MINUTES OF PLANNING & DEVELOPMENT COMMITTEE MEETING NO 4
HELD IN THE FRASER COAST REGIONAL COUNCIL CHAMBERS IN HERVEY BAY,
77 TAVISTOCK STREET, TORQUAY ON WEDNESDAY 13 MAY, 2009
COMMENCING AT 9:30AM

PRESENT: Councillor Mick Kruger (Chairperson)
Councillor Julie Arthur
Councillor David Dalgleish
Councillor Linda Harris
Councillor Debbie Hawes
Councillor Barbara Hovard
Councillor Les MucKan
Councillor Anne Nioa
Councillor Gerard O'Connell

STAFF IN ATTENDANCE: Director Development Services, Mr David King
Director Capital Delivery, Mr Wayne Sweeney
Executive Manager Development Assessment, Mr Michael Ellery
Senior Development Engineer, Mr Paul Orr
Engineering Technical Officer, Mr Ian Gay
Senior Planner, Mrs Terry Young
Planner, Mr Damien Frey
Senior Media Officer, Jan Rolston
Meeting Secretary, Mrs Marlene Dennis

Councillor Kruger said that Fraser Coast Regional Council acknowledges the traditional owners of the land upon which we meet today.

P&D 1 APOLOGIES

MOVED (MucKan / Arthur)

That the apologies of Councillors Belinda McNeven and Sue Brooks, absent on Council business, be accepted.

Carried Unanimously

P&D 2 CONFIRMATION OF MINUTES – PLANNING & DEVELOPMENT COMMITTEE MEETING NO 3 HELD ON 8 APRIL, 2009

MOVED (Nioa / O'Connell)

That the Minutes of the Planning & Development Committee Meeting No 3 be confirmed.

Carried Unanimously

P&D 3 PUBLIC PARTICIPATION (AGENDA ITEMS ONLY)

Nil

P&D 4 OFFICERS' REPORTS – DEVELOPMENT APPLICATIONS

P&D 4.1 DUNDOWRAN & BURRUM HEADS APPLICATIONS LODGED UNDER THE SUPERSEDED PLANNING SCHEME

MOVED (Dalgleish / Hawes)

A. That the request by Gympie Securities Pty Ltd for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081861 situated on land at 36-252 Burrum Heads Road, Burrum Heads and described as Lot 2 on RP132268, be approved.

B. That the request by BGM Projects Pty Ltd for a development application to be assessed against the provisions of a superseded planning scheme, being application 514/3-082256 situated on land at 118 – 208 Bushnell Road, Burrum Heads and described as Lot 1 RP216668, Lot 808 SP198160, Lot 810 SP207199 and Lot 2 RP180619, be approved.

C. That the request by Mr Paul Zacka for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081858 situated on land at 90-116 Bushnell Road, Burrum Heads and described as Lot 1 on RP180619, be approved.

D. That the request by Australian Land Company for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081833 situated on land at Beach Drive, Burrum Heads and described as Lot 200 SP167963, be approved.

E. That the request by Santalucia Group Pty Ltd for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081873 situated on land at Pialba-Burrum Heads Road, Dundowran and described as Lots 12-14 and 23 on RP35383, Lot 2 on RP71440, Lot 22 on RP35381 and Lot 1 on SP210435, be approved.

F. That the request by Vitwood Pty Ltd for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081827 situated on land at 51-101 Greensill Road and Pialba Burrum Heads Road, Dundowran and described as Lot 15 RP35381 and Lot 16 RP802523, be approved.

G. That the request by Fraser Waters Pty Ltd and Tranquillity Lakes Pty Ltd for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081855 situated on land at Toogoom Road, Toogoom and described as Lot 2 SP159238, Lot 1 RP174515, Lot 1008 SP184675 and RP840119, be approved.

H. That the request by P and S Maher for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081869 situated on land at 229-231 Charlton Esplanade and 238 and 244 Long Street, Pialba and described as Lot 2 RP 89648, Lots 3 and 4 RP 35202 and Lots 1 and 2 RP 120929, be approved.

I. That the request by P and S Maher for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081867 situated on land at 233 Charlton Esplanade, Pialba and described as Lot 1 RP 230593, be approved.

J. That the request by P S McBeath for a development application to be assessed against the provisions of a superseded planning scheme, being application 513/3-081854 situated on land at 43-45 Dayman Street and 51-53 Kent Street, Urangan and described as Lots 310-313 RP35289, be approved.

K. That Acknowledgment Notices be issued for each of the above applications pursuant to section 3.2.5 of the *Integrated Planning Act* 1997, stating that they will be assessed under the superseded planning scheme, being the 1996 Hervey Bay City Transitional Planning Scheme.

Carried Unanimously
513/3-081861
513/3-082256
513/3-081858
513/3-081833
513/3-081873
513/3-081827
513/3-081855
513/3-081869
513/3-081867
513/3-081854

P&D 4.2 PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME - COMBINED APP - MATERIAL CHANGE OF USE - INDUSTRY - RECOFIGURING OF A LOT - 1 LOT INTO 7 LOTS - OP WORKS - VEGETATION REMOVAL - SEASHIFT PROPERTIES PTY LTD - DON ADAMS DRIVE URANGAN

MOVED (Dalgleish / MucKan)

MATERIAL CHANGE OF USE (PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME) COMPONENT

A. That the application by Seashift Properties Pty Ltd for a Preliminary Approval for Material Change of Use Overriding the Planning Scheme in accordance with section 3.1.6 of the *Integrated Planning Act 1997* on land situated at Don Adams Drive, Urangan, being Lot 119 SP181963, be approved 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. These conditions must be implemented at no cost to the Council or Wide Bay Water Corporation unless specified in any particular condition:-

PRE-CONSTRUCTION

Relevant Period

1. The relevant period for this approval is eight (8) years from the day the approval takes effect.

Amended Preliminary Approval Document

2. Submit an amended preliminary approval document for endorsement by the Assessment Manager, which fully incorporates the revisions, shown in red text, that were attached to Council's information requested dated 22 October 2008.

