MINUTES OF PLANNING & DEVELOPMENT COMMITTEE MEETING NO 1
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,
MARYBOROUGH CITY HALL, KENT STREET, MARYBOROUGH
ON WEDNESDAY 9 MARCH, 2011 COMMENCING AT 9.00AM

PRESENT:
Councillor Barb Hovard (Chairperson)
Councillor Julie Arthur
Councillor Sue Brooks
Councillor David Dalgleish
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Mick Kruger
Councillor Belinda McNeven
Councillor Les MucKan

STAFF IN ATTENDANCE:
Acting Chief Executive Officer, Ms Lisa Desmond
Director Community & Development, Mr Peter Smith
Executive Manager Development Assessment, Mr Michael Ellery
Principal Planner, Mr Adam Yem
Executive Manager Strategic Planning, Ms Rosalyn Acworth
Executive Manager Environmental Health & Regulation, Mr Andy Gaze
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Meeting Secretary, Mrs Julie Schoonderwoerd

P&D 1 APOLOGIES

RESOLUTION (Arthur / Kruger)

That the apology from Councillor O'Connell, who is absent on annual leave, and Councillor Nioa, who is absent on sick leave, be accepted.

Carried Unanimously
P&D 1/1/03/11

P&D 2 DISCLOSURE OF INTERESTS

Nil

P&D 3 CONFIRMATION OF MINUTES OF MEETINGS

Nil

P&D 4 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

Nil

P&D 5 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

P&D 5.1 Application for Material Change of Use (Multiple Units Exceeding 2 Storeys in Height), Reconfiguring a Lot (Creation of an Access Easement) and Operational Works (Vegetation Removal) – CJHA Pty Ltd c/- Urban Planet Town Planning Consultants – Located at 38-44 Hillyard Street, Pialba

RESOLUTION (Dalgleish / MucKan)

That the application by CJHA Pty Ltd C/- Urban Planet Town Planning Consultants for a Development Permit for Material Change of Use – Multiple Residential (37 units), Reconfiguring a Lot (creation of an access easement) and Operational Works (Vegetation Removal) on land at 38, 40, 42 and 44 Hillyard Street, Pialba, properly described as Lots 3, 4, 5 and 6 RP 35171 be approved generally in accordance with the plans titled:

Plan/Document Number	Plan/Document Name	Date
Proposal plans prepared by Blueprint Architects Pty Ltd, client "CJHA PTY LTD", Project "PROPOSED RESIDENTIAL DEVELOPMENT HERVEY BAY"		
A 0.01 B	"Existing Site Plan"	Received 22 April 2010
A 1.01 D	"Proposed Ground Floor Plan"	Received 22 April 2010
A 1.02 D	"Proposed Podium Floor Plan"	Received 22 April 2010
A 1.03 B	"Proposed First Floor Plan"	Received 22 April 2010
A 1.04 B	"Proposed Second Floor Plan"	Received 22 April 2010
A 1.05 B	"Proposed Third Floor Plan"	Received 22 April 2010
A 1.06 B	"Proposed Fourth Floor Plan"	Received 22 April 2010
A 1.07 B	"Proposed Roof Plan"	Received 22 April 2010
A 3.01 B	"Proposed Sections"	Received 22 April 2010
A 2.01 B	"Proposed Elevations"	Received 22 April 2010

Plan / Document Number	Plan / Document Name	Date
Perspective Images prepared by Blueprint Architects		
-	Hillyard S aerial view with neighbouring development in background	Received 22 April 2010
-	Charlton Esplanade aerial view	Received 22 April 2010
-	North eastern elevation	Received 22 April 2010
-	Hillyard St aerial view with neighbouring development in foreground	Received 22 April 2010
-	Hillyard St elevation with neighbouring development to left	Received 22 April 2010
-	Hillyard St elevation	Received 22 April 2010
-	Charlton Esplanade elevation	Received 22 April 2010
-	South eastern boundary elevation	Received 22 April 2010
-	Third floor view of open space	Received 22 April 2010
-	View of pool recreation area	Received 22 April 2010
Landscape Concept prepared by Form Landscape Architects		
90504 – DA01	"Landscape Design Intent"	Nov 09
90504 – DA01	"Overall Landscape Masterplan"	Nov 09
90504 – DA01	"Planting Palette"	Nov 09
90504 – DA01	"Landscape Masterplan"	Nov 09
90504 – DA01	"Landscape Masterplan"	Nov 09
90504 – DA01	"Landscape Design Structure"	Nov 09
90504 – DA01	"Landscape Design Structure"	Nov 09
90504 – DA01	"Landscape Elevation – Charlton Esplanade"	Nov 09
90504 – DA01	"Landscape Elevation – Hillyard Street"	Nov 09
90504 – DA01	"Landscape Section"	Nov 09
90504 – DA01	"Landscape Section"	Nov 09
90504 – DA01	"Landscape Section"	Nov 09

The approval is subject to the following conditions which must be met prior to the commencement of the use or at such other time as may be specified in the terms set out there under:-

CONDITIONS APPLICABLE TO THE MATERIAL CHANGE OF USE

PRECONSTRUCTION

General

1. The development must be undertaken in accordance with Council's Planning Scheme Policy 2 - Development Manual and Planning Scheme Policy 15 - Development Procedures.

2. Provide adequate facilities for storage and collection of waste and recyclable materials in accordance with council's Waste Services Policy. Liaise directly with Council's Waste Services Coordinator with regard to the size and quantity of bins and the method and frequency of service. The access path for the collection vehicle must provide for adequate turning space such that the vehicle enters and exits the site in a forward direction.

