ITEM NO. P&D 3.1

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE MEETING NO 5
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS,
77 TAVISTOCK STREET, TORQUAY, HERVEY BAY
ON WEDNESDAY 13 JULY, 2011 COMMENCING AT 9.30AM

PRESENT:
Councillor Mick Kruger (Chairperson)
Councillor Julie Arthur
Councillor Sue Brooks
Councillor David Dalgleish
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Belinda McNeven
Councillor Les MucKan
Councillor Gerard O'Connell

STAFF IN ATTENDANCE:
Chief Executive Officer, Ms Lisa Desmond
Acting Director Organisational Services, Ms Alexis Hill
Director Community & Development, Mr Peter Smith
Director Infrastructure & Environment, Mr Wayne Sweeney
Acting Executive Manager Development Assessment, Mr Adam Yem
Executive Manager Strategic Planning, Ms Rosalyn Acworth
Principal Officer Corporate Communication & Marketing, Mr Kevin Corcoran
Senior Planner, Mr Jeff Brannan
Senior Planner, Ms Lee-Anne Manski
Building Manager, Mr Laurence Eves
Meeting Secretary, Ms Marlene Dennis

P&D 1 APOLOGIES

RESOLUTION (O'Connell / MucKan)

That the apology from Councillor Anne Nioa, absent on sick leave, and Councillor Hovard absent due to ill health, be accepted.

Carried Unanimously
P&D 5/41/07/11

P&D 2 DISCLOSURE OF INTERESTS

Councillor Brooks declared a perceived conflict of interest in Item P&D 5.2.

Councillor MucKan declared a perceived conflict of interest Item P&D 9.1.

P&D 3 CONFIRMATION OF MINUTES OF MEETINGS

P&D 3.1 Planning and Development Committee Meeting No. 4 – 8 June, 2011

RESOLUTION (O'Connell / Hawes)

That the Minutes of Planning and Development Committee Meeting No. 4 held on 8 June, 2011, be confirmed.

Carried Unanimously
P&D 5/42/07/11

P&D 4 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

P&D 4.1 Mr Steve Bellows, Acting Regional Manager, Queensland Transport & Main Roads – Quay Street, Bundaberg

Mr Bellows addressed Council with regard to Item 9.1 – Local Heritage Register – entry of Stage 2 Places. Mr Bellows expressed concerns in relation to Miva Crossing Bridge on Bauple-Woolooga Road and the Mary River Bridge at Mungar Road, Tiaro being included on the Local Heritage Register. He said that the bridge at Miva Crossing, which was originally a timber structure bridge, was replaced by a concrete structure four years ago and as such did not consider it relevant to being included on the Local Heritage Register. The second item of concern was the Mary River Bridge at Mungar Road, Tiaro. He said that Main Roads has plans to raise the low level crossing bridge and replace it with a new structure. He stated that the community had already raised their concern about the structure. Should the bridge be placed on a Local or State Heritage Register then it would create constraints in the Department proceeding to access funding for its replacement.

P&D 4 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

P&D 4.2 Mr Kerry Tupper, Queensland Fire and Rescue Authority, Maryborough Fire Station, 98 Lennox Street, Maryborough

Mr Tupper said that the Queensland Fire and Rescue Authority were partially opposed to Council's submission to have the Maryborough Fire Station listed on the Local Heritage Register. He said that the Authority supported the main building being included on the Local Heritage Register but not the other remaining buildings on the site as they did not reflect being of heritage significance.

P&D 4 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

P&D 4.3 Mr Terry McCann – 3563 Main Beach Parade, Main Beach Qld

Mr McCann said he represented the Jan Bradnam Family Trust, the owner of 127 Temily Street, Booral, one of three properties included in the Booral Homestead Complex. He said the original property had an area of approximately 300 acres which had been divided into six lots with Lots 4.5 and 6 being the subject of the present proposal. Mr McCann made reference to the 1994 McNiven report which indicated that Lot 6 had been identified as a rubbish dump, located on the south-east corner of the property however contained no structures. As such, he did not consider that a rubbish dump constituted being included on the Local Heritage Register and requested that 27 Temily Street, Booral not be included on the Local Heritage Register.

