MINUTES OF PLANNING & DEVELOPMENT COMMITTEE MEETING NO 5
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS IN HERVEY BAY, 77 TAVISTOCK STREET, TORQUAY
ON WEDNESDAY 8 SEPTEMBER, 2010 COMMENCING AT 10.50AM

PRESENT:
Councillor Barb Hovard (Chairman)
Councillor Julie Arthur
Councillor Sue Brooks
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Mick Kruger
Councillor Belinda McNeven
Councillor Les MucKan
Councillor Gerard O'Connell

STAFF IN ATTENDANCE:
Chief Executive Officer, Mr Andrew Brien
Director Community & Development, Mr Peter Smith
Director Organisational Services, Ms Lisa Desmond
Director Infrastructure & Environment, Mr Wayne Sweeney
Executive Manager Development Assessment, Mr Michael Ellery
Principal Planner, Mr Adam Yem
Senior Planner, Mrs Terry Frey
Senior Planner, Mr Jeff Brannan
Planner, Mr Damien Frey
Senior Development Engineer, Mr Paul Orr
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Principal Officer Recreation Services, Ms Denise Cox
Meeting Secretary, Ms Marlene Dennis

C&D 1 APOLOGIES

RESOLUTION (Hawes / O'Connell)

That the apology from Councillor Councillor Nioa and Councillor Dalgleish who are absent on sick leave, and Councillor MucKan who was expected to return from his meeting shortly.

Carried Unanimously
C&D 5/71/09/10

C&D 2 DISCLOSURE OF INTERESTS

Nil

Please also refer to Page 2 below for further details.

C&D 3 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

C&D 3.1 Aquaculture Application – Item 4.2 – Development Permit – Material Change of Use - Aquaculture

Mr Ross Meaclem, 91 Shore Road East, Booral

Mr Meaclem addressed Council with respect to Item C&D 4.2 - Development Permit – Material Change of Use – Aquaculture.

Mr Meacleam advised that he operates the fish hatchery at Shore Road East, Booral. Mr Meacleam outlined details of his current operation and provided Council with details of proposed State Government legislation with respect to aquaculture in this region and sought Council's favourable consideration of his development application

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C&D 2 DISCLOSURE OF INTERESTS

Councillor Kruger said he had not realised this earlier as the applicant's name was not shown in the application details. He said he had only realised when he looked at the map that he needed to declare a conflict of interest in Item 4.1 as he had received an electoral donation from the applicant.

Councillors considered Councillor Kruger's reported conflict of interest and believed he had a conflict of interest and would need to leave the meeting.

Councillor Kruger retired from the meeting.

C&D 4 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

C&D 4.1 Request for Development to be considered Shovel Ready for Infrastructure Discount Purposes –Material Change of Use – Park Residential Development and Reconfiguration of a Lot at Gilston Road, Wondunna – Stage 1

11.00am Councillor MucKan arrived at the meeting.

RESOLUTION (O'Connell / Harris)

That the request for a reduction in infrastructure contributions under Council's 'shovel ready' development initiative for Development Permit 513/3-031191 be approved to the extent outlined in the officers report, subject to the applicant entering into an infrastructure agreement with the Council to guarantee performance of the matters listed in Council's resolution ORD 10.6 dated 7 April 2010.

Carried 5 / 3
C&D 5/72/09/10

11.05am Councillor Kruger returned to the meeting

C&D 4 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

C&D 4.2 Development Permit – Material Change of Use – Aquaculture

MOTION (Kruger / O'Connell)

That the application by Bluefin Seafoods Pty Ltd C/- Angelo Oliaro Town Planning for a Development Permit for a Material Change of Use for Aquaculture at 91 Shore Road East, Booral, being Lot 20 SP 145088, be approved generally in accordance with the plans titled 'Site Plan', in red, Job 070902, prepared by Angelo Oliaro Town Planning and dated March 2010 and 'Proposed Nursery Shed', prepared by Suncoast Building Designers, dated 15 February 2000, 'Hatchery Building', received by Council on 16 March 2010, prepared by the applicant and the plans titled 'Managers Residence', received by Council on 16 March 2010, prepared by Mecano Building Products, subject to the following conditions which must be met prior to the commencement of the use on the site, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition:-

PRE-CONSTRUCTION

Administration

1. Undertake the Development in accordance with Council's Planning Scheme Policies.

2. Obtain further Development Permits, as required by the *Integrated Planning Act* 1997, in respect of any Operational Works, Building Works and/or Plumbing Works in relation to this approval before any such works are commenced.

3. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations as costs of the development including accurately locating all existing services before any development works commence.

General

4. Utilise colours in the development that are sympathetic to the surrounding environment and avoid excessive brightness, contrast, colour intensity, and reflectivity. In this regard, materials/colours on the roof and wall of the structure must not reflect glare into the habitable rooms of any dwelling on adjoining allotments.

5. Ensure all tanks utilised for Aquaculture purposes are located within roofed structures to prevent birdlife being attracted.

Stormwater

6. Design the stormwater drainage such that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flow will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

7. Provide for stormwater harvesting for landscaping/garden irrigation. Water discharged from the site must meet acceptable water quality standards for discharge to marine waters.

8. Ensure any filling or other development works undertaken on the site are carried out so as not to cause the ponding of water on any adjoining lands or the blockage or interference with any natural watercourse.