General

3. Subsequent development on the subject site shall be in accordance with the endorsed preliminary approval document.

4. Where not otherwise overridden by the endorsed preliminary approval document, and to the extent relevant, the provisions of the 2006 Hervey Bay City Planning Scheme shall also apply to subsequent development on the subject site.

POST CONSTRUCTION

Infrastructure Contributions

5. Pay a Contribution toward Water Supply Infrastructure to Council prior to the issue of a building approval for any Commercial Services, Light Industry, or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

6. Pay a Contribution toward Sewer Infrastructure to Council prior to the issue of a building approval for any Commercial Services, Light Industry, or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

7. Pay a Contribution toward Transport Infrastructure (including pedestrian and cycleway) to Council prior to the issue of a building approval for any Commercial Services, Light Industry, or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

8. Pay a Contribution toward Drainage Infrastructure to Council prior to the issue of a building approval for any Commercial Services, Light Industry, or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 14 or the policy current at the time of payment.

9. Pay a Contribution toward the provision, development and maintenance of public recreational and open space or recreation facilities to Council prior to the issue of a building approval for any Commercial Services, Light Industry, or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 1 or the policy current at the time of payment.

10. Pay a Contribution toward Water Supply, Sewer Infrastructure, Transport Infrastructure, Drainage Infrastructure and Open Space to Council for any uses identified as assessable development under this approval in accordance with Planning Scheme Policies 1, 4 and 14 or the policies current at the time of payment. Payment shall be made prior to the endorsement of the plan of survey or prior to the use commencing, whichever occurs first.

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT COMPONENT

B. That the application by Seashift Properties Pty Ltd for a Development Permit for Reconfiguring a Lot on land situated at Don Adams Drive, Urangan, being Lot 119 SP181963, be approved generally in accordance with the reconfiguring a lot plan included in Attachment 1 of the Planning Report (September 2008) prepared by Urban Planet Town Planning Consultants, subject to any further amendments detailed in the conditions of approval.

The application is approved subject to the following conditions which must be met prior to the 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 the Council or Wide Bay Water Corporation unless specified in any particular condition.

PRE-CONSTRUCTION

Subdivision Layout Plan

1. Submit to Council for endorsement a more detailed plan of layout for the proposed subdivision prepared at an appropriate scale which accurately shows the metes and bounds of the proposed lots, lot areas, building envelopes, roadway, and areas to be included in common property, including park.

Environmental Buffers and Vegetation Retention

2. Provide a minimum ten (10) metre wide vegetation retention and landscape buffer along the full length of the boundary of proposed Lot 70 to the Don Adams Drive frontage of the subject site.

3. Include details of the vegetation retention and landscape buffer in the Vegetation Clearing and Management Plan required to be submitted as a condition of the Operational Works (Vegetation Removal) component of the application.

Landscaping

4. Submit to and gain approval from Council, prior to approval of Operational Works, a landscape plan(s) incorporating:-

   (a) the area or areas set aside for landscaping; and

(b) a schedule of all proposed trees, shrubs and ground cover, including the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material in accordance with Planning Scheme Policy 15 Development Procedures.

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

Water Supply

5. Design and submit to Council for approval, as part of the operational works (civil), a water supply reticulation system that includes all external works required to service the site. The design must include all the outstanding works that were proposed in the previous stages of the development.

   Note: The outstanding works include two unconstructed connections to the DN150 main in Booral Rd, and a connection across Don Adams Drive between the DN200 feed into the airport and the DN150 main in the Industrial Estate that is also yet to be constructed. There are also several valves that have not been installed, and DN150 services across roadways that have been installed with no means of isolation from the main.

Water Supply and Sewerage

6. Liaise with Wide Bay Water Corporation with regards to the design and construction of external reticulation works to service the development.

Stormwater Discharge

7. Submit a stormwater drainage and management plan, SDMP, incorporating design and layout plans showing all stormwater control and management structures, including underground drainage pipes, open drains, bio-swale and bio-retention structures and any other stormwater quality improvement device for Council approval prior to Operational Works commencing on-site. Provision must be made for the water discharged from the site to meet acceptable water quality objective for urban stormwater runoff discharging to marine waters. Those water quality objectives shall be in accordance with the "Queensland Water Quality Guidelines 2006". The design shall comply with Councils Policies and the Queensland Urban Drainage Manual (Vol 1, 2nd Edition) as adopted by Council and the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Version 1, 2006).

8. 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 Transitional Planning Scheme Policy 2.

9. 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 Operation Works application.