P&D 4 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

P&D 4.4 Jeffrey Chivers, 67 Eardleys Road, Bundaberg

Mr Chivers said that he and his wife owned the property previously known as Haddows Dance Hall and Café located at 348 Esplanade, Scarness. He said that although Haddows Dance Hall and Café had existed for a long time it has no aesthetic or architectural significance. Haddows Dance Hall and Café had since been converted a long time ago into 2 shops located at the front of the building however the rear of the building was in such a state of disrepair that it could not be economically repaired to a state that would make it commercially viable. He said that the building had been severely degraded as a result of the many changes of tenancy over the years and the significance of the building has been lost and as such did not believe that it was worthy of inclusion in the Local Heritage Register.

Mr Chivers said he believed that Council's intent with the Town Planning Scheme and Capital Works Programme was to develop the locality to provide mixed use development in a contemporary form and the intention of this building would be contrary to that intent.

P&D 5 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

P&D 5.1 Application for Development Permit – Material Change of Use - Redevelopment of Existing Aquatic Centre, Preliminary Approval - Building Works and Operational Works - Advertising Device at Lennox Street, Maryborough - Fraser Coast Regional Council

RESOLUTION (Dalgleish / MucKan)

That the application by Fraser Coast Regional Council for a Development Permit for a Material Change of Use of Premises for a Community Facility (Redevelopment of Aquatic Centre) and Operational Works for an Advertising Device; and a Preliminary Approval for Building Works assessable against the Planning Scheme for associated Demolition and Construction Works, on land located on the corner of John and Kent Streets, Maryborough, being part of Lot 1 on SP230873, be approved generally in accordance with the following plans:

Plan No.	Plan / Document name	Date
1849 A01 Rev E	'Existing Site Plan', prepared by Guymer Bailey architects	1 February 2011
1849 A02 Rev E	'Site Plan', prepared by Guymer Bailey architects	1 February 2011
1849 A30 Rev 2	'Elevations', prepared by Guymer Bailey architects	6 June 2011
1849 A03 Rev 2	'Site Roof Plan', prepared by Guymer Bailey architects	6 June 2011
1849 A11 Rev F	'Ground Floor Plan A' (amended in red), prepared by Guymer Bailey architects	1 February 2011
1849 A12 Rev F	'Ground Floor Plan B' (amended in red), prepared by Guymer Bailey architects	1 February 2011
1849 A13 Rev C	'Ground Floor Plan C' (amended in red), prepared by Guymer Bailey architects	1 February 2011
1849 A14 Rev C	'Ground Floor Plan D' (amended in red), prepared by Guymer Bailey architects	1 February 2011
1849 A21 Rev E	'Elevations', prepared by Guymer Bailey Architects	1 February 2011
1849 A22 Rev F	'Sections A' (amended in red), prepared by Guymer Bailey architects	1 February 2011
1849 A23 Rev E	'Sections B' (amended in red), prepared by Guymer Bailey architects	1 February 2011
1849 A24 Rev A	'Sections C' (amended in red), prepared by Guymer Bailey architects	1 February 2011
1849 LSD-03 Rev C	'Landscape Plan', prepared by Guymer Bailey architects	22 December 2010
1849 LSD-04 Rev. C	'Planting & Materials Palette', prepared by Guymer Bailey architects	22 December 2010

This 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 (WBWC) unless specified in any particular condition:-

PRE-CONSTRUCTION

General

1. Submit to and gain approval from Council, prior to commencement of any works being carried out on site, a Construction Management Plan. The plan must include, but not be limited to:

   (i) proposed hours of construction;

   (ii) potential noise impacts and proposed mitigation measures;

   (iii) proposed construction vehicle transport route(s);

   (iv) lawful source and disposal sites of any fill or excavated material;

   (v) wheel wash down and shake down grids for construction vehicles;

   (vi) the location of all areas on and/or off site to be used for staff and contractor parking;

   (vii) maintenance of the existing drainage pattern of the land to avoid adverse impact on the downstream and upstream environments;