9. Stormwater is to be managed in accordance with EPA Best Practice Stormwater Management- Erosion and Sediment Control Guideline 2008 requirements, in particular the requirement for temporary sediment control facilities adjacent to disturbed areas of the work site. All stormwater runoff from the site (during construction and ongoing operations) must be effectively managed to maintain the environmental values and water quality objectives of the adjacent HEV receiving waters.

CONSTRUCTION

Access

10. Construct a sealed driveway from the edge of the existing bitumen road to the property boundary of the site in accordance with Council's Standard Drawings.

Environmental Health

11. Restrict dust and other emissions, such as ash, fumes, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties.

12. Contain all litter and building waste on the building site by the use of a skip or any other reasonable means during construction to prevent release to a neighbouring property.

13. Contain airborne hazards including concrete dust or wood shavings during building work or demolition onsite.

14. Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.

15. Do not undertake works;
    (a) on a Sunday or public holiday, at any time; or
    (b) on a Saturday or business day, before 6.30 am or after 6.30 pm.

16. Implement drainage, erosion and sediment control measures and maintain in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Ensure erosion and sediment runoff does not contaminate stormwater at unacceptable levels.

Vegetation

17. Implement landscape screening comprising of a mixture of shrubs and trees for a minimum width of 3.0 metres for the full length of the western and northern boundaries of the site. Plants must be advanced specimens at least 1.0 metre tall at time of planting and chosen from the Recommended Plant Lists in Appendix B of the Hervey Bay City Council Development Scheme Policy 2 Development Manual. Choose local native species that will ultimately grow to a mature height of 2-6 metres.

18. Implement landscape screening comprising of a mixture of shrubs and trees for a minimum width of 1.0 metre for the full length of the western side of the Hatchery Outbuilding. Plants must be advanced specimens at least 1.0 metre tall at time of planting and chosen from the Recommended Plant Lists in Appendix B of the Hervey Bay City Council Development Scheme Policy 2 Development Manual. Choose local native species that will ultimately grow to a height of at least 5 metres.

Waste

19. Provide a suitably enclosed, imperviously paved area, drained to the effluent treatment facility, upon which can be stored all waste containers. Ensure a suitable hose cock & hose is located within the vicinity of the paved area.

20. Ensure waste containers are stored and maintained in a manner so as not to create an environmental nuisance.

21. Provide a clear vertical distance of 7.0 metres for the emptying of Bulk Bins

22. Provide a suitable turnaround, to enable the collection truck to exit the property in a forward gear.

23. Provide a lockable compound for the storage of bins to prevent the access of animals & unauthorised persons.

24. Ensure bins comply with Schedule 4 of the *Environmental Protection (Waste Management)* Regulation *2000*.

POST CONSTRUCTION

Stormwater

25. Dispose of stormwater from the buildings in a manner so as not to cause erosion or nuisance to adjoining properties. The intermediate use as a rainwater tank is acceptable.

Vegetation

26. Maintain the existing and new landscaping on the site to the satisfaction of the Assessment Manager.

Lighting

27. Ensure lighting is installed, maintained, directed and shielded so as to avoid nuisance to adjoining properties.

28. Ensure lighting does not shine above the horizontal; involve coloured or flashing lights; sodium lights; or flare plumes and does not involve configurations of lights in straight parallel lines 500 metres to 1,000 metres long.

29. Ensure blinds are affixed to the windows of all Outbuildings on the site to prevent light spillage to the satisfaction of the Assessment Manager, Development Assessment.

Noise

30. Ensure that any noise generated by the use is mitigated so as not to exceed the background noise level plus 5dB(A) between 7am-10pm and background noise level plus 3dB(A) between 10pm and 7am, as per ERA- CM0126DA.

AMENDMENT (Brookes / Hawes)

That the application by Bluefin Seafoods Pty Ltd C/- Angelo Oliaro Town Planning for a Development Permit for a Material Change of Use for Aquaculture at 91 Shore Road East, Booral, being Lot 20 SP 145088, be approved generally in accordance with the plans titled 'Site Plan', in red, Job 070902, prepared by Angelo Oliaro Town Planning and dated March 2010 and 'Proposed Nursery Shed', prepared by Suncoast Building Designers, dated 15 February 2000, 'Hatchery Building', received by Council on 16 March 2010, prepared by the applicant and the plans titled 'Managers Residence', received by Council on 16 March 2010, prepared by Mecano Building Products, subject to the following conditions which must be met prior to the commencement of the use on the site, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition:-

PRE-CONSTRUCTION

Administration

1. Undertake the Development in accordance with Council's Planning Scheme Policies.

2. Obtain further Development Permits, as required by the *Integrated Planning Act* 1997, in respect of any Operational Works, Building Works and/or Plumbing Works in relation to this approval before any such works are commenced.

3. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations as costs of the development including accurately locating all existing services before any development works commence.

General

4. Utilise colours in the development that are sympathetic to the surrounding environment and avoid excessive brightness, contrast, colour intensity, and reflectivity. In this regard, materials/colours on the roof and wall of the structure must not reflect glare into the habitable rooms of any dwelling on adjoining allotments.

5. Ensure all tanks utilised for Aquaculture purposes are located within roofed structures to prevent birdlife being attracted.

Stormwater

6. Design the stormwater drainage such that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flow will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

7. Provide for stormwater harvesting for landscaping/garden irrigation. Water discharged from the site must meet acceptable water quality standards for discharge to marine waters.

8. Ensure any filling or other development works undertaken on the site are carried out so as not to cause the ponding of water on any adjoining lands or the blockage or interference with any natural watercourse.