Environmental Management

10. Submit to Council for approval as part of Operational Works application a Construction Management Plan. The plan shall include, but not be limited to:

    (a) lawful source and disposal sites of any fill or excavated material;
    (b) wheel wash down and shake down grids for construction vehicles;
    (c) Maintenance of the existing drainage pattern of the land to avoid adverse impact on the downstream and upstream environments;
    (d) 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
    (e) avoidance of unacceptable risk from flooding and erosion to existing land uses;
    (f) a site specific erosion and sediment control plan for the bulk earthworks and any other operational works in accordance with EPA Best Practice Environmental Management Guidelines – Urban Stormwater for Erosion and Sediment Control Plan requirements;
    (g) schedule of when the erosion and sediment controls measures will constructed in relation to bulk earthworks;
    (h) measure to ensure that at any one time, the exposed soil area/work surface is minimised and sediment retention measures are implemented to ensure avoidance of sediment transport to the downstream environment;
    (i) setting out responsibility for erosion and sediment control construction standards, inspection and maintenance;
    (j) development of contingency measures such as end-of-day protection works, close-up prior to public holidays, weather watch, storm damage assessment and response;
    (k) dust control plan demonstrating how at any one time dust control measures will be implemented onsite to ensure avoidance of dust nuisance and

Electricity

11. Enter into an agreement with Ergon Energy to ensure that underground electricity will be available to each proposed allotment under standard tariff conditions and without further capital contributions.

Administrative

12. The costs of all development works including any necessary alteration, relocation of services, public utility mains or installations shall be met as costs of the development including accurately locating all existing services before any development works commence.

General

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

14. All works that will become a Council Asset will require an operational works application to be submitted to and approved by Council prior to construction.

CONSTRUCTION

Water Supply and Sewerage

15. Construct all external water supply reticulation system works, including all outstanding works, required to service the development. The construction must be in accordance with the design and layout approved pursuant to Condition 5.

16. Water services to each individual allotment are to be wholly contained within the allotment which they service.

17. Prior to Council approval of any survey plan creating separate titles, the property owner must install separate water services with control valves and water meters to all common property areas.

18. Construct all sewerage works external to the development as may be required to service the development. The works must be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's sewerage reticulation strategy and design guidelines.

Roadworks

19. Design and construct all external roads necessary to service the development site. The road must be designed and constructed in accordance with Council's Planning Scheme Policy 2 - Development Manual.

20. Dedicate the proposed road (from back of kerb to back of kerb) within the estate as a public road, with such dedication being concurrent with or prior to the creation of the lots for the stage in which it is situated.

21. Include all footpath areas from back of kerb to the property boundaries in Body Corporate ownership.

22. Provide an easement(s) in favour of the utility service providers and Council over all road verge areas from back of kerb to property boundary to ensure accessibility for installation and maintenance of their respective services at no cost to Council or the utility service providers.

Access

23. Construct concrete vehicular crossings at each access in accordance with Council Standard Drawing R08. Remove all disused or redundant vehicular crossings and reinstate kerb and channel and footpaths as required.

24. No direct vehicle access from any of the lots in this stage is permitted to Don Adams Drive. Access to all lots must be from the new internal road which extends from the John Duigan Drive road stub as per the "Master Plan" submitted with the application.

Footpath

25. Construct a 1.5 metre wide concrete footpath for the full length of the new internal road in accordance with Council's Planning Scheme Policy 2 - Development Manual. The footpath must be located on the same side of the road as the proposed lots.

Stormwater

26. Construct stormwater quality management structures (e.g. bio-filter, bio-swale, etc) to treat all stormwater runoff from car parking and driveway areas in accordance with the stormwater drainage and management plan approved pursuant to Condition 7.

27. An underground drainage system must be provided to collect and convey all minor stormwater flows from impervious areas within the property to the legal point of discharge designated by Council. The minor drainage system shall be designed and constructed in accordance with Council policy and to ensure that existing stormwater discharge from surrounding property is not detrimentally affected.

28. Ensure that drainage infrastructures for the major flood flows are constructed to ensure no negative impact on drainage of the site, the surrounding area and Booral Road to the satisfaction of Council.

Environmental Management

29. Undertake Operational Works in accordance with the approved Construction Management Plan. A copy of the approved Construction Management Plan must be made available at the site at all time during construction/operational works.

Street Lighting

30. Construct street lighting within the development and along the full length of the new internal road in accordance with Council's Planning Scheme Policy 2 - Development Manual.

31. Provide for the cost of installing street lighting based on Tariff 2 to service the land, and prior to the approval of the plan of subdivision provide written evidence that;

    (i) a street light lay-out for the subdivision has been designed in accordance with Ergon Energy's requirements, Australian Standard 1158, and the Council's street lighting policy.

    (ii) (a) a capital contribution to meet the full costs of the installation of street lighting has been paid to Ergon Energy; or

    (b) arrangements satisfactory to Ergon Energy have been for the installation of street lighting; and

    (iii) the street lighting will be installed and operating in conjunction with the power reticulation of the subdivision.

(iv) where non-standard street lights are installed at the Developer's request, the Developer shall make a capital contribution towards future maintenance of he lights in accordance with Council policy.

Landscaping

32. Undertake landscaping in accordance with the approved Landscaping Plan prior to the endorsement of the plan of survey.

POST-CONSTRUCTION

Administrative

33. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to submission of the 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 shall be paid prior to the approval of the plan of subdivision.

34. 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.

35. 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.

36. Submit a plan to Council prior to approval of the plan of subdivision showing the locations of all buildings including services, structures, dams and other improvements on the land in relation to the proposed new boundaries and the distances there from. The plan shall 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.
- the distances from the proposed new boundaries of all buildings and structures shown hereon generally conform to the boundary clearance requirements for side and rear boundaries as specified the Building Act 1975 and Council's Town Planning Scheme.
- All services to the existing dwelling from the reticulation mains are contained wholly within the subject lot.

.....

(Signature)"

37. Prepare and submit a plan sealing report with any request for endorsement of plan sealing demonstrating or certifying compliance with each development approval condition.

Infrastructure Maintenance

38. Maintain all private infrastructure servicing the development (parks, footpaths, landscaping and road verges) in good condition for the life of the development.