3. Submit engineering drawings detailing all civil engineering site works, road works, vehicular access works, car parking layout and design, sewer relocations and stormwater works within and external to the site in an Operational Works Application. The design of these works must be prepared by a Registered Professional Engineer of Queensland (RPEQ) to the standards defined in Council's Development Manual and approved by Council before any works commence on site. All such works are to be completed to Council's satisfaction prior to the commencement of the approved use.

4. Lodge a bond in the amount of $10,000 in accordance with Planning Scheme Policy 15 Development Procedures (General performance Bond), prior to the commencement of any building or 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.

5. Prior to obtaining building works approval provide a report prepared by a suitably qualified person demonstrating that the development provides attractive, manageable living environments and allow the passage of cooling breezes through habitable rooms. The report should address, but may not be limited, to the following:

   a) window placements and internal layouts that allow cross ventilation;
   b) the private open space for each unit has access to sunlight;
   c) the main living areas are orientated to within 20° either side of north; and
   d) sunshading devices (awnings, window hoods, lightweight overhangs) are provided to windows where necessary

   Should the report demonstrate that the buildings do not achieve the above, provide amended plans for approval that demonstrate the above.

6. Prior to obtaining a Development Permit for Building Works for the development amalgamate Lots 4, 5 and 6 RP 35171 into a single lot.

7. Ensure 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.

Acoustic Attenuation

8. Design and construct all multiple residential units to comply with the noise criteria nominated in Australia / New Zealand Standard 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Builing Interriors, where compliance with the requirements of AS12.3 of the Multiple Residential Code cannot be achieved. All other units are to be designed and constructed to achieve compliance with AS12.3 of the Multiple Residential Code.

Building Design

9. Finish buildings with high quality materials, selected for their durability and the contribution they make to the character of the locality, generally in accordance with the approved plans.

10. Do not use any type of glass or other surface likely to reflect specular rays that could create nuisance, discomfort or hazard to any part of the surrounding locality.

11. To the greatest extent possible, ensure all basement levels of the development are designed and constructed such that they are water proof. If water seepage does occur in the basement, the seepage water must be collected, tested for pollutants and treated if required and disposed of on the development site. No seepage water shall be discharged to the stormwater reticulation system.

12. Minimum habitable floor level for this development is RL 4.15m AHD and the minimum level of non habitable rooms and entry points to the basement and all other entrances must be RL 4.0m AHD to provide immunity from the Q_{100} Storm Surge Flood Event.

13. Ensure air conditioning units are screened from the view of the street and the public.

Fencing

14. Limit fences and walls to any street frontage to a maximum height of 1.5 metres overall and maintain a minimum 50% transparency. Limit solid fences and walls to any street frontage to 1.2m in overall height. Perimeter fencing to adjoining properties must not exceed an overall height of 2.0 metres.

Landscape Plan

15. Submit to and gain approval from Council, prior to approval of Building Works, a detailed landscape plan generally in accordance with the plans submitted with the application and titled, "Landscape Concept", Job No. 90504, dated Nov 09 and prepared by Form Landscape Architects, incorporating 70% locally endemic species, measured by both species count and total plant numbers. The landscape plan must incorporate:

    a) Planting plan showing the position and canopy spread of all trees, shrubs and ground covers;
    b) A plant schedule with the following information: botanic names, common names, total plant numbers, and pot sizes at the time of planting. (All feature trees shall have a minimum pot size of 45 litres);
    c) Location of services such as drainage, water, sewerage and overhead power;
    d) Details of landscape structures including areas of deep planting and artworks;
    e) Details of proposed podium landscaping including how planters will be drained, irrigated and support healthy plant growth;
    f) Important spot levels and/or contours. In addition the heights and levels of retaining structures are to be indicated on the plan;
    g) Extent and type of works (i.e. paving, fences, garden bed edging etc.). All plants should be located within an edged garden;
    h) Any landscape treatment on the street which may be required in the permit conditions (i.e. street trees, footpath);
    i) Details of proposed Water Sensitive Urban Design elements;
    j) The name, contact details and qualifications of the landscape architect/designer who drafted the plan;
    k) Landscape design that allows for casual surveillance of the site, the street and pedestrian and entry areas. Utilise low plantings less than 1.5m in height and tress with clear trunks to negate places for concealment;
    l) Landscape design that provide for a clearly defined entry points.
    m) Refuse disposal and storage area are screened by a solid fence a minimum height of 1.2m and are not directly visible from the road;
    n) Details of any fencing or retaining walls;
    o) Details of landscaping treatment to the Charlton Esplanade and Hillyard Street entrances which are to be designed to present an attractive entry which is sympathetic to the character of the area using locally native species;
    p) Details of street trees for the Charlton Esplanade and Hillyard Street frontages as shown on the "landscape concept";
    q) Ensure that the submitted landscape plans include a dominance of the following species in garden areas that present to Charlton Esplanade and Hillyard Street:

- *Callitris collumellaris;*
- *Eucalytus teriticornis;*
- *Corymbia tesselaris;*
- *Melaleuca dealbata;*
- *Callistemon viminilas;*
- *Livistona decora (syn decepiens);*
- *Callistemon salignus; and*
- *Acacia leiocalyx.*

These must be species that will ultimately grow to a height of at least 6 metres. All trees must be stock in minimum 200 litre containers and a minimum of 4 metres tall at the time of planting.

