as follows:

A review of the AECOM 1% AEP flood map and report completed for the Queensland Reconstruction Authority (QRA) flood hazard mapping program (accessible via the government FloodCheck website) indicates that the Barron River impacts the subject site.

The hydrological model input for the Barron River watercourse was located 4 km upstream with a maximum flow of 2,200 m3/s and a flat-water surface grade of 0.06%. This flat surface grade results in a slow-flowing large body of water that fills incoming watercourses and drainage paths with a backwater effect.

Due to the site being behind the major path of flow, the site flooding is due wholly to backwater and is mapped by MSC's flood hazard map as a low flood hazard. This classification is achieved by low flood levels and low velocities, therefore filling on the site removes storage volumes and is assessable by flood storage impacts, pre and post development.

The AECOM 1% AEP flood map indicates a flood level of 395.3 m AHD is applicable to the site and surrounding area. A pre- and post-construction 12D earthworks model was developed for the site to determine any flood storage loss from post-construction earthworks undertaken to create building pads above the flood level of 395.3 m AHD.

A storage loss volume of 3,015 m3 was calculated across the site and this volume loss was then conservatively assessed against the 153,000 m2 area displayed in the AECOM 1% AEP flood map in Figure 1 below.

This is a rudimental approach that results in what would be a conservative water surface level increase of 19.7 mm across the area of impact. Given the magnitude of the event and contributing Barron River catchment (approx. 832 km2), and this simple rudimental conservative assessment, we can conclude that this reduction in flood storage would have a negligible effect on the surrounding area.

# PO13

Development, where involving Reconfiguring a lot, is located and designed to:

- (a) maintain hydrological function of the premises;
- (b) not increase the number of people calculated to be at risk from flooding;
- (c) minimises the flood impact on adjoining premises;
- (d) ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;
- (e) reduce the carriage of debris in flood waters;
- (f) reduce property damage; and
- (g) provide flood immune access to buildings.

# AO13

No acceptable outcome is provided.

## <u>Comment</u>

Building pads are set above the flood event and there are negligible impact on adjoining properties. Building pads will be conditioned at a height of 395.593m AHD.

Also refer to Section 1.1.1 of information request response above.

## Works, services and infrastructure code

## **PO**7

Excavation or filling must not have an adverse impact on the:

- (a) streetscape;
- (b) scenic amenity;
- (c) environmental values;
- (d) slope stability;
- (e) accessibility; or
- (f) privacy of adjoining premises.

## <u>Comment</u>

The applicant has appropriately addressed PO7:

"Complies, filling required to construct building pads within lots and shape for stormwater conveyance. No adverse impacts on those listed in PO7. Building pads set back from the street to maintain surrounding amenity. Lots filled to levels below surrounding properties.

A maximum cut height of just over 2m will be present for only a small portion of the rear boundary of lots 2 and 3. Given this is cut at the rear of the lots there will be no adverse visual amenity issue as the properties to the west won't see the cut and views from other locations will be blocked by future house construction. Retaining walls exceeding 1 m will have a structural and geotechnical assessment to inform the construction requirements."

Date Prepared: 31 August 2021

#### DECISION BY DELEGATE

DECISION Having considered the Senior Planner's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report. Dated the 31ST day of AUGUST 2021 B.n **BRIAN MILLARD** SENIOR PLANNER ANTHONY ARCHIE MANAGER DEVELOPMENT & GOVERNANCE MAREEBA SHIRE AS A DELEGATE OF THE COUNCIL

# **ATTACHMENT 1**