INFRASTRUCTURE CONTRIBUTIONS

39. 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. For reconfiguration of lot approvals, payment is to be made prior to application for sealing of survey plans.

40. Pay a Contribution toward Sewerage Infrastructure to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. For reconfiguration of lot approvals, payment is to be made prior to application for sealing of survey plans.

41. Pay a Contribution toward Stormwater Infrastructure to Council in accordance with Planning Scheme Policy 14 or the policy current at the time of payment. For reconfiguration of lot approvals, payment is to be made prior to application for sealing of survey plans.

42. Pay a Contribution toward Transport Infrastructure (including footpath) to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment. For reconfiguration of lot approvals, payment is to be made prior to application for sealing of survey plans.

43. Pay a Contribution toward the provision, development and maintenance of public recreational and open space or recreation facilities, in accordance with Planning Scheme Policy 1 or the policy current at the time of payment. Payment shall be made prior to the endorsement of the plan of survey or prior to the use commencing, whichever occurs first.

DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (VEGETATION REMOVAL) COMPONENT

C. That the application by Seashift Properties Pty Ltd for a Development Permit for Operational Works (Vegetation Removal) on land situated at Don Adams Drive, Urangan, being part of Lot 119 SP181963 be approved subject to the following conditions:-

PRE-CONSTRUCTION

1. Retain all existing remnant vegetation outside of the proposed industry lots and proposed new road.

2. Prior to commencement of operational works on the site, prepare and submit to the Assessment Manager for endorsement a rehabilitation and revegetation plan. The plans must demonstrate rehabilitation and revegetation of areas shown as "park" on the Master Plan submitted with the application to offset loss of vegetation clearing for the proposed new road and the creation of proposed Lot 70, and to re-establish connectivity between the patches of remnant vegetation on the subject site and to adjacent vegetation on Lot 100 CP896209 north of the site.

3. Prior to commencement of operational works on the site, prepare and submit to the Assessment Manager for endorsement a vegetation clearing and management plan (VCMP). The VCMP must address clearing of all vegetation and include details on:

   (a) clearly show all trees to be removed and retained;
   (b) include details of all proposed civil works likely to impact on existing vegetation
   (c) temporary and permanent exclusion and protection fencing;
   (d) roles and responsibilities for site contractors, the development proponent and associated consultants;
   (e) stockpiling and access locations;
   (f) a clearing sequencing plan showing the commencement of clearing and direction of removal to allow for appropriate flushing of fauna towards surrounding safe haven areas;
   (g) links to weed management and revegetation proposals within the proposed "park" areas;
   (h) the stock piling and reuse of cleared vegetation;
   (i) specific details on the removal of potential fauna habitat trees; and
   (j) maximising vegetation retention within road verges and setback areas within individual lots.

CONSTRUCTION

4. Prior to operational work commencing the applicant's consultant shall arrange an on-site pre-start meeting with Council's Principal Officer Land Protection, the contractor undertaking clearing, and the fauna spotter-catcher to check work plans and compliance with pre-start conditions.

5. Undertake clearing operations in accordance with the endorsed vegetation clearing and management plan.

6. All trees within the clearing area must be checked by a person experienced in assessing native fauna for the presence of fauna habitat hollows prior to removal. If hollows are present then equivalent artificial nesting boxes, of a type recommended by a qualified ecologist shall be installed within retained vegetation adjacent to the site prior to commencement of any clearing.

7. Clearing of trees containing hollows or active bird nests must be supervised and monitored on site by a registered spotter-catcher or person experienced in fauna relocation and rescue, for relocation of any fauna disturbed.

POST CONSTRUCTION

8. Undertake rehabilitation and revegetation works within the proposed "park" areas in accordance with the endorsed rehabilitation and revegetation plan.

9. No burning of vegetation is permitted. All cleared material must be chipped or mulched or disposed of at a Council approved green waste disposal facility.

D. That Council, as Assessment Manager notes the Preliminary Approval for a Material Change of Use Overriding the Planning Scheme (in accordance with the Airport Industrial Estate Preliminary Approval document) on the 2006 Hervey Bay City Planning Scheme, pursuant to section 3.5.27 of the *Integrated Planning Act 1997*.

Carried Unanimously
513/3-081673

P&D 4.3 PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME - COMBINED APPLICATION - MATERIAL CHANGE OF USE - INDUSTRY - RECOFIGURING OF A LOT - 1 LOT INTO 13 LOTS - OP WORKS - VEGETATION REMOVAL - SEASHIFT PROPERTIES PTY LTD - 1474-1512 BOORAL RD WONDUNNA

MOVED (Hovard / Hawes)

A. That the application by Seashift Properties Pty Ltd for a Development Permit for Material Change of Use from the Special Purpose (Sewage Treatment) Zone to the General Industry Zone on land situated at 1474-1512 Booral Road, Wondunna, being part of Lot 94 SP179034 be approved.

B. That the application by Seashift Properties Pty Ltd for a Preliminary Approval for Material Change of Use overriding the Planning Scheme (in accordance with section 3.1.6 of the *Integrated Planning Act 1997*) on land situated at 1474-1512 Booral Road, Wondunna, being Lot 94 SP179034, be approved 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. These conditions must be implemented at no cost to the Council or Wide Bay Water Corporation unless specified in any particular condition:-

PRE-CONSTRUCTION

Relevant Period

1. The relevant period for this approval is eight (8) years from the day the approval takes effect.

Amended Documents and Plans

2. Amend the preliminary approval document submitted with the application in accordance with the changes identified in the attached "Airport Industrial Estate Stage 3 – Northern Precincts Preliminary Approval" document and submit the amended document to the Assessment Manager for endorsement.