   (viii) the maintenance of:

      (a) Water quality in accordance with the general environmental values and water quality objectives outlined in the EPP (Water) 2010,

      (b) The local drainage regime of the site and adjoining area;

   (ix) owner's permission for access over and/or parking on other land;

   (x) specification of measures to ensure the safe and orderly ingress and egress of vehicles to and from the site;

   (xi) 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 caused to Council's road infrastructure to and from the site including the pavement, kerb, channel, crossovers to adjoining properties and verges;

   (xii) measures to discourage staff and contractor parking in adjoining lots;

   (xiii) the means of ensuring the appearance of building works or materials does not detrimentally affect the amenity of the area;

(xiv) 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;

(xv) that at any one time dust control measure is implemented onsite to ensure avoidance of dust nuisance; and,

(xvi) location of site sheds and facilities.

2. Submit and obtain approval for an amended Flood Management Study that identifies a flood-free evacuation site during times of Q100 flooding, prior to lodging any building applications for the development. Council's Stormwater Planning Officers may be contacted to provide further assistance with this matter.

3. Unless otherwise stated in a particular condition, all conditions must be completed prior to commencement of the proposed change of use of the site or the completion of building works whichever is the sooner, unless otherwise agreed to in writing by the Executive Manager Development Assessment.

4. All works must be in accordance with the Planning Scheme and Planning Scheme Policies.

5. The developer must meet the costs of all development works including any necessary alteration or relocation of services, provision of upgrading of car parking works and 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.

DEMOLITION AND CONSTRUCTION

Environmental Protection

7. Sediment and Erosion control measures must be undertaken during construction in accordance with the Best Practice Erosion and Sediment Control (IECA, 2008).

8. 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.

9. 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.

10. 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 property or road.

11. 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.

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

13. Unless otherwise approved in writing 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.

14. 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.

Stormwater

15. All works associated with the development must not cause:

    (i) adverse affects external to the subject site arising from any increase in velocity, volume and/or redirection of flow; and/or,

    (ii) increase in the duration of inundation outside the site where such increased inundation could cause loss or damage.

16. Provide for the harvesting and storage of roof water for reuse on the site for toilet flushing, irrigation and similar uses.

Car park, Internal Driveways and Crossovers

17. All disused invert crossing must be removed and the kerb reinstated to the satisfaction of Council.

18. Heavy Duty access crossovers to the site must be constructed in accordance with Council's Standard Drawing No. Sd. 14g (Standard Commercial/Industrial Footpath Crossing).

Services

19. All utility service connections are to be wholly contained within the lot forming part of the proposal.

Water Supply

20. Connection of proposed infrastructure to existing or live mains must be undertaken by Wide Bay Water Corporation (WBWC) at the Developer's cost.

21. Provide for the treatment and reuse of backwash water on the site.

Sewer

22. Connection of proposed infrastructure to existing or live mains must be undertaken by WBWC at the Developers cost.

23. All unused sewer connections to the main must be decommissioned to the satisfaction of WBWC and Council. All live works must be undertaken by WBWC at the developer's expense.

Infrastructure and Services

24. Do not locate any buildings or other structures within 2.0 metres of any sewerage main unless otherwise approved in writing by the Wide Bay Water Corporation.

25. All damage to council infrastructure (including pavement damage) as a result of the development works is to be rectified to the satisfaction of Council prior to the issuing of the final certificate for building works.

Landscaping

26. Complete all works and plantings required by the endorsed Landscape Plan to the satisfaction of the Executive Manager, Development Assessment.

Air Conditioning Units

27. Screen any air conditioning units from the view of the street and public places.

Waste Management

28. 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.

POST-CONSTRUCTION

Landscaping

29. Maintain landscaping on the site in accordance with the approved plans, and to the satisfaction of the Executive Manager, Development Assessment.

Stormwater

30. Dispose of stormwater from the building in a manner so as not to cause erosion or nuisance to adjoining properties. The intermediate use as a rainwater tank is acceptable. In this regard, ensure downpipes from the structures and water tanks discharge water to a legal point, clear away from any structures and any land application area for the disposal of effluent and wastewaters.