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

Site and Environmental Management

16. Submit to and gain approval from Council for a Construction Management Plan (CMP) in conjunction with the submission of any Operational Works application prior to the commencement of all on-site works. 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) wheel wash down and shake down grids for construction vehicles;
(d) the location of all areas on and/or off site to be used for staff and contractor parking;
(e) Maintenance of the existing drainage pattern of the land to avoid adverse impact on the downstream and upstream environments;
(f) The maintenance of:
  i. Water quality in accordance with the general environmental values and water quality objectives outlined in the EPP (Water) 1997;
  ii. The local drainage regime of the site and adjoining area;
(g) Avoidance of unacceptable risk to existing land uses from flooding and erosion;
(h) owner's permission for access over and/or parking on other land;
(i) specification of measures to ensure the safe and orderly ingress and egress of vehicles to and from the site;
(j) 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 to and from the site including the pavement, kerb, channel, crossovers to adjoining properties and verges;
(k) measures to discourage staff and contractor parking in adjoining lots;
(l) the means of ensuring the appearance of building works or materials does not detrimentally affect the amenity of the area;
(m) 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;

(n) That at any one time dust control measure is implemented onsite to ensure avoidance of dust nuisance and
(o) Location of site sheds and facilities.

17. Submit to and gain approval from Council, prior to approval of any application for Operational Works and the commencement of any on-site works being carried out, a site specific Erosion and Sediment Control Plan (E&SCP).

Stormwater

18. The Developer must design the stormwater drainage system 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 must produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

19. The Developer must design the stormwater drainage such that 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.

20. The Developer must construct all stormwater control and management structures, including underground pipes, open drains and detention basins, in accordance with a design approved by Council. The design must comply with Councils Policies and the Queensland Urban Drainage Manual as adopted by Council. The legal point of discharge is the existing pit located adjacent to the eastern most boundary on the Charlton Esplanade frontage. On-site detention is not required.

21. All Stormwater runoff from the site must be treated by suitably designed by suitable designed and located stormwater quality improvement devices designed in accordance with best practice Water Sensitive Design Techniques (WSUD), located within the site boundaries.

22. Stormwater discharged from the site must meet the Water Quality Objectives (WQO) as defined under the Environmental Protection (Water) Policy 2009.

23. All stormwater from the site must be discharged to the north to a legal point of discharge. No stormwater from the site can be discharged to Hillyard Street.

Water Reticulation

24. The Developer must consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection of all water reticulation associated with this development. The design must ensure sufficient capacity to meet the demands from the development and to sustain any commercial fire stream requirement in the locality.

Sewer Reticulation

25. The Developer must consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection of the relocation of the existing sewer main associated with this development.

26. 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 upgrade of wastewater pump station 48. Full Design Computations of the wet well storage, control volumes, operating points, pumps and their duty points and rising main checks must be submitted with an application for Operational Works Approval.

Earthworks

27. Pre-determine by detailed engineering design the quantity of all fill required to be imported to, or spoil required to be removed from the site. Council must approve the source of the fill or destination of spoil, and the transport route prior to commencement of the filling operation. The Developer must comply with all conditions applied to the approval of the fill source or tip site and the transport route.

28. Inform Council as to whether dewatering is to occur on the site. If dewatering is required, a dewatering management plan must be submitted to and approved by Council prior to Operational Works approval.

29. The development site shall be subject to an acid sulphate soil investigation in accordance with the State Planning Policy 2/02 "Planning and Managing Development involving Acid Sulphate Soils". Any identification of acid sulphate soils shall require the preparation of an environmental management plan to be submitted to Council and approved as part of the Operational Works application.

CONSTRUCTION

Site and Environmental Management

30. Carry out the development in accordance with the approved Construction Management Plan and the approved erosion and sediment control plans as per approved plan and ensure that the plans remain effective throughout the operational and construction works until the site is fully developed.

Sand Replenishment

31. Deposit all sand excavated from the development site, except material required to provide filling on the development site to meet minimum floor levels as specified by Council in any Development Permit, deemed suitable by Council for beach nourishment purposes on beach and/or frontal dune at locations specified by and at the direction of Council. Prior to this the applicant shall:

(a) Identify the volume and characteristics of the excavated sand including grain size, pH and organic content to ensure the sand is acceptable. The identification and investigation of material to be extracted by the developer must: be undertaken using the sampling protocols required by the State Planning Policy 2/02 Guideline for the management of acid sulfate soils, including confirmatory laboratory analysis of field tests; provide organic content as "dry weight %"; provide grain size data using sieve analysis at 75, 106, 150, 180, 250, 355, 500, 710 microns, or finer using other methods.

(b) Sieve the sand using a mesh no greater than 20mm to remove organic material. The cost of which is to be borne by the developer. The sieving of the sand shall be done within the construction site as it is excavated and before transporting to the beach and/or frontal dune.

(c) Meet all costs of transporting the sand to the specified location(s) on the beach.

(d) Notify the Council's Coastal Management Officers, and provide the information and sampling results specified in (a) above, no less than one month prior to the actual date sand is to be removed from the site. A Coastal Management Officer of council or delegate will determine the suitability of the excavated sand for beach nourishment. Council will not accept sand that is not clean and free of silt, clay, organic material and other deleterious substances.

The developer must provide a performance bond to Council of an amount determined by Council to ensure that unsuitable materials are not disposed of on a beach or within a dunal area. The bond amount shall be determined by Council on the basis of the quantity of material to be excavated.