3. Amend the Hervey Bay Airport – Industrial Park Precinct Plan (Rev K) prepared by Forgan Smith Architects and dated 27.02.09 by including a notation that this plan applies to Stage 3 only. The amended plan is to be incorporated into the amended preliminary approval document referred to in the condition above.

4. Once endorsed by the Assessment Manager, the amended precinct plan shall form part of the Airport Industrial Estate Stage 3 – Northern Precincts Preliminary Approval document.

General

5. Subsequent development on the subject site shall be in accordance with the endorsed "Airport Industrial Estate Stage 3 – Northern Precincts Preliminary Approval" document.

6. Where not otherwise overridden by the endorsed "Airport Industrial Estate Stage 3 – Northern Precincts Preliminary Approval" document and to the extent relevant, the provisions of the 2006 Hervey Bay City Planning Scheme shall also apply to subsequent development on the subject site.

POST CONSTRUCTION

Infrastructure Contributions

7. Pay a Contribution toward Water Supply Infrastructure to Council prior to the issue of a building approval for any Commercial Services, Freight Depot, General Industry, Transport Depot or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

8. Pay a Contribution toward Sewer Infrastructure to Council prior to the issue of a building approval for any Commercial Services, Freight Depot, General Industry, Transport Depot or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

9. Pay a Contribution toward Transport Infrastructure (including pedestrian and cycleway) to Council prior to the issue of a building approval for any Commercial Services, Freight Depot, General Industry, Transport Depot or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

10. Pay a Contribution toward Drainage Infrastructure to Council prior to the issue of a building approval for any Commercial Services, Freight Depot, General Industry, Transport Depot or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 14 or the policy current at the time of payment.

11. Pay a Contribution toward the provision, development and maintenance of public recreational and open space or recreation facilities to Council prior to the issue of a building approval for any Commercial Services, Freight Depot, General Industry, Transport Depot or Warehouse uses identified as self-assessable development under this approval in accordance with Planning Scheme Policy 1 or the policy current at the time of payment.

12. Pay a Contribution toward Water Supply, Sewer Infrastructure, Transport Infrastructure, Drainage Infrastructure and Open Space to Council for any uses identified as assessable development under this approval in accordance with Planning Scheme Policies 1, 4 and 14 or the policies current at the time of payment. Payment shall be made prior to the endorsement of the plan of survey or prior to the use commencing, whichever occurs first.

C. That the application by Seashift Properties Pty Ltd for a Development Permit for Reconfiguring a Lot on land situated at 1474-1512 Booral Road, Wondunna, being Lot 94 SP179034, be approved generally in accordance with the plans attached to the letter from Urban Planet Town Planning Consultants dated 11 March 2009 subject to any further amendments detailed in the conditions of approval.

The application is approved subject to the following conditions which must be met prior to the 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 the Council or Wide Bay Water Corporation unless specified in any particular condition.

PRE-CONSTRUCTION

Subdivision Layout Plan

1. Submit to Council for endorsement a more detailed plan of layout for the proposed subdivision prepared at an appropriate scale which accurately shows the metes and bounds of the proposed lots, lot areas, building envelopes, roadway, and areas to be included in common property, and includes any amendments required by the conditions of this approval.

2. The building envelopes shown of the detailed plan of layout referred to above are to comply with the recommendations of the endorsed Bushfire Management Plan, the preparation of which is a condition of the associated Operational Works approval for vegetation clearing on the subject site.

Vegetation Retention and Landscape Buffer

3. In addition to the buffer area surrounding the scar tree, provide a vegetation retention and landscape buffer:

   (a) along the full length of the north-western boundary of the subject site which adjoins the critical ecological corridor linkage contained within the Pulgul Wastewater Treatment Plant site; and
   (b) along the full length of the Booral Road frontage of the subject site, with a minimum width of ten (10) metres.

4. Provide the vegetation retention and landscape buffer in general accordance with the Landscape Buffer Plan, Sheets 1 to 3, prepared by Saunders Havill Group and dated 27 February 2009, save for the following amendments and clarifications:

   (a) The vegetation retention and landscape buffers are to be retained as common property. No parts of the proposed industrial lots are to be included in the vegetation retention and landscape buffers.

(b) No earthworks or infrastructure is provided within this vegetation retention section of the buffer.

5. Submit to the Assessment Manager for endorsement an amended Landscape Buffer Plan incorporating the abovementioned amendments.

Landscaping

6. Submit to and gain approval from Council, prior to approval of Operational Works, a landscape plan(s) incorporating:-

   (a) the area or areas set aside for landscaping including appropriate landscaping of the common areas and roadways; and
   (b) a schedule of all proposed trees, shrubs and ground cover, including the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material in accordance with Planning Scheme Policy 15 Development Procedures.

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

Water Supply and Sewer

7. Liaise with Wide Bay Water Corporation with respect to the design and construction of external water supply and sewer reticulation works to service the development.

Electricity

8. Enter into an agreement with the Ergon Energy to ensure that underground electricity will be available to each proposed lot under standard tariff conditions and without further capital contributions.

Administration

9. The costs of all development works including any necessary alteration or 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.

General

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

11. All works that will become a Council Asset will require an operational works application to be submitted to and approved by Council prior to construction.

CONSTRUCTION

Roadworks

12. The proposed new road shall be classified as an industrial access street in accordance with Council's Development Manual. The pavement width must not be less than 12 metres in accordance with Table 3.2.2.1 of the Development Manual.