Lighting

31. Ensure that all publicly accessible areas are well lit at all times.

32. All outdoor lighting must meet the requirements of AS4282-1997 (Control of the obtrusive effects of outdoor lighting).

33. Ensure that the design of external lighting does not cause nuisance to traffic or adjoining residential properties.

Hours of Operation

34. Limit operating hours to between 6:00am – 10:00pm, unless otherwise agreed in writing by the Executive Manager, Development Assessment.

Vehicle Access

35. One (1) two-way vehicular access to the site is to be provided at the northern side of the pedestrian crossing in John Street as shown on the endorsed plans. No other vehicular access to the site is permitted, unless otherwise agreed in writing by the Executive Manager, Development Assessment.

Evacuation Procedures

36. Ensure evacuation procedures outlined in the amended Flood Management Plan are available to patrons and known by employees at all times.

ADVICE NOTES

1. This development approval does not constitute a building permit. An application for a building permit must be lodged with a Building Certifier.

2. An extended relevant period may be agreed upon, pursuant to Section 383 of the *Sustainable Planning Act* 2009, provided a written request to Council is made before the end of the relevant period. Such request is to be on Council's approved form, accompanied by the owner's consent (if the original application required it) and the prescribed fee in Council's Schedule of Fees and Charges.

Carried Unanimously
MCU-111015
P&D 5/43/07/11

Councillor Brooks declared a perceived conflict of interest regarding Item P&D 5.2 stating that she and her partner had tried to purchase the property 12 months ago and secondly, she was a member of the Queensland Parks and Wildlife Service which had petitioned Council in relation to Arkarra Tea Gardens.

RESOLUTION (O'Connell / Dalgleish)

That Councillor Brooks did not have a conflict of interest in Item P&D 5.2.

Carried Unanimously
P&D 5/44/07/11

P&D 5 OFFICERS' REPORTS – DEVELOPMENT ASSESSMENT

P&D 5.2 Application for Reconfiguring a Lot (Subdivision of One Lot into Three Lots) – Pacific Coast Surveys (Aust) Pty Ltd – Located at 28-32 Panorama Drive, Dundowran

RESOLUTION (McNeven / Harris)

That the application by Pacific Coast Survey (Aust) Pty Ltd for a Development Permit for Reconfiguring a Lot (Subdivision of one lot into three lots by community title subdivision) on land at 28-32 Panorama Drive, Dundowran, properly described as Lot 134 RP 868779 be approved to the extent particularised below:

- Subdivision of one (1) lot into two (2) lots by standard format reconfiguration only.

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

PRECONSTRUCTION

General

1. The Development must be undertaken in accordance with Council's Planning Scheme, Policies, Development Manual and Local Laws.

2. The costs of all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the Developer. The Developer is responsible to accurately locate all existing services before any development works commence.

Proposal Plan

3. Submit to Council and obtain approval for a Proposed Subdivision Plan prior to the commencement of any works. The Proposed Subdivision Plan must meet the following requirements and any other conditions of this approval:

   (a) Provide only one (1) additional residential hatchet lot that is complying with the dimensions of lots in the Park Residential Zone pursuant to the provisions of Schedule 1 of the Reconfiguring of a Lot Code from the Hervey Bay Planning Scheme 2006;

   (b) Contain within the boundary of the newly proposed Lots building location envelopes a minimum 1000m2 in area with minimum dimensions of 15m x 25m that can accommodate a house, ancillary outbuildings, driveways and waste water disposal area in a Q100 storm event that maximises the use of cleared and/or degraded areas and minimises fragmentation of retained vegetation;

   (c) Any access handle servicing the new lot must have a minimum width of 5.0 metres;

   (d) Provide a building location envelope outside the Mapped Natural Areas Overlay from the Planning Scheme maps and the remnant vegetation from v6.0 of the regional ecosystems mapping and is sited outside the most significant vegetation on the land;

   (e) Identifies significant trees on the land to be retained;

   (f) Provides an easement in favour of Council over Arkarra Lagoons for maintenance purposes;

   (g) Relocates the common boundary between the two lots to retain the bridge/path that leads from the existing commercial building area to the north to be retained on the lot fronting Panorama Drive; and,

(h) Ensures any building pad is setback from the common property boundary with the lot fronting Panorama Drive so that any change in levels or retaining walls on the new lot are set back in accordance with the requirements of the Works, Services and Infrastructure Code of the Planning Scheme.