9. Stormwater is to be managed in accordance with EPA Best Practice Stormwater Management- Erosion and Sediment Control Guideline 2008 requirements, in particular the requirement for temporary sediment control facilities adjacent to disturbed areas of the work site. All stormwater runoff from the site (during construction and ongoing operations) must be effectively managed to maintain the environmental values and water quality objectives of the adjacent HEV receiving waters.

CONSTRUCTION

Access

10. Construct a sealed driveway from the edge of the existing bitumen road to the property boundary of the site in accordance with Council's Standard Drawings.

Environmental Health

11. Restrict dust and other emissions, such as ash, fumes, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties.

12. Contain all litter and building waste on the building site by the use of a skip or any other reasonable means during construction to prevent release to a neighbouring property.

13. Contain airborne hazards including concrete dust or wood shavings during building work or demolition onsite.

14. Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.

15. Do not undertake works;
    a) on a Sunday or public holiday, at any time; or
    b) on a Saturday or business day, before 6.30 am or after 6.30 pm.

16. Implement drainage, erosion and sediment control measures and maintain in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Ensure erosion and sediment runoff does not contaminate stormwater at unacceptable levels.

Vegetation

17. Implement landscape screening comprising of a mixture of shrubs and trees for a minimum width of **6.0** metres for the full length of the western and northern boundaries of the site. Plants must be advanced specimens at least 1.0 metre tall at time of planting and chosen from the Recommended Plant Lists in Appendix B of the Hervey Bay City

Council Development Scheme Policy 2 Development Manual. Choose local native species that will ultimately grow to a mature height of 2-6 metres.

18. Implement landscape screening comprising of a mixture of shrubs and trees for a minimum width of 1.0 metre for the full length of the western side of the Hatchery Outbuilding. Plants must be advanced specimens at least 1.0 metre tall at time of planting and chosen from the Recommended Plant Lists in Appendix B of the Hervey Bay City Council Development Scheme Policy 2 Development Manual. Choose local native species that will ultimately grow to a height of at least 5 metres.

Waste

19. Provide a suitably enclosed, imperviously paved area, drained to the effluent treatment facility, upon which can be stored all waste containers. Ensure a suitable hose cock & hose is located within the vicinity of the paved area.

20. Ensure waste containers are stored and maintained in a manner so as not to create an environmental nuisance.

21. Provide a clear vertical distance of 7.0 metres for the emptying of Bulk Bins

22. Provide a suitable turnaround, to enable the collection truck to exit the property in a forward gear.

23. Provide a lockable compound for the storage of bins to prevent the access of animals & unauthorised persons.

24. Ensure bins comply with Schedule 4 of the *Environmental Protection (Waste Management)* Regulation *2000*.

POST CONSTRUCTION

Stormwater

25. Dispose of stormwater from the buildings in a manner so as not to cause erosion or nuisance to adjoining properties. The intermediate use as a rainwater tank is acceptable.

Vegetation

26. Maintain the existing and new landscaping on the site to the satisfaction of the Assessment Manager.

Lighting

27. Ensure lighting is installed, maintained, directed and shielded so as to avoid nuisance to adjoining properties.

28. Ensure lighting does not shine above the horizontal; involve coloured or flashing lights; sodium lights; or flare plumes and does not involve configurations of lights in straight parallel lines 500 metres to 1,000 metres long.

29. Ensure blinds are affixed to the windows of all Outbuildings on the site to prevent light spillage to the satisfaction of the Assessment Manager, Development Assessment.

Noise

30. Ensure that any noise generated by the use is mitigated so as not to exceed the background noise level plus 5dB(A) between 7am-10pm and background noise level plus 3dB(A) between 10pm and 7am, as per ERA- CM0126DA.

Odour

31. Ensure odour emissions resulting from the Aquaculture use do not cause nuisance at any odour sensitive place.

LOST (1/8)

SECOND AMENDMENT (McNeven / Brooks)

That a further condition be included that requires a landscape plan to be endorsed as part of the permit.

Carried (6/3)

RESOLUTION (McNeven / Brooks)

That the matter lie on the table to enable officers to draft an appropriate condition.

Carried Unanimously
C&D 5/73/09/10

C&D 4 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

C&D 4.3 Application for a Material Change of Use – Low Density Residential, Reconfiguration of a Lot – 3 Lots into 59 Lots and Operational Works – Earthworks - Development Permit – 15, 23 and 31 Gilston Road, Wondunna

Executive Manager, Mr Michael Ellery requested that Council defer consideration of this item until it has had the opportunity to consider Item 9.2 - Draft Doolong Flats/Ghost Hill Ridgeline & Kawungan North-East (Main Street) Structure Plan in the confidential section of this agenda, as this report relies on the endorsement of the Structure Plan.

RESOLUTION (McNeven / Hawes)

That this matter be deferred until discussion of Item 9.2 - Draft Doolong Flats/Ghost Hill Ridgeline & Kawungan North-East (Main Street) Structure Plan in the Confidential section of the agenda.

Carried Unanimously
C&D 5/74/09/10

C&D 5 OFFICERS' REPORTS – STRATEGIC PLANNING

C&D 5.1 Nil

C&D 6 OFFICERS' REPORTS – COMMUNITY & CULTURE

C&D 6.1 Mary to Bay Rail Trail Update

RECOMMENDATION (Hawes / O'Connell)

That:

a) Council note the contents of this report; and

b) Council continue to support Mary to Bay Rail Trail planning and investigative activities and explore grant funding opportunities.