Car Parking

32. Construct 78 car parking spaces, associated access aisles and driveways to the dimensions detailed in Council's Planning Scheme Policies and Australian Standard AS 2890.1. Provide manoeuvring areas to ensure that vehicles ingress and egress the property in a forward direction. Driveways, car parking and reversing areas are to be constructed to the standards defined in Council's development manual and car parking spaces are to be permanently marked. Provide at least one disabled visitor car space at ground level, conforming to AS 1428 - Design for Access and Mobility.

33. Erect appropriate signage to direct visiting vehicles to visitor car parking spaces within the development site.

Footpath

34. Construct a minimum 1.5m wide concrete (or approved equivalent) footpath along the Hillyard Street frontage of the site.

Vehicular Access

35. Construct the Charlton Esplanade vehicular access associated with the protected left hand turn-in lane and left hand turn-out lane. All vehicular access works must comply with Councils Standard Drawing RO-8, Commercial Driveway Slab and Access. Remove all disused or redundant vehicular crossings and reinstate kerb and channel and footpaths as required.

36. Construct the vehicular access on the Hillyard Street frontage in accordance with plans submitted by Blue Print Architects Pty Ltd dated 20 October 2009. All vehicular access works must comply with Councils Standard Drawing RO-8, Commercial Driveway Slab and Access. Remove all disused or redundant vehicular crossings and reinstate kerb and channel and footpaths as required.

Roadworks

37. Upgrade Charlton Esplanade to accommodate the vehicular turning movements including a protected left in and left out lane associated with the entry and egress to the car parking vehicular access point in accordance with plans submitted by Blue Print Architects Pty Ltd dated 20 October 2009.

38. Construct a central median strip along Charlton Esplanade to restrict all right hand turn-in and right hand turn-out movements from the development onto Charlton Esplanade for both the vehicular traffic and waste removal vehicles.

39. Upgrade Hillyard Street to accommodate the provision of Bus, Taxi and Pick-up and Drop-off Zone in accordance with plans submitted by Blue Print Architects Pty Ltd dated the 20th October 2009.

40. Upgrade the Charlton Esplanade/Taylor Street junction by constructing a round-a-bout to provide for a “U” Turn facility for east bound traffic. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

Sewer

41. Relocate the existing 150mm diameter sewer servicing the site to accommodate the development in accordance with the approved operational works plans.

42. Construct all internal and external sewer reticulation infrastructure necessary to service the development.

43. Upgrade wastewater pump station 48 in accordance with an approved design.

Water Supply

44. Construct all internal and external water supply reticulation infrastructure necessary to service the development. The reticulation must ensure sufficient capacity to meet the demands from the development and to sustain any commercial fire stream requirement in the locality. Such plans must be approved by Wide Bay Water Corporation.

General

45. The developer must meet the costs of all development works including any necessary alteration or relocation of services, provision of upgrading of roadworks to accommodate all vehicular access works together with all public utility mains and/or installations.

46. The Developer must accurately locate all existing services before any development works commence.

47. 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.

48. 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.

49. Repair any damage to Council's assets caused or connected with the construction of this development prior to the issuance of any Certificate of Classification or any Certificate of Occupancy for the building works on the site.

Vegetation Management

50. Complete all planting in accordance with the approved Landscaping Plan, prior to the commencement of the use and properly maintain it at all times to a standard satisfactory to Council. Any vegetation that has died or is considered by Council to be in a deteriorating state twelve (12) months after planting, must be replaced and maintained thereafter.

Environmental Health

51. Do not carry out any building work 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.

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

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

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

55. Carry out construction in accordance with the approved Sediment Control Management Plan and Construction Management Plan.

56. Remove any spills of soil or other material from the road or gutter upon completion of each days work during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

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

POST CONSTRUCTION

Car Parking

58. Parking areas and access lanes shall be kept available for these purposes at all times.

59. Keep available at all times a minimum of eight (8) visitor car parking spaces at basement level.

Alarms

60. Any installed alarms shall be controlled by on-site personnel at all times or be monitored by a linked security firm that can respond within 15 minutes to reset the alarm.

Infrastructure Charges

61. 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. Payment of contributions must be made prior to the commencement of the Use.

62. Pay a contribution toward Sewerage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the commencement of the use.

63. Pay a contribution toward Transport Infrastructure (including State Controlled Roads (Local Function), Council Roads, Public Transport, Pedestrian Paths and Cycleways) to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the commencement of the use. The provision of trunk infrastructure as identified in the plans for trunk infrastructure will be credited against infrastructure contributions required pursuant to PSP4 2009.

64. Pay a contribution toward the provision of Public Parks and Community Land in accordance with Planning Scheme Policy 4 or the Policy current at the time of payment. Payment must be made prior to the commencement of the Use.

Legibility

65. Display the street numbers, unit numbers and building name in prominent positions to promote legibility.

Landscaping

66. The landscaping shown on the endorsed plan is to be completed prior to commencement of the use and properly maintained at all times to a standard satisfactory to Council.

Environmental

67. Do not use spa blowers and/or pool pumps:

    (a) before 7am or after 10pm on any day if the noise is audible
    (b) from 7am to 7pm on any day if the noise is more than 50dB(A); or
    (c) from 7pm to 10pm on any day if the noise is more than 5 dB(A) above background.

    Note: All noise measurements will be undertaken in accordance with the guidelines specified in the Environmental Protection Regulation 1998, as amended.

68. Do not use air conditioners:

    (a) from 7am to 10pm on any day if the noise is more than 50 dB(A); or
    (b) before 7am or after 10pm on any day if the noise is more than the higher of 40 dB(A) or 5 dB(A) above background.