Once endorsed, the plan will become the approved plan for the development.

Environmental Management Plan

4. Submit to Council and obtain approval for an Environmental Management Plan which incorporates at least the following:

(a) Measures that are to be undertaken for Vegetation management and rehabilitation;

(b) Buffering to minimise edge effects;

(c) Retention of the remnant ecosystem as identified on Figure 8 of the Ecological Assessment prepared by Wide Bay Burnett Environmental Consulting Services with a suitable buffer distance of building location envelopes to ensure the protection of this regional ecosystem being at least 10m;

(d) A development area layout that incorporates consolidated and compact areas which:

(i) Maximise the use of cleared and/or degraded areas not required to be rehabilitated;

(ii) Maximise the conservation and retention of retained vegetation;

(iii) Minimises the impact of 'edge effects';

(iv) Minimises fragmentation of retained vegetation;

(v) Utilise building envelopes within which all development activities are to be located; and,

(vi) Ensure that lot layout does not require bushfire management practices that compromise the integrity of any ecologically significant habitat.

(e) Identifies measures to be taken to rehabilitate cleared, degraded or disturbed waterways or wetland areas. This shall include:

(i) Appropriate rehabilitation and restoration methods for waterway bed/banks and wetlands;

(ii) Management measures of weed species;

(iii) Proposed planting regimes (utilising species appropriate to the area); and,

(iv) Proposed measures for protection of vegetation and habitat whilst rehabilitation works are being undertaken.

Fauna Management Plan

5. Submit to Council and obtain approval for a Fauna Management Plan prior to the commencement of any works. The Fauna Management Plan must incorporate the following principles:

   (a) native fauna is to be safely relocated to an area of similar habitat;

   (b) Fauna relocation occurs immediately prior to habitat disturbance;

   (c) Where fauna nesting hollows or raptor nests are removed, they are replaced with artificial nest boxes/platforms;

   (d) The sequence of habitat disturbance is staged and ensures the fauna is not isolated from adjoining areas of habitat (eg. The roadside of the area is cleared first); and,

   (e) A qualified spotter catcher is utilised during vegetation removal.

Vegetation Management Plans

6. Submit to Council and obtain approval for a Vegetation and Clearing Management Plan including general site and Wetland rehabilitation guidelines;

   (a) Provides measures to protect and enhance identified environmentally significant areas, significant vegetation; and,

   (b) Provides identification and protection of old tress and dead tress containing hollows that exist on the land.

Weed Management Plan

7. Submit to Council prior to commencement of works a Weed Management Plan for initial clearing during Operational Works phase including general site and Wetland rehabilitation guidelines. The plan must incorporate the following Objectives:

   (a) No major weed infestations occur within areas to be ceded to Council, including rehabilitation areas;

   (b) All allotments shall be weed free at the seal of plans;

   (c) Where weed invasion occurs, these are removed within a reasonable period of time;

(d) Ensure provision for vehicular access for Council to perform periodic maintenance;

(e) Adherence to weed removal program;

(f) No evidence of over-weeding or impact on non-target species; and,

(g) Mulch layer sufficient to suppress weeds and manage erosion to the satisfaction of the Assessment Manager.

Stormwater, Erosion and Sediment Control Plan

8. Submit to Council for approval prior to commencement of works a Stormwater, Erosion and Sediment Control Plan.

Stormwater

9. The stormwater drainage must be designed 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.

10. The stormwater drainage must be designed 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 16.

11. Provide an easement for stormwater over the standing water in Arkarra Lagoon including a strip 2m wide to provide for maintenance access.

Access

12. Where a lot gains access by way of an accessway to a rear lot or by an easement then the access must be constructed in accordance with Council Policy for the full length of the accessway or the easement.