Carried Unanimously
C&D 5/75/09/10

C&D 7 OFFICERS' REPORTS – OTHER REPORTS

Nil

C&D 8 QUESTIONS ON NOTICE

Nil

C&D 9 CONFIDENTIAL

MOTION (Arthur / Brooks)

Council resolves that under the *Local Government (Operations) Regulation 2010* the Meeting be closed to the public for the purpose of discussing the following item:

C&D 9.1 **Draft Maryborough Planning Scheme Policies (6.7 – City Centre Building Height and Bulk and 6.8 – Koala Impact Assessment) -** Section 72(1)(h) - other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage;

C&D 9.2 **Draft Doolong Flats/Ghost Hill Ridgeline & Kawungan North-East (Main Street) Structure Plan -** Section 72(1)(h) - other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage;

C&D 9.3 **Sale of Land -** Section 72(1)(e) - contracts proposed to be made by it;

Carried Unanimously
C&D 5/76/09/10

RESUMPTION OF COMMUNITY & DEVELOPMENT COMMITTEE MEETING

MOTION (O'Connell / MucKan)

That the Meeting resume in open Committee.

Carried Unanimously
C&D 5/77/09/10

C&D 9 CONFIDENTIAL

C&D 9.1 Draft Maryborough Planning Scheme Policies (6.7 – City Centre Building Height and Bulk and 6.8 – Koala Impact Assessment)

RESOLUTION (O'Connell / Harris)

That Council:

(A) makes Draft Planning Scheme Policies No 6.7 (City Centre Building Height and Bulk) and 6.8 (Koala Impact Assessment) as per Attachment 1, pursuant to Section 117(1) of the *Sustainable Planning Act 2009*; and

(B) publicly notify the Draft Planning Scheme Policies No 6.7 (City Centre Building Height and Bulk) and 6.8 (Koala Impact Assessment), pursuant to Section 118(1) of the *Sustainable Planning Act 2009*

Carried Unanimously
C&D 5/78/09/10

C&D 9 CONFIDENTIAL

C&D 9.2 Draft Doolong Flats/Ghost Hill Ridgeline & Kawungan North-East (Main Street) Structure Plan

RESOLUTION (Arthur / Hawes)

That Council:

(A) approves the Doolong Flats/Ghost Hill and Kawungan North-East (Main Street) Structure Plan Report as tabled;
(B) publicly notifies Council's approval of the Structure Plan;
(C) refers a copy of the approved Structure Plan to the relevant State Agencies, infrastructure providers and Council's consultants who are undertaking the Fraser Coast 2031: Sustainable Growth Strategy; and
(D) provide each submitter with an extract of the Submissions Report relating to the individual issue/s raised in their submission.

Carried Unanimously
C&D 5/79/09/10

C&D 9 CONFIDENTIAL

C&D 9.3 Sale of Land

RESOLUTION (O'Connell / Hawes)

That this matter be deferred.

Carried Unanimously
C&D 5/80/09/10

Councillor Kruger declared a conflict of interest in Item C&D 4.3 as he had received an electoral donation from the applicant.

Councillors considered Councillor Kruger's conflict of interest and believed he had a conflict of interest and would need to leave the meeting.

Councillor Kruger retired from the meeting.

C&D 4 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

C&D 4.3 Application for a Material Change of Use – Low Density Residential, Reconfiguration of a Lot – 3 Lots into 59 Lots and Operational Works – Earthworks - Development Permit – 15, 23 and 31 Gilston Road, Wondunna

RESOLUTION (O'Connell / Harris)

That the application in respect of Lots 9, 10 and 11 RP134306 for a Development Permit for Reconfiguring three (3) lots into 58 lots and a drainage/open space lot, and Operational Works - Earthworks be approved subject to the following conditions which must be met prior to the endorsement of the plan of survey or at any other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition.

PRE-CONSTRUCTION

GENERAL

1. Submit an amended plan of development for approval by the Assessment Manager, redesigning the lot layout to incorporate the following:

    a. Provide a minimum 40.0 metre wide buffer area as an open space wetland protection buffer between the new development area and the wetland.
    b. Within the 40.0 metre buffer required by item (a), incorporate a 10.0 metre ecosystem protection zone to the wetland buffer to provide an area for the maintenance of natural processes and conditions at the wetland edge. Acceptable activities within the 10 metre ecosystem protection zone include controlled maintenance access and minor structures such as fencing and vegetation rehabilitation works. Unacceptable activities within the 10.0 metre ecosystem protection zone include clearing of native vegetation, ground disturbance, filling, construction of structures, uncontrolled access and waste storage.
    c. In addition to the 10.0 metre ecosystem protection zone in clause 1(b) above, incorporate a vegetated 30.0 metre impact mitigation zone to absorb or mitigate the detrimental impacts of adjacent land uses. Acceptable activities within the 30 metre impact mitigation zone are the construction of stormwater detention basins, sediment traps, flow dissipaters, mowing of edges, vegetation rehabilitation works, public access works including walkways and bikeways and associated clearing. Unacceptable activities are reduction of ground cover, long term exposure of soil surface to erosion, regular application of fertilisers, construction of significant structures, hard surfaces e.g. car parks and roads and waste storage.
    d. A minimum of 60% of the perimeter of the retained wetland buffer area must be bounded by public access roadways with the road pavement area located outside of the 40 metre wetland buffer.
    e. A maximum of 58 low density residential lots. The plan must provide for a mix of lot sizes, including a minimum of 12 lots that have a minimum area of 800m^2 that may be suitable subject to further approvals for use as dual occupancy lots.

f. Adjustments to the road alignments to allow retention of significant trees outside of the open space area as identified on the tree survey plan required by Condition 2.
g. 1.5m wide footpaths for one side of all new roads.