    Note: All noise measurements will be undertaken in accordance with the guidelines specified in the Environmental Protection Regulation 1998, as amended.

RECONFIGURING A LOT

69. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to submission of a plan of subdivision to Council for approval. Where arrangements have been made with Council to pay the rates and charges on an instalment basis, all unpaid and outstanding instalments must be paid prior to the approval of the plan of subdivision.

70. Prior to obtaining a Development Permit for Building Works have registered the easement over Lot 3 in favour of Lot 4, 5 and 6 or the newly titled lot.

OPERATIONAL WORKS

71. The Operational Works component of this development approval does not take effect until such time as a development permit for building works for the approved use is issued.

72. Do not burn any cleared vegetation. All cleared material shall be chipped or mulched or disposed of at a Council approved green waste disposal facility.

Carried Unanimously
MCU-101067
P&D 1/2/03/11

P&D 5 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

P&D 5.2 Application for Preliminary Approval Overriding the Planning Scheme - Material Change of Use - Low Density Residential, Development Permit – Reconfiguring 1 Lot into 4 Lots - Located at 12 Turrum Street, Scarness - VB Pohlmann

RESOLUTION (Kruger / Hawes)

That the application by VB Pohlmann for a Preliminary Approval to vary the effect of the Hervey Bay City Planning Scheme 2006 and Development Permit for Reconfiguration of a Lot – 1 into 4 lots at 12 Turrum Street, Scarness being Lot 1 on RP889393 be approved generally in accordance with the plan titled 'Proposed Configuration', Plan No. 10063-RECONF, prepared by Urban Planet Town Planning Consultants and dated September 2010 subject to the following conditions which must be met prior to endorsement of the plan of survey, 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.

MATERIAL CHANGE OF USE

1. This approval varies the effect of the Hervey Bay City Planning Scheme 2006 to the extent that further development on proposed Lots 1-4 must be undertaken in accordance with the tables of assessment for the Urban Locality - Low Density Residential Zone.

2. The relevant period for varying the effect of the Hervey Bay City Planning Scheme 2006 to the extent determined in Condition 1 of this approval is not limited and starts the day the approval takes effect.

RECONFIGURATION OF A LOT

PRE-CONSTRUCTION

General

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

Stormwater Discharge

4. Design the stormwater drainage such that 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.

5. Design 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. Measures taken to prevent detrimental effects to neighbouring properties are to be included with any application for Operational Works.

Electricity

6. Enter into an agreement with an approved electricity supplier to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions, prior to the endorsement of the plan of survey.

Administration

7. Meet the costs of all development works including any necessary alteration, relocation of services, public utility mains or installations. Ensure all existing services are accurately located before any development works commence.

CONSTRUCTION

General

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

9. Provide concrete driveway (or approved equivalent) construction to lots 1 and 2 in accordance with Planning Scheme Policy 2 "Development Manual".

Sewer

10. Construct a reticulated sewerage system, to serve each lot, to the standards contained in the Wide Bay Water Corporation's Guidelines. The system must be to a design approved by Council. Provide easements over all trunk sewers as defined in Council's policy.

Water

11. Construct a reticulated water supply system, to serve each lot, to the standards contained in the Wide Bay Water Corporation's Guidelines. The system must be to a design approved by Council. The reticulation system must be constructed for the full frontage of the land.

Electricity

12. Provide for reticulation of underground electricity including provision for street lights to serve each lot in the subdivision. The electricity reticulation must be designed and constructed to comply with all requirements of Ergon Energy.

13. Provide all easements required by Ergon Energy over existing or proposed power lines, cables and equipment in the development site.

Environmental Health

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

15. Do not undertake 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.

16. Carry out works in accordance with a Sediment Control Management Plan approved by the Assessment Manager.

17. Remove any spills of soil or other material from the road or gutter upon completion of each days work during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.

POST CONTRUCTION

Administrative

18. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to endorsement of the plan of survey.

19. Arrange for the supervising engineer to collect and submit to Council digital “as constructed” information for the works, prior to acceptance of the works on maintenance. The digital information must comply with Council's “Submission of Digital As Constructed Manual” and must be certified as specified in the Manual. As constructed data must include finished surface levels sufficient to enable digital terrain modelling.

20. Provide a plan sealing report and supporting documentation demonstrating compliance with each condition of this approval prior to the sealing of any plan of survey to create separate titles. The plan sealing report shall accompany the application for plan sealing.

Contributions

21. 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. Payment of contributions must be made prior to the endorsement of the plan of survey.

22. Pay a contribution toward Sewerage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

23. Pay a contribution toward Transport Infrastructure (including State Controlled Roads (Local Function), Council Roads, Public Transport, Pedestrian Paths and Cycleways) to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

24. Pay a contribution toward Stormwater Infrastructure to Council in accordance with Planning Scheme Policy 4 or the Policy current at the time of payment. Payment of contributions must be made prior to the endorsement of the plan of survey.

25. Pay a contribution toward the provision of Public Parks and Community Land in accordance with Planning Scheme Policy 4 or the Policy current at the time of payment. Payment must be made prior to the endorsement of the plan of survey.