13. The developer must construct an access in accordance with Council Policy to each allotment (including public garden or recreation space allotments) within the allotment's road frontage. For the purposes of this condition the term "access" means practicable means of entry of persons and vehicles on to each allotment of land from a constructed road that abuts the allotment, or an approved access easement. Each access must be constructed in accordance with Council's Standard Drawing.

Electricity Supply

14. 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.

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

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

Water Reticulation

17. 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.

18. Provide for the connection of the lots to the water reticulation mains by the installation of an under road conduit. Conduits to accommodate water supply which cross the road must be under-bored.

Earthworks

19. 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 the required coverage is achieved.

Flood Free Building Pad

20. Provide a flood free building pad of 1000m^2 above RL 5.3m AHD to accommodate a dwelling and waste water dispersal area within any proposed vacant lot. Provide a flood free area above RL 5.3m AHD of sufficient size to accommodate an effluent treatment plant and application area within any lot containing an existing dwelling.

Administration

21. Utility services must be fully contained within the lot serviced unless contained within an easement for that purpose.

22. Lodge a bond in the amount of $5,000 in accordance with Council's Development Manual (General performance Bond), either prior to the commencement of any building or operational work associated with the development, or prior to the lodgement of an application to approve the plan of subdivision, where applicable.

This bond (less any deductions for purposes defined in Section 11.2 of the Development Manual) 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.

In staged developments, if substantial compliance problems are experienced in any stage, the bond amount may be increased by Council to reflect the conditions of the site. The increased bond is to be paid prior to commencement of any subsequent stage.

CONSTRUCTION

Site and Environmental Management

23. Carry out the development in accordance with the approved Stormwater, Erosion and Sediment Control Plan, approved Environmental Management Plan, approved Fauna Management Plan, approved Weed Management Plan and Vegetation Clearing Plan and ensure these plans remain effective throughout the operational and construction works until the site is fully developed.

Environmental Health

24. Do not carry out any 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.

25. 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.

26. Carry out construction in accordance with the approved Stormwater, Erosion and Sediment Control Plan.

27. 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.

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

POST CONSTRUCTION

29. Submit a plan to Council prior to approval of the Subdivision Plan showing the locations of all buildings, services, structures, dams and other improvements on the land in relation to the proposed new boundaries and the distances there from. The plan must contain the following certification duly completed by the surveyor:-

    "I..... being a licensed surveyor, hereby certify as follows:-

    - The information contained in this plan is accurate at the time of survey and may be relied on by Council; and,
    - Distances from new boundaries to buildings and structures shown hereon generally conform to the boundary clearance requirements for side and rear boundaries as specified in the Building Act 1975 and the Planning Scheme; and,
    - Distances from new boundaries to effluent disposal systems and land application areas shown hereon meet or exceed boundary clearance requirements as specified in the Queensland Plumbing and Wastewater Code; and,
    - All services to the existing dwelling, from the reticulated mains and located on-site, are contained wholly within the subject lot.

    .....
    (Signature)"

30. 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.

31. Lodge a request for compliance assessment to Council for the Survey Plan as per Schedule 19 of the *Sustainable Planning Regulation* 2009, including a Compliance Report and necessary supporting documentation demonstrating that the conditions of this approval have been satisfied.

Carried Unanimously
ROL-103044
P&D 5/45/07/11

P&D 6 OFFICERS' REPORTS – STRATEGIC PLANNING

Nil

P&D 7 OFFICERS' REPORTS – OTHER ITEMS

Nil

P&D 8 QUESTIONS ON NOTICE

Nil

Councillor MucKan declared a perceived conflict of interest in Item P&D 9.1 in terms of ID 113 – Bogimbah Reserve and Mission, ID 141 – Native Police Camp and Barracks and ID 147 – South Sea Islander Hospital and Cemetery. Councillor MucKan said that in respect to ID 147 he was the Deputy Chair of the South Sea Island Association.

Councillors considered Councillor MucKan's perceived conflict of interest and although they believed he did not have a conflict of interest in relation to ID 113 and ID 141, they believed he did have a conflict of interest in ID 147 as he was the Deputy Chair of the South Sea Island Association.