13. Dedicate the proposed road (from back of kerb to back of kerb) within the estate as a public road, with such dedication being concurrent with or prior to the creation of the lots for the stage in which it is situated.

14. Include all footpath areas from back of kerb to the property boundaries in Body Corporate ownership.

15. Provide an easement(s) in favour of the utility service providers and Council over all road verge areas from back of kerb to property boundary to ensure accessibility for installation and maintenance of their respective services at no cost to Council or the utility service providers.

16. Dedicate as road, the strip of land on Booral Road, generally as indicated on the plans submitted with the application.

17. Construct a 1.5 metre wide concrete footpath (or approved equivalent) along both sides of the proposed roadway within the development.

Water Supply and Sewerage

18. Provide for the construction of all water supply works external to the development as may be required to service the development. The works shall be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's water supply strategy and design guidelines and the Development Manual.

19. Provide 150mm diameter water mains on each side of the new road for the full frontage of all lots.

20. Provide for construction of all sewerage works external to the development as may be required to service the development. The works shall be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's sewerage reticulation strategy and design guidelines.

21. Prior to Council approval of any survey plan creating separate titles the property owner shall install separate water services with control valves and water meters to all common property areas.

22. All water supply and sewer infrastructure works considered to be private works will be subject to the approval of a plumbing and drainage application.

Stormwater

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

24. All stormwater infrastructure within the development shall be owned and maintained by the body corporate unless these services are utilised to discharge stormwater flows from catchments external to the development.

25. Provide an easement over all proposed stormwater infrastructure within a lot or common property that will become a Council asset.

26. Service all proposed lots by a level 3 inter-allotment drainage system in accordance with QUDM unless approved otherwise by Council.

Street Lighting

27. Provide street lighting to the proposed roads servicing the development to a category P4 in accordance with AS1158 – Public Lighting Code. The ongoing maintenance and running costs of the street lighting shall be the responsibility of the Body Corporate.

Landscaping

28. Undertake landscaping in accordance with the approved Landscaping Plan prior to the endorsement of the plan of survey.

POST CONSTRUCTION

Administration

29. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to submission of the 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 shall be paid prior to the approval of the plan of subdivision.

30. All works that will revert to Council control shall 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 shall commence until an Operational Works Permit has been issued by Council.

31. All works that will revert to Council control shall be subject to a twelve month maintenance period during which time the Developer shall 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 shall require 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 shall be submitted in accordance with Council's policy.

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

33. Prepare and submit a plan sealing report with any request for endorsement of plan sealing demonstrating or certifying compliance with each development approval condition.

Infrastructure Maintenance

34. Maintain all private infrastructure servicing the development (parks, footpaths, landscaping and road verges) in good condition for the life of the development.

Infrastructure Contributions

35. 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.

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

37. Pay of a Contribution toward Transport Infrastructure (including pedestrian and cycleway) to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

38. Pay a Contribution toward Drainage Infrastructure to Council in accordance with Planning Scheme Policy 14 or the policy current at the time of payment. Payment shall be made prior to the endorsement of the plan of survey or prior to the use commencing, whichever occurs first.

39. Pay a Contribution toward the provision, development and maintenance of public recreational and open space or recreation facilities, in accordance with Planning Scheme Policy 1 or the policy current at the time of payment. Payment shall be made prior to the endorsement of the plan of survey or prior to the use commencing, whichever occurs first.

D. That the application by Seashift Properties Pty Ltd for a Development Permit for Operational Work (Vegetation Removal) on land situated at 1474-1512 Booral Road, Wondunna, being Lot 94 SP179034 be approved subject to the following conditions:-

PRE-CONSTRUCTION

Vegetation Clearing

1. Retain a minimum ten (10) metre wide vegetation retention buffer strip along the full length of the Booral Road frontage of the site and a minimum six (6) metre wide vegetation retention buffer strip between proposed Lots 61 and 62 and the north-western boundary of the site.

2. Provide a minimum thirty (30) metre wide vegetation retention buffer surrounding the identified scar tree on the subject site.

3. Prior to commencement of operational works on the site, submit a fire management plan to the Assessment Manager for endorsement which sets out how proposed buildings and infrastructure within the new lots will be protected from wildfire, and how the ecological and cultural values of the adjacent vegetated area will be protected. This should include treatment and management details of a buffer zone/firebreak to be located along the northern boundary of the new industrial estate area and around the scar tree.
4. Prior to commencement of operational works on the subject site, prepare and submit to the Assessment Manager for endorsement:

   (a) a Vegetation Clearing and Management Plan (which is to ensure that mature and semi-mature trees are retained throughout the development site where practical);
   (b) Fauna Management Plan; and
   (c) Stormwater Quality Management Plan.

   These plans are to be prepared by an appropriately qualified and experienced person in accordance with the recommendations contained in section 7.0 of the Vegetation Assessment Report prepared by Saunders Havill Group dated April 2008.

5. Prior to operational work commencing, the boundary of the area of vegetation to be retained shall be clearly marked with continuous flagging tape.

6. Prior to operational work commencing the applicant's consultant shall arrange an on-site pre-start meeting with Council's Vegetation Management Officer, the contractor undertaking clearing and the fauna spotter-catcher to check work plans and compliance with pre-start conditions.

CONSTRUCTION

7. Undertake the operational work in accordance with the endorsed Vegetation Clearing and Management Plan, Fauna Management Plan and Stormwater Quality Management plan to the satisfaction of Council.

8. No burning of vegetation is permitted. All cleared material shall be chipped or mulched or disposed of at a Council approved green waste disposal facility.