Carried Unanimously
MCU-101226
P&D 1/3/03/11

P&D 5 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

P&D 5.3 Application for Material Change of Use – Community Facility (Hospital) and Medical Centre – Located at 182-198 & 124-200 Nissen Street and 9 Medical Place, Urraween – The Uniting Church in Australia Property Trust c/- KHA Development Managers

RESOLUTION (Kruger / Dalgleish)

That the application by The Uniting Church in Australia Property Trust C/- KHA Development Managers for a Development Permit for a Material Change of Use – Community Facility (Hospital) and Medical Centre on land situated at 182-198 & 124-200 Nissen Street & 9 Medical Place, Urraween, be approved generally in accordance with the following drawings:

Plan/Document number	**Plan/Document name**	**Date**
DA01 Rev B	'Site Plan – Stage 1', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA02 Rev B	'Site Plan – Stage 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA11 Rev B	'Ground Floor Plan - Stage 1', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA12 Rev B	'Level 1 Floor Plan – Stage 1', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA13 Rev B	'Level 2 Floor Plan – Stage 1', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA14 Rev B	'Roof Plan – Stage 1', prepared by Conrad Gargett Architecture	Dated 14 December 2010

Plan / Document number	Plan / Document name	Date
DA15 Rev B	'Elevations – Stage 1', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA16 Rev B	'Elevations – Stage 1', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA21 Rev B	'Ground Floor Plan – Stage 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA22 Rev B	'Level 1 Floor Plan – Stage 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA23 Rev B	'Level 2 Floor Plan – Stage 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA24 Rev B	'Roof Plan – Stage 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA25 Rev B	'Elevations – Stage 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA26 Rev B	'Elevations – Stage 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA27 Rev B	'Sections - Stage 1 & 2', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA41 Rev B	'Perspective Views', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA42 Rev B	'Perspective Views', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA43 Rev B	'Perspective Views', prepared by Conrad Gargett Architecture	Dated 14 December 2010
DA50 Rev B	'Landscape Concept', prepared by Conrad Gargett Architecture	Dated 14 December 2010

The approval is subject to the following conditions which must be met prior to the commencement of the use, 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-CONTRUCTION

Administration

1. The development must be undertaken in accordance with Council's Planning Scheme Policy 2 - Development Manual and Planning Scheme Policy 15 - Development Procedures.

2. Prior to obtaining a Development Permit for Building Works for the development, amalgamate Lot 1 on SP179022, Lot 2 on SP198298 and Lot 3 on SP211586 into a single lot

3. Submit engineering drawings detailing all civil engineering site works, road works, sewer relocations and stormwater works within and external to the site in an Operational Works Application. The design of these works 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 the commencement of the approved use.

4. Lodge a bond in the amount of $5,000 in accordance with Planning Scheme Policy 15 Development Procedures (General performance Bond), prior to the commencement of any building or operational work associated with the development.

   This bond (less any deductions for purposes defined in the Planning Scheme Policies) will be refunded when:

   (i) works to revert to Council have been accepted "on maintenance", and,
   (ii) all Building and Operational Works on the site have been completed and a Final Certificate (if applicable) issued by Council.

General

5. The developer must meet the costs of all development works including any necessary alteration or relocation of services, provision of upgrading of roadworks to accommodate all vehicular access works together with all public utility mains and/or installations.

6. The Developer must accurately locate all existing services before any development works commence.

Waste

7. Provide adequate facilities for storage and collection of waste and recyclable materials by a HRV in accordance with council's Waste Services Policy. Liaise directly with Council's Waste Services Coordinator with regard to the size and quantity of bins and the method and frequency of service. The access path for the collection vehicle must provide for adequate turning space such that the vehicle enters and exits the site in a forward direction.

Environmental

8. Submit to and gain approval from Council prior to and application for Operational Works or Building Works and the commencement of works being carried out onsite a Construction Management Plan. The plan shall include, but not be limited to:

   (i) proposed construction vehicle transport route(s);
   (ii) lawful source and disposal sites of any fill or excavated material;
   (iii) wheel wash down and shake down grids for construction vehicles;
   (iv) the location of all areas on and/or off site to be used for staff and contractor parking;
   (v) Maintenance of the existing drainage pattern of the land to avoid adverse impact on the downstream and upstream environments;
   (vi) The maintenance of:
      i. Water quality in accordance with the general environmental values and water quality objectives outlined in the EPP (Water) 1997.
      ii. The local drainage regime of the site and adjoining area.

(vii) Avoidance of unacceptable risk to existing land uses from flooding and erosion;
(viii) owner's permission for access over and/or parking on other land;
(ix) specification of measures to ensure the safe and orderly ingress and egress of vehicles to and from the site;
(x) 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 to and from the site including the pavement, kerb, channel, crossovers to adjoining properties and verges;
(xi) measures to discourage staff and contractor parking in adjoining lots;
(xii) the means of ensuring the appearance of building works or materials does not detrimentally affect the amenity of the area;
(xiii) 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;
(xiv) That dust control measures are implemented onsite to ensure avoidance of dust nuisance; and,
(xv) Location of site sheds and facilities.

9. Submit to and gain approval from Council, prior to approval of any application for Operational Works or Building Works and the commencement of works being carried out on-site, a Site Specific Erosion and Sediment Control Plan.

10. Prior to the approval of Operational Works or Building Works, prepare and submit to Council an acoustic report prepared by a suitably qualified and experienced consultant. The report shall address and include recommendations to ensure that noise emissions from the Hospital and Medical Centre shall maintain the acoustic quality objectives for sensitive receptors (*Environmental Protection (Noise) Policy 2008*).

Stormwater

11. The Developer must design the stormwater drainage system such that:

(i) 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.
(ii) 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.
(iii) 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 4.
(iv) Ensure that the buildings are protected from inundation in a 500yr ARI storm event.