When approved, such plans will form part of the endorsed plan under this permit.

2. Submit an amended Tree Survey Plan accurately locating all significant vegetation (as defined in the Planning Scheme) on the site. The survey plan must accurately identify all vegetation proposed to be removed and that to be retained. Trees within proposed roads must be retained where possible to the satisfaction of the Assessment Manager. When approved, such plans will form part of the endorsed plan under this permit.

3. Undertake the development in accordance with Council's Planning Scheme Policy 2 - Development Manual and Planning Scheme Policy 15 - Development Procedures.

4. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations. The Developer is responsible for accurately locating all existing services before any development works commence.

5. The minimum habitable floor level for all future dwelling units is the Q100 flood level as per the 'Bunya Creek Catchment Flood Risk Reduction Study' (Oct 2006).

6. Undertake the development with the possibility of encountering acid sulfate soils, especially in the area below Reduced Level 20m AHD. In this regard, the Applicant must ensure that all works are in accordance with the State Planning Policy 2/02 *'Planning and Managing Development involving Acid Sulfate Soils'.*

7. Lodge a bond in the amount of $30,345 in accordance with Planning Scheme Policy 15 Development Procedures (General Performance Bond), prior to the commencement of any operational work associated with the development. This bond (less any deductions for purposes defined in the Planning Scheme Policies) will be refunded when:
   a. works to revert to Council have been accepted "on maintenance"; and,
   b. all Building and Operational Works on the site have been completed and a Final Certificate (if applicable) issued by Council.

8. Submit engineering drawings detailing all civil engineering site works, road works, water reticulation, sewer and stormwater drainage and quality management works internal and external to the site as part of an Operational Works Application. Prior to the approval of Operational Works, all engineering drawings, designs and reports submitted to Council for the design of Operational Works must bear the name, number and signature of a registered Professional Engineer of Queensland (RPEQ) responsible for the design. The design is to be approved by Council before any works commence on site. All such works are to be completed to Council's satisfaction prior to any request to endorse the plan of survey.

9. Obtain an Operational Works permit prior to the removal of any vegetation on the site.

10. Ensure that all works that will revert to Council control are designed and supervised by a Registered Professional Engineer in accordance with Council Policy. The works will be required to comply with all Local Laws, Policies and Standards of Council current at the time of submission of the application for approval of Operational Works. No works associated with this permit may commence until an Operational Works Permit has been issued by Council.

Stormwater

11. Submit to and gain approval from Council as part of an Operational Works application and prior to the commencement of works being carried out onsite a final and detailed site specific 'Stormwater Management Plan' (SMP). The SMP must include detailed designs and layout of all essential stormwater drainage systems including the hydraulic capacity of proposed open space area and stormwater quality management systems. The designs of stormwater drainage and quality management systems must comply with Councils Policies and the Queensland Urban Drainage Manual as adopted by Council and must be undertaken and/or supervised and duly certified by a registered professional engineer, Queensland (RPEQ).

12. The SMP must include the design of the hydraulic capacity and the Q100 flood extent of and in the proposed 'open space'.

13. The SMP must demonstrate that the stormwater drainage systems will ensure the development will not make material changes to the pre-development flood flows, location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flow will occur, the applicant must produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

14. The SMP must demonstrate that the design stormwater drainage will ensure no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development, as set out in Planning Scheme Policy 2.

15. Submit design and layout plans showing all stormwater control and management structures, including underground drainage pipes, open drains, bio-swale and bio-retention basins and any other stormwater quality improvement devices for Council approval prior to Operational Works commencing onsite.

16. Provision must be made for the water discharged from the site to meet acceptable water quality objectives for urban stormwater runoff discharging to marine waters. Those water quality objectives must be in accordance with the 'Queensland Water Quality Guidelines 2006' and in accordance with the provision of the 'State and Regional Coastal Management Plans – Queensland's Coastal Policy' (policies 2.4.1 Water Quality Management and 2.4.4 Stormwater Management). The design must comply with Councils Policies and the Queensland Urban Drainage Manual (Vol 1, 2nd Edition) and the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Version 1, 2006).

17. Design site drainage to ensure that the ecosystem health and water quality of the wetland is maintained during the construction and operational phases of the development.

Water reticulation

18. Submit to and gain approval from Council as part of Operational Works application and prior to the commencement of works being carried out onsite a final and detailed external and internal water reticulation system design. The design must provide for a reticulation main from the DN375 main in Doolong Road via Gilston Road. That primary main must be minimum DN150 main, cross-connect with the existing DN100 main in Doolong South Road and must extend and terminate in a valve and hydrant at the southern boundary of the development site in Gilston Road. The DN 150 main in Gilston Rd must replace the existing DN100/DN63 main in Gilston Rd. No service connections must be permitted from the existing DN63 poly water main in Gilston Rd.

19. Consult directly with Wide Bay Water Corporation as part of formulating the water reticulation design so to comply with the Corporation's requirements for supply of water reticulation associated with this development.

Sewer Reticulation

20. Submit to and gain approval from Council as part of Operational Works application and prior to the commencement of works being carried out onsite a final and detailed external and internal sewer reticulation system design.

21. Consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for external and internal sewer reticulation system design, construction and reticulation connection Submit to and gain approval from Council, prior to approval of any application for Operational Works and the commencement of works being carried out on-site a design for the construction of the sewerage works required to service the development. The design must provide for a gravity fed sewerage system to be constructed internal to the site and this system is to be connected into the existing sewer main located in Gilston Road to the south of the site.

22. Submit to and gain approval from Council for all Operational Works associated with the construction of the sewer works required to service the development.

Road Works

23. Submit to and gain approval from Council as part of an Operational Works application and prior to the commencement of works being carried out onsite a final and detailed external and internal road network design and layout.

24. Design kerb and channel, road widening and associated drainage works on Gilston Road along the full frontage of the development. Gilston Road is classified as Collector Street in Council road hierarchy. The Gilston Road frontage would require drainage, kerb and channel and road widening to provide a residential road formation to service the development.

Landscaping and Environment Rehabilitation

25. Submit to and gain approval from Council, prior to approval of any Operational Works, a landscape and environmental rehabilitation plan generally incorporating:-
    a. The area or areas set aside for landscaping;
    b. A schedule of all proposed trees, shrubs and ground covers, including the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material, selected in accordance with Planning Scheme Policy 2;
    c. A schedule of all weeding works and weed management plan to be undertaken in the wetland area;
    d. Verge treatments including a street tree plan;
    e. Landscape buffering to acoustic fencing, include a suitable tree located in each indentation;
    f. 70% locally endemic species, measured by both species count and total plant numbers;
    g. Planting and staking details;
    h. A report demonstrating compliance with the provisions of the Development Manual, including sections 7.2.8(iv), and 7.5.2; Bollards or similar barrier restricting vehicle access to the wetland area and including secure vehicle access points as nominated by Council; and,
    i. Landscape treatment of the buffer to the wetlands as required by Condition 1.

    When approved, such plans will form part of the endorsed plan under this permit.

Site and Environmental Management

26. Submit to Council for approval as part of Operational Works application a Construction and Environmental Management Plan. The plan must include, but not be limited to:
    a. proposed construction vehicle transport route(s);
    b. lawful source and disposal sites of any fill or excavated material;
    c. if Acid Sulfate Soil is found on the site, a handling and disposal method and disposal sites of (1) acidic soils from disturbed acid sulfate soils and (2) acidic waters discharged from any cut area;
    d. wheel wash down and shake down grids for construction vehicles;
    e. the location of all areas on and/or off site to be used for staff and contractor parking;
    f. Maintenance of the existing drainage pattern of the land to avoid adverse impact on the downstream and upstream environments;
    g. The maintenance of:
        i. Water quality in accordance with the general environmental values and water quality objectives outlined in the EPP (Water) 1997; and,
        ii. The local drainage regime of the site and adjoining area.
    h. avoidance of unacceptable risk from flooding and erosion to existing land uses;
    i. owner's permission for access over and/or parking on other land;
    j. specification of measures to ensure the safe and orderly and forward ingress and egress of vehicles to and from the site;
    k. the means by which the direction of traffic flows to and from parking areas will be controlled both on and off site to ensure no damage is cause to Council's road infrastructure including the pavement, kerb and channel, crossovers to adjoining properties and verges;
    l. measures to discourage staff and contractor parking in adjoining lots;
    m. the means of ensuring the appearance of works or materials does not detrimentally affect the amenity of the area;
    n. schedule of when the erosion and sediment controls measures will constructed in relation to bulk earthworks;
    o. measure to ensure that at any one time, the exposed soil area/work surface is minimised and sediment retention measures are implemented to ensure avoidance of sediment transport to the downstream environment;
    p. setting out responsibility for erosion and sediment control construction standards, inspection and maintenance;
    q. development of contingency measures such as en-of-day protection works, close-up prior to public holidays, weather watch, storm damage assessment and response;
    r. dust control plan demonstrating how at any one time dust control measures will be implemented onsite to ensure avoidance of dust nuisance; and,
    s. location of site sheds and facilities.

27. Submit to and gain approval from Council, prior to approval of any application for Operational Works for Civil Works or Vegetation Removal and prior to the commencement of works being carried out on-site a site specific erosion and sediment control. The site specific erosion and sediment control must be designed in accordance with EPA Best Practice Urban Stormwater Management – Erosion and Sediment Control (reference = https://www.epa.qld.gov.au/publications/p02301.html).

Electricity

28. Enter into an agreement with Ergon Energy to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions, prior to the approval of the plan of subdivision.

CONSTRUCTION

Site and Environmental Management

29. Implement the Construction and Environmental management and erosion and sediment control plans as per approved plans and ensure that the plans remain effective throughout the operational and construction works until the site is fully developed.

30. Implement and carry out the development in accordance with the Acid Sulfate Soil (ASS) Management Plan if ASS is encountered onsite during earthworks/Operational Works.

31. Implement the site specific 'Stormwater Management Plan' (SMP).

32. Do not carry out any works during the following hours:
    a. on a Sunday or public holiday, at any time; or
    b. on a Saturday or business day, before 6.30 am or after 6.30 pm.

33. Implement and maintain drainage, erosion and sediment control measures in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Stormwater must not be contaminated by unacceptable levels of erosion and sediment runoff.

34. All disturbed or filled areas must be stabilised with approved grassing as detailed in Council Policy. Such approved grassing is to be maintained by the developer for a period of six months after required coverage is achieved.