9. All trees within the clearing area shall be checked by a person experienced in assessing native fauna for the presence of fauna habitat hollows prior to removal. If hollows are present then equivalent artificial nesting boxes, of a type recommended by a qualified ecologist shall be installed within retained vegetation adjacent to the site prior to commencement of any clearing.

10. Clearing of trees containing hollows or active bird nests must be supervised and monitored on site by a registered spotter-catcher or person experienced in fauna relocation and rescue, for relocation of any fauna disturbed.

11. Clearing shall commence at the south-east corner first and move generally towards the north-west to allow native fauna to escape.

E. That Council, as Assessment Manager notes the Preliminary Approval for a Material Change of Use Overriding the Planning Scheme (in accordance with the Airport Industrial Estate Stage 5 – Northern Precincts Preliminary Approval document) on the Hervey Bay City Planning Scheme 2006, pursuant to section 3.5.27 of the *Integrated Planning Act 1997*.

Carried Unanimously
513/3-061120

P&D 4.4 MATERIAL CHANGE OF USE - SPECIAL PURPOSES 2 - COMMUNITY FACILITY - CLUBHOUSE SHED - TOOGOOM FISHING CLUB INC - LOT 221 TOOGOOM ROAD BURGOWAN

MOVED (Arthur / Dalgleish)

That the application by Toogoom Fishing Club Inc for a Development Permit for Material Change of Use for a Community Facility (Fishing Club) in respect of Lot 221 on MCH4871 being Toogoom road, Toogoom be approved generally in accordance with the plan titled 'Proposed Lease in Lot 221 MCH4871 for the Toogoom Fishing Club', dated 11 September 2009, prepared by Jon Hammond Engineering Surveyors and plan titled 'Engineering Specifications 9.0m Span Garage', drawing no 9000/A, sheet 1 and prepared by Suburban Engineering Solutions Pty Ltd 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-CONSTRUCTION

General

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

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

Stormwater Discharge

3. 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.

4. 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 building approval.

CONSTRUCTION

Environmental Health

5. 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.

6. 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.

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

8. Do not undertake any work between 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.

9. 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.

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

11. Maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated screened storage area, so as to not cause any nuisance, to the satisfaction of Council.

Carried Unanimously
513/3-091086

P&D 4.5 ADDENDUM TO TOWN PLANNING REPORT ITEM NO.4.9 OF AGENDA FROM DEVELOPMENT COMMITTEE MEETING NO. 2 ON 11 MARCH 2009 - APPLICATION FOR A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (MCU) FOR RESIDENTIAL LOW DENSITY USES AND RECONFIGURATION OF A LOT (ROL) ONE LOT INTO 54 LOTS – BARLOW GREGG AND ASSOCIATES PTY LTD - LOCATED AT PANTLINS LANE, URRAWEEN

MOVED (MucKan / Dalgleish)

That the application by Barlow Gregg and Associates Pty Ltd for a Development Permit for a Material Change of Use for Residential Low Density Uses and for the Reconfiguration of a Lot (1 lot into 55 lots), in respect of land described as Lot 1 on SP175458, located at Pantlins Lane, Urraween be partly refused and partly approved as outlined at Part A and B below, with amendments to Conditions 1(iv), 12 and 37:-

Part A – Refusal of Proposed Lots 25-42

Proposed Lots 25-42 (as outlined on "Plan of Development" Barlow Gregg and Associates Plan Drawing No. H/9917 L01 C dated February 2006), are refused, based on the following grounds:

1. Development within the riparian buffer of Eli Creek would conflict with the Transitional Planning Scheme and both Draft and Current versions of the IPA Planning Scheme;

2. Removal of floodplain/wetland vegetation associated with Eli Creek which would be inconsistent with the Transitional Planning Scheme and both Draft and Current versions of the IPA Planning Scheme; and

3. The development as proposed would result in significant alterations to the natural drainage patterns of the site (and surrounds) through:
   - the need for significant filling particularly on Lots 25-42; and
   - the need for a permanent artificial water body (lake) on the site;

   which would be inconsistent with Council's current policy for stormwater management within the Draft and Current IPA planning schemes.

Part B – Approval of Proposed Lots 1-24 and Lots 43-55

Lots 1-24 and 43-55 (as outlined on "Plan of Development" Barlow Gregg and Associates Plan Drawing No. H/9917 L01 C dated February 2006), are approved as particularised in the below conditions, that shall be met prior to the commencement of the use or at such other time as may be specified in the terms set out hereunder. These conditions shall be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition:-

AMENDED PLANS

1. Submit to and gain approval from Executive Manager Development Assessment, prior to approval of Operational Works, an amended Plan of Development. When approved, this plan will be the endorsed plan under this permit. The plan must be drawn to scale with dimensions and three (3) copies must be provided. The plan must be generally in accordance with the "Plan of Development" (Barlow Gregg and Associates Plan Drawing No. H/9917 L01 C dated February 2006), with the following modifications:

(i) excludes proposed Lots 25-42 from the development area; and
(ii) demonstrates land below Q2 to be dedicated to Council as drainage reserve prior to endorsement of the survey plan; and
(iii) demonstrates an allocation of fair average land that is at least 10% of the total site area for subdivision to be dedicated to Council for public open space prior to endorsement of the survey plan, pursuant to Council's requirements for open space as set out in Planning Scheme Policy PSP No.1; and
(iv) Provide a 2.5 metre wide pathway that links with the existing pathway from the eastern side of Highfields Estate (currently terminating at the north-east of Lot 250 on SP 178144 - 21 Rochester Court, Urraween) to connect, to the north, to the existing wooden bridge over Eli Creek.