12. The Developer must:

    (i) construct all stormwater control and management structures, including underground pipes, open drains and detention basins, in accordance with a design approved by Council.
    (ii) design all works to comply with Councils Policies and the Queensland Urban Drainage Manual as adopted by Council.
    (iii) ensure the legal point of discharge is the existing open drain located to the west of the site.
    (iv) direct all runoff from the site through a suitable stormwater quality improvement system, located within the site boundaries.
    (v) ensure that all water discharged from the site must meet ANZECC & EPA water quality standards for discharge to marine waters.
    (vi) on-site detention is not required.

Water Reticulation

13. The Developer must consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection of all water reticulation associated with this development. The design shall ensure sufficient capacity to meet the demands for the development and to sustain any commercial fire stream requirement in the locality.

Sewer Reticulation

14. The Developer must consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection of all external sewer works required to connect into the existing sewer infrastructure.

Landscaping

15. Submit to and gain approval from Council, prior to approval of Building Works, a detailed Landscape Plan. The plan must be drawn to scale with dimensions and be generally in accordance with landscaping as shown on the plan titled 'Landscape Concept', Drawing No. DA50 Rev B, prepared by Conrad Gargett Architecture, and dated 14 December 2010.

    The Landscape Plan must include but not be limited to the following detail:

    (i) The area or areas set aside for landscaping generally as shown on the plans titled 'Landscape Concept', Drawing No. DA50 Rev B;
    (ii) Identification of any existing trees to be retained on the site;
    (iii) Low maintenance landscape plantings that incorporate at least 70% local endemic plant species (selected from the schedules as contained in the Landscaping Code);
    (iv) A plan and schedule of all proposed trees, shrubs and groundcovers (other than lawn), including their botanical and common names, and details about their location and size at the time of planting, and upon maturity;

(v) A plan and schedule of the areas to be covered by lawn or pedestrian surfaces within the site, and details about the design and maintenance of proposed pathways, paving treatments, public seating, public bins, street lighting, bollards and other improvements to be carried out within the site or adjoining footpath/road areas. The design or brand names and pictures of proposed street furniture must be specified;

(vi) Details relating to the following;
- (a) Pot sizes at the time of planting;
- (b) Design of a fully reticulated and automated drip fed watering system;
- (c) Consideration of Crime Prevention Through Environmental Design (CPTED) principles;
- (d) Incorporation of Water Sensitive Urban Design (WSUD) principles to ensure appropriate uptake of nutrients and minimise water consumption; and,
- (e) Measures to ensure that plantings will be retained and managed to allow growth of trees to their mature size.

When approved, such plans will form part of the endorsed plans under this development approval.

CONSTRUCTION

Environmental

16. Undertake the development in accordance with the approved Construction Management Plan and Site Specific Erosion and Sediment Control Plan.

17. Unless otherwise approved by the Executive Manager Development Assessment, do not undertake works:

    (i) on a Sunday or public holiday, at any time; or
    (ii) on a Saturday or business day, before 6.30 am or after 6.30 pm

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

19. Dispose of building construction and demolition waste only at an approved waste disposal facility. It is an offence to dispose of waste at other than an approved site. The burning of any construction or demolition waste is not permitted on site.

20. All reasonable and practical measures must be taken to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.

21. No containers shall be cleaned or washed where waste water will flow into a stormwater drain or off the subject property. A drainage plan shall be submitted where a wash down area is being provided. Alternatively, a mobile cleaning contractor may be engaged but only where such contractor has the ability to dispose of the waste to an approved facility.

22. Contain all litter building waste, and sediments on the building site by the use of a skip and any other reasonable means during construction to prevent release to a neighbouring properties or roads.

Car-Parking

23. Construct an additional 135 car parking spaces, associated access aisles and driveways as per the approved plans to the dimensions detailed in Council's Planning Scheme Policies and Australian Standards AS 2890.1:2004 and AS2890.6:2009. Provide manoeuvring areas to ensure that vehicles ingress and egress the property in a forward direction. Driveways, car parking and reversing areas are to be constructed to the standards defined in Council's development manual and car parking spaces are to be permanently marked.

24. Provide for the collection of trade waste by a HRV. Ingress and egress to the property must be available to the HRV in a forward direction. Manoeuvring areas must be provided to ensure that the HRV has sufficient room to perform the designated tasks.

Vehicular Access

25. All vehicular access works must meet the minimum requirements as set out in Council Standard Drawing R08 for a Commercial Driveway Slab and Access. Remove all disused or redundant vehicular crossings and reinstate kerb and channel and footpaths as required.

Sewer

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

Water Supply

27. Construct all internal and external water supply reticulation infrastructure necessary to effectively service the development.

Building Design and Finish

28. Mechanical plant and equipment such as mechanical plant, air conditioning units, exhaust motors/vents must be screened from view of the street and public places and housed within an enclosed sound proof structures.

POST-CONSTRUCTION

Use

29. Other than for medical emergencies, delivery and collection times at the site shall be restricted to the following hours:

    (i) on a business day or Saturday , after 6.30 am or before 6.30 pm; or
    (ii) not on any other day, or at any other time.

Car Parking

30. Parking areas and access lanes shall be kept available for these purposes at all times.

On Site Servicing

31. Ensure all service vehicles carry out loading/unloading within the premises.

Administration

32. All works that will revert to Council control must be 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.

33. 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.

34. 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.