Landscaping and Environment Rehabilitation

35. Undertake the landscape and rehabilitation works as required by Condition 25 of this development permit.

36. Protect all trees shown to be retained on the approved tree survey plan. All works are to be conducted to avoid impacts to vegetation in accordance with the Australian Standard for the Protection of Trees on Development Sites – AS: 4970-2009.

Footpath

37. Construct all footpaths internally as shown on the endorsed plan or otherwise agreed to in writing by the Assessment Manager. All footpaths must be a minimum width of 1.5 metres.

38. Construct a 2.5 metre wide concrete pedestrian path for the full length of the Gilston Road frontage of the development site.

Vehicular Access

39. Construct access from Gilston Road to any lots fronting it in accordance with Council Policy and Standard Drawing R08. For the purposes of this condition the term "access" means practicable means of entry of persons and vehicles on to the development site from a constructed road that abuts the development.

40. Construct access to all proposed allotments in accordance with Council Policy and Standard Drawing R07. For the purposes of this condition the term "access" means practicable means of entry of persons and vehicles on to the allotments from a constructed road that abuts the allotments.

Frontage Road Works

41. Construct the Road frontage works on the Gilston Road in accordance with approved design and construction plan.

42. Construct kerb and channel, road widening and associated drainage works on the Gilston Road along the full frontage of the development.

Stormwater

43. Construct internal and external stormwater drainage infrastructure to service the development.

44. Construct all stormwater quantity and quality management devices in accordance with approved final and detailed site specific 'Stormwater Management Plan' (SMP).

45. Use rubber ringed spigot and socket joints for all sizes of stormwater drainage pipe.

Sewer

46. Construct all internal and external reticulation infrastructure necessary to effectively service the development.

Water Supply

47. Construct as per the approved design all external works required to effectively service the development site and to provide for availability of fire fighting flows to the development site.

48. Install separate water services with control valves and water meters to all proposed lots prior to the submission of an application for plan sealing creating separate titles. Water meters are to be located in accordance with the requirements of Wide Bay Water to facilitate reading and access.

49. Water conduits are to be installed to service the development by boring under the existing road pavement where required. A plan showing the location of the conduits is to be approved by Hervey Bay City Council prior to the commencement of works. Standard kerb markers are to be installed to mark the location of the conduits

Earthworks

50. Filling and excavation must be carried out in accordance with Planning Scheme Policy No. 2 – Development Manual to ensure:
    a. all filling occur within the set back distances specified in the approved "earthworks plan" especially the set back distance specified for the eastern boundary of the development site;
    b. No ponding of water on the site or adjacent land;
    c. No uncontrolled increase or decrease in flow of water, including peak flow, velocity and timing across the site or any other land;
    d. No uncontrolled increase or decrease in the volume of water or concentration of water in a watercourse or overland flow paths.

51. Stabilise all disturbed or filled areas with approved grassing as detailed in Council Policy. Such approved grassing is to be maintained by the Developer for a period of six months after the required coverage is achieved.

52. Undertake all earthworks in accordance with the latest version of Australian Standard Earthworks Code AS 3798. Any fill placed is to be subject to Class 1 supervision and testing.

POST CONSTRUCTION

Administration

53. All works that will revert to Council control are subject to a twelve month maintenance period during which time the Developer must be responsible for the maintenance of the works, the rectification of any design omissions or defects, and the repair of any construction defects that are subsequently found. Council requires the developer to secure the maintenance of the works by the submission of a bond valued at 5% of the total value of the works. The bond must be submitted in accordance with Council's policy.

54. Prior to acceptance of the works on maintenance, the supervising engineer must arrange for the collection and submission to Council of digital 'as constructed' information for the works. The digital information must comply with Council's 'Submission of Digital as-Constructed Manual' and must be certified as specified in the Manual.

55. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to the sealing of the plan of survey for the site.

Infrastructure Contributions

56. Pay a Contribution toward Water Supply Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

57. Pay a Contribution toward Sewerage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

58. Pay a Contribution toward Road and Transport (Council Road, State Controlled Road, Local Function and Public Transport) Infrastructure including footpath and cycleway to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

59. Pay a Contribution toward Stormwater Trunk Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

60. Pay Contribution toward Public Park & Community Land infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

Carried Unanimously
C&D 5/81/09/10

Councillor Kruger returned to the meeting.

C&D 4 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

C&D 4.2 Development Permit – Material Change of Use – Aquaculture

PROCEDURAL MOTION (O'Connell / Arthur)

That the matter be lifted from the table.

Carried Unanimously
C&D 5/82/09/10

C&D 4 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

C&D 4.2 Development Permit – Material Change of Use – Aquaculture

RESOLUTION (Arthur / Hawes)

That the application by Bluefin Seafoods P/L C/- Angelo Oliaro Town Planning for a Development Permit for a Material Change of Use for Aquaculture at 91 Shore Road East, Booral, being Lot 20 SP 145088, be approved generally in accordance with the plans titled 'Site Plan', in red, Job 070902, prepared by Angelo Oliaro Town Planning and dated March 2010 and 'Proposed Nursery Shed', prepared by Suncoast Building Designers, dated 15 February 2000, 'Hatchery Building', received by Council on 16 March 2010, prepared by the applicant and the plans titled 'Managers Residence', received by Council on 16 March 2010, prepared by Mecano Building Products, subject to the following conditions which must be met prior to the commencement of the use on the site, or at such other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition:-

PRE-CONSTRUCTION

Administration

1. Undertake the Development in accordance with Council's Planning Scheme Policies.

2. Obtain further Development Permits, as required by the *Integrated Planning Act* 1997, in respect of any Operational Works, Building Works and/or Plumbing Works in relation to this approval before any such works are commenced.

3. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations as costs of the development including accurately locating all existing services before any development works commence.

General

4. Utilise colours in the development that are sympathetic to the surrounding environment and avoid excessive brightness, contrast, colour intensity, and reflectivity. In this regard, materials/colours on the roof and wall of the structure must not reflect glare into the habitable rooms of any dwelling on adjoining allotments.

5. Ensure all tanks utilised for Aquaculture purposes are located within roofed structures to prevent birdlife being attracted.

Stormwater

6. Design the stormwater drainage such that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the

event that a material change to the pre-development stormwater flow will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

7. Provide for stormwater harvesting for landscaping/garden irrigation. Water discharged from the site must meet acceptable water quality standards for discharge to marine waters.

8. Ensure any filling or other development works undertaken on the site are carried out so as not to cause the ponding of water on any adjoining lands or the blockage or interference with any natural watercourse.

9. Stormwater is to be managed in accordance with EPA Best Practice Stormwater Management- Erosion and Sediment Control Guideline 2008 requirements, in particular the requirement for temporary sediment control facilities adjacent to disturbed areas of the work site. All stormwater runoff from the site (during construction and ongoing operations) must be effectively managed to maintain the environmental values and water quality objectives of the adjacent HEV receiving waters.

CONSTRUCTION

Access

10. Construct a sealed driveway from the edge of the existing bitumen road to the property boundary of the site in accordance with Council's Standard Drawings.

Environmental Health

11. Restrict dust and other emissions, such as ash, fumes, light, or odour from the building work on site and take all reasonable steps to prevent a release to neighbouring properties.

12. Contain all litter and building waste on the building site by the use of a skip or any other reasonable means during construction to prevent release to a neighbouring property.

13. Contain airborne hazards including concrete dust or wood shavings during building work or demolition onsite.

14. Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.

15. Do not undertake works;
    (a) on a Sunday or public holiday, at any time; or
    (b) on a Saturday or business day, before 6.30 am or after 6.30 pm.

16. Implement drainage, erosion and sediment control measures and maintain in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Ensure erosion and sediment runoff does not contaminate stormwater at unacceptable levels.

Vegetation

17. Submit to and gain approval from Council, within 3 months of the date of this approval, a landscape plan prepared generally in accordance with Planning Scheme Policy 11 and incorporating the following:-

    a. a landscape buffer comprising of a mixture of shrubs and trees for a minimum width of 3.0 metres for the full length of the western and northern boundaries of the site designed to effectively screen the use from those aspects;

    b. a landscape screen comprising of a mixture of shrubs and trees for a minimum width of 1.0 metre for the full length of the western side of the Hatchery Outbuilding.

    c. advanced specimens at least 1.0 metre tall at time of planting;

    d. species that will ultimately grow to a mature height of 2-6 metres;

    e. a schedule of all proposed trees, shrubs and ground covers, including the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material, selected in accordance with Planning Scheme Policy 2; and,

    f. 70% locally endemic species, measured by both species count and total plant numbers.

    When approved, such plans will form part of the endorsed plan under this permit. The buffer must be established in accordance with the requirements of Councils Development Manual within 6 months of the date of this Development Permit.

Waste

18. Provide a suitably enclosed, imperviously paved area, drained to the effluent treatment facility, upon which can be stored all waste containers. Ensure a suitable hose cock & hose is located within the vicinity of the paved area.

19. Ensure waste containers are stored and maintained in a manner so as not to create an environmental nuisance.

20. Provide a clear vertical distance of 7.0 metres for the emptying of Bulk Bins

21. Provide a suitable turnaround, to enable the collection truck to exit the property in a forward gear.

22. Provide a lockable compound for the storage of bins to prevent the access of animals & unauthorised persons.

23. Ensure bins comply with Schedule 4 of the *Environmental Protection (Waste Management)* Regulation *2000*.

POST CONSTRUCTION

Stormwater

24. Dispose of stormwater from the buildings in a manner so as not to cause erosion or nuisance to adjoining properties. The intermediate use as a rainwater tank is acceptable.

Vegetation

25. Maintain the existing and new landscaping on the site to the satisfaction of the Assessment Manager.

Lighting

26. Ensure lighting is installed, maintained, directed and shielded so as to avoid nuisance to adjoining properties.

27. Ensure lighting does not shine above the horizontal; involve coloured or flashing lights; sodium lights; or flare plumes and does not involve configurations of lights in straight parallel lines 500 metres to 1,000 metres long.

28. Ensure blinds are affixed to the windows of all Outbuildings on the site to prevent light spillage to the satisfaction of the Assessment Manager, Development Assessment.

Noise

29. Ensure that any noise generated by the use is mitigated so as not to exceed the background noise level plus 5dB(A) between 7am-10pm and background noise level plus 3dB(A) between 10pm and 7am, as per ERA- CM0126DA.

Carried Unanimously
C&D 5/83/09/10

There being no further business, the Meeting closed at 12.25pm.

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CHAIRPERSON
COMMUNITY & DEVELOPMENT COMMITTEE

Received as a report, amended where necessary and recommendations adopted at Ordinary Meeting No. 16 of the Fraser Coast Regional Council held on 22 September, 2010.

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MAYOR