RESOLUTION (Arthur / Hawes)

That Councillor MucKan did have a conflict of interest in Item P&D 9.1 and would need to retire from the meeting.

Carried Unanimously
P&D 5/46/07/11

P&D 9 CONFIDENTIAL

RESOLUTION (O'Connell / Dalgleish)

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 – **Local Heritage Register – Entry of Stage 2 Places -** 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)

P&D 9.2 – **Request from 637 Esplanade Pty Ltd C/- Urban Planet Town Planning Consultants for the Infrastructure Contributions to be Calculated in Accordance with Previous Planning Scheme Policies and for the Deletion of the Condition Requiring Contributions for Car Parking – Development Permit – Material Change of Use – Multiple Residential (Integrated Resort Comprising 250 Units and Ancillary Guest/Resident Facilities) and Operaitonal Works – Vegetation Removal – 635-637 Esplanade, Urangan -** 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)

Carried Unanimously
P&D 5/47/07/11

Councillor MucKan retired from the meeting and did not participate in discussion of Item P&D 9.1.

Councillor MucKan returned to the meeting for discussion of Item P&D 9.2.

RESUMPTION OF PLANNING & DEVELOPMENT COMMITTEE MEETING

RESOLUTION (Arthur / Hawes)

That the Meeting resume in open Committee.

Carried Unanimously
P&D 5/48/07/11

Councillor MucKan retired from the meeting and was not present for voting on Item P&D 9.1.

P&D 9 CONFIDENTIAL

P&D 9.1 Local Heritage Register – Entry of Stage 2 Places

RESOLUTION (Harris / Hawes)

That Council:

(A) Defer its decision in relation to the proposed entry of places ID139, ID 142 and ID143 until investigations are undertaken and reported to Council for further consideration;

(B) not proceed with the proposed entry of place ID 134 - Original Maryborough Town Site Extension into the Local Heritage Register, in accordance with the Officer's report;

(C) modify the place cards for seven (7) places, being ID 95, ID 103, ID 110, ID 127, ID 131, ID 136 and ID140, in accordance with the Officer's report;

(D) enter the forty-seven (47) heritage places identified in **Attachment 1, as amended,** (of report DOCS #2037802) into the Local Heritage Register, pursuant to section 119 of the *Queensland Heritage Act* 1992;

(E) inform the owners of places entered in the Local Heritage Register of Council's decision; and

(F) provide each submitter with an extract of the Submissions Report **(Attachment 2, as amended,** of report DOCS #2037802**)** relating to the individual issue/s raised in their submission and provide each with a copy of the place card entered into the Local Heritage Register.

Carried Unanimously
P&D 5/49/07/11

Councillor MucKan returned to the meeting.

P&D 9 CONFIDENTIAL

P&D 9.2 Request from 637 Esplanade Pty Ltd C/- Urban Planet Town Planning Consultants for the Infrastructure Contributions to be Calculated in Accordance with Previous Planning Scheme Policies and for the Deletion of the Condition Requiring Contributions for Car Parking – Development Permit – Material Change of Use – Multiple Residential (Integrated Resort Comprising 250 Units and Ancillary Guest/Resident Facilities) and Operaitonal Works – Vegetation Removal – 635-637 Esplanade, Urangan

RESOLUTION (O'Connell / Dalgleish)

That:

1. The infrastructure charges be in accordance with the current Infrastructure Charges Incentives Administrative Policy;

2. The part of the request for Council's "in-principle" support for the deletion of the condition requiring a monetary contribution in lieu of providing on-site parking spaces be refused on the basis as detailed in confidential report DOCS #2044586.

Carried (8/1)
P&D 5/50/07/11

Councillor Brooks requested that her vote against be recorded.

There being no further business the Meeting closed at 11.10am.

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CHAIRPERSON
PLANNING & DEVELOPMENT COMMITTEE

Confirmed at Planning and Development Committee Meeting No. 6 of the Fraser Coast Regional Council held on 10 August, 2011.

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MAYOR