35. Prior to the commencement of the use, cancel in writing development permit DA 513/3-061167 pursuant to Section 379 of the *Sustainable Planning Act 2009*.

Environmental

36. All regulated and clinical waste must be transported to an approved disposal site by an approved waste carrier.

37. All regulated and/or clinical wastes and the like must be stored on site in a manner that ensures it does not cause or potential cause contamination or nuisance to persons, premises or place.

38. Noise from an activity resulting from the use of the development shall not result in:

    (i) background noise creep as defined in the *Environmental Protection (Noise) Policy 2008*; and,
    (ii) Acoustic quality objectives for sensitive receptors (*Environmental Protection (Noise) Policy 2008*) being exceeded.

39. Air conditioners must not be used on any day if they make a noise:

    (i) before 7am that is more than 3dB(A) above the background level; or
    (ii) from 7am to 10pm. it makes a noise of more than 5dB(A) above the background level; or
    (iii) After 10pm it makes a noise of more than 3dB(A) above the background level.

40. Refrigeration equipment must not be used or allowed to be used:

    (i) before 7am or after 10pm on any day if it makes a noise of more than 3dB(A) above the background level; or
    (ii) from 7am to 10pm on any day if it makes a noise of more than 5dB(A) above the background level.

41. Prior to the commencement of the use, a further noise impact assessment is undertaken on site (with all mechanical plant in operation) and the results modelled against those actually measured on site during these operations to ensure the validity of the model compared to the actual readings taken. If these readings/modelled results are not acceptable compared to the existing background levels found on site or to the Environmental Values as specified in Part 3, Section 7 of the *Environmental Protection (Noise) Policy 2008* (EPP Noise) the use will not be allowed to commence operation. Operation will only be allowed to commence once sound levels generated by the operation are found to be acceptable compared to the existing background levels and the EPP Noise.

42. Outdoor lighting shall meet the requirements of the Australian Standard *AS4282-1997 – Control of the obtrusive effects of outdoor lighting*. Where an authorised person (Environmental Protection Act 1994) believes that light spillage is causing nuisance, the person responsible for the lighting shall provide an assessment report undertaken by an approved organisation or lighting professional and in accordance with the recommended procedures detailed in the Australian Standard *AS4282-1997 – Control of the obtrusive effects of outdoor lighting*.

Landscaping

43. Complete the landscaping in accordance with the endorsed landscaping plan prior to commencement of the use and properly maintain at all times to a standard satisfactory to the Assessment Manager. Any trees that have died or are considered by Council to be in a deteriorating state 12 months after commencement of the use, are to be replaced and maintained for a further 12 months.

Infrastructure Contributions

44. 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 or in accordance with an Infrastructure Agreement duly executed under the *Sustainable Planning Act 2009*. Payment of contributions can be staged in accordance with the approved staging of the development.

45. Pay a Contribution toward Sewerage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment or in accordance with an Infrastructure Agreement duly executed under the *Sustainable Planning Act 2009*. Payment of contributions can be staged in accordance with the approved staging of the development.

46. Pay a Contribution toward Transport Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment or in accordance with an Infrastructure Agreement duly executed under the *Sustainable Planning Act 2009*. Payment of contributions can be staged in accordance with the approved staging of the development.

47. Pay a Contribution toward Stormwater Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment or in accordance with an Infrastructure Agreement duly executed under the *Sustainable Planning Act 2009*. Payment of contributions can be staged in accordance with the approved staging of the development.

Carried Unanimously
MCU-101325
P&D 1/4/03/11

P&D 6 OFFICERS' REPORTS – STRATEGIC PLANNING

Nil

P&D 7 OFFICERS' REPORTS – OTHER REPORTS

P&D 7.1 Open Resolutions Report – February 2011

RESOLUTION (McNeven / Hawes)

That the report be received and noted.

Carried Unanimously
P&D 1/5/03/11

P&D 8 QUESTIONS ON NOTICE

P&D 8.1 Questions on Notice Register Update

RESOLUTION (Harris / MucKan)

That the Questions on Notice Register report be received and noted.

Carried Unanimously
P&D 1/6/03/11

P&D 8 QUESTIONS ON NOTICE

P&D 8.2 Response to Question on Notice – New State Government Pool Safety Laws

RESOLUTION (McNeven / Harris)

That the report be received and noted.

Carried Unanimously
P&D 1/7/03/11

P&D 9 **CONFIDENTIAL**

RESOLUTION (Arthur)

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

P&D 9.1 – **Planning Matter -** 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)

Councillor MucKan retired from the Meeting following discussion of Item P&D 9.1.

P&D 9.2 – **Legal Matter -** Section 72(1)(f) (starting or defending legal proceedings involving Council)

Carried Unanimously
P&D 1/8/03/11

RESUMPTION OF PLANNING & DEVELOPMENT COMMITTEE MEETING

RESOLUTION (Hawes)

That the Meeting resume in open Committee.

Carried Unanimously
P&D 1/9/03/11

Councillor MucKan returned to the Meeting.

P&D 9 CONFIDENTIAL

P&D 9.1 Planning Matter

Council discussed a planning matter.

P&D 9 CONFIDENTIAL

P&D 9.2 Legal Matter

Council discussed a legal matter.

There being no further business the Meeting closed at 10.00am.

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CHAIRPERSON
COMMUNITY & DEVELOPMENT COMMITTEE

Confirmed at Planning & Development Committee Meeting No 2 of the Fraser Coast Regional Council held at Hervey Bay on 13 April, 2011.

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MAYOR