2. Submit to and gain approval from Executive Manager Development Assessment, prior to approval of Operational Works, an amended Stormwater Management Plan and Hydraulic Impact Assessment that reflects the amended plan (as per Condition 1) and ensures that the natural drainage pattern; natural flood level, duration and extent is maintained and the requirement for a permanent artificial water body on the site is eliminated.

PRE-CONSTRUCTION

General

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

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

5. Ensure the design and supervision of all works that will revert to Council control are undertaken 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 shall commence until an Operational Works Permit has been issued by Council.

6. Appoint a Principal Contractor and provide details of this to Council and evidence to Council that all notifications under the Workplace Health and Safety Act have been completed before undertaking any work that will revert to Council control or any works that are within a Council controlled road reserve. In the event that a Principal Contractor is not appointed by the Applicant, the Applicant shall be the Principal Contractor and shall be responsible to ensure compliance with the Workplace Health & Safety Act.

7. Submit to Council and gain approval for an "Environmental Management Plan" (EMP) in accordance with Planning Guidelines for State Planning Policy 2/02 - Planning and Managing Development involving Acid Sulfate Soils Guidelines. SPOCAS testing is required to determine the neutralisation rate for the possible acid sulphate soils (PASS) (prior to any Operational Works approval).

8. Submit to Council and gain approval for a design and construction plan and an acid sulfate management plan demonstrating how the bio-retention basins will be constructed and managed to prevent the bio-retention basins continuously intercepting the naturally acid groundwater prevalent at the site (prior to any Operational Works approval).

9. Submit to Council and gain approval for a groundwater monitoring scheme (prior to any Operational Works approval). The monitoring must be carried out with reference to the Water Quality Criteria outlined in State Planning Policy 2/02 "Planning and Managing Development involving Acid Sulphate Soils Guidelines", particularly having regard to section 10 of the guideline, titled: Treatment and Management of Surface and Drainage Waters from Disturbed Acid Sulphate Soils.

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

11. Lodge a bond in the amount of $26,330 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.

    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.

12. Dedicate to Council as 'Drainage Reserve':

a) all the area of land north and east of the proposed residential lots (area not dedicated for residential dwellings);

b) The land between Lot 202 on SP179023 and Lot 300 on SP177741.

c) The area included within (i) a horizontal line parallel to the northern boundary line of Lot 2 on RP892988 running from Nissen street to eastern boundary of Lot 300 on SP177741 and (ii) the southern boundary of Lot 16 on RP880105, Lot 200 on SP164956 and Lot 202 on SP179023.

The dedication shall be made prior to the sealing of the plan of survey for the Reconfiguration of a Lot (development approval). The dedication of the land as Drainage Reserve to Council shall be offset against the payment of the stormwater trunk infrastructure contribution. This credit will be to the value of the cost component allocated for the acquisition of that land as per council Planning Scheme Policy 14 or any policy current at the time of the land dedication.

13. Dedicate to Council as "Public Open Space" land identified on the amended proposal plan (as per amendments at Condition 1) that meets Council's current requirements for public open space, which includes but is not limited to no land being subject to Q2 inundation and a minimum of 10% of the dedicated land to be above Q100 inundation.

    The dedication is to be at no cost to Council and made prior to the sealing of the survey plan.

Site and Environmental Management

14. Submit and gain approval from Council (prior to any Operational Works approval or the commencement of works being carried out) for an onsite Construction and Environmental Management Plan. The plan shall 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) handling and disposal method and sites of acidic soils from disturbed acid sulfate soils and acidic waters discharged from the bio-retention basins.
    d) wheel wash down and shake down grids for construction vehicles;
    e) the location of all areas on and/or off site to be used for staff and contractor parking;
    f) the maintenance of the existing drainage pattern of the land to avoid adverse impact on the downstream and upstream environments;
    g) the maintenance of:
    (i) Water quality in accordance with the general environmental values and water quality objectives outlined in the EPP (Water) 1997;
    (ii) The local drainage regime of the site and adjoining area;
    h) avoidance of unacceptable risk to existing land uses from flooding and erosion;
    i) owner's permission for access over and/or parking on other land;
    j) specification of measures to ensure the safe and orderly ingress and egress of vehicles to and from the site;
    k) the means by which the direction of traffic flows to and from parking areas will be controlled both on and off site to ensure no damage is caused to Council's road infrastructure to and from the site including the pavement, kerb, channel, crossovers to adjoining properties and verges;
    l) measures to discourage staff and contractor parking in adjoining lots;
    m) the means of ensuring the appearance of building works or materials does not detrimentally affect the amenity of the area;
    n) a site specific erosion and sediment control plan for the bulk earthworks and any other operational works;
    o) schedule of when the erosion and sediment controls measures will constructed in relation to bulk earthworks;

p) assurance 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;
q) setting out responsibility for erosion and sediment control construction standards inspection and maintenance;
r) development of contingency measures such as en-of-day protection works, close-up prior to public holidays, weather watch, storm damage assessment and response; and
s) dust control plan demonstrating how at any one time dust control measures will be implemented onsite to ensure avoidance of dust nuisance and location of site sheds and facilities.

15. Prepare an Acid Sulfate Soil Environmental Management Plan (EMP) and submit to Council for sign-off prior to Operational Works approval. The EMP Is to be prepared in accordance with the State Planning Policy 2/02 "Planning and Managing Development involving Acid Sulfate Soils Guidelines" particularly having regard to section 10 of the Guideline, titled: Treatment and Management of Surface and Drainage Waters from Disturbed Acid Sulphate Soils.

16. Obtain approval from Council for all new street names and erect all street name signs on all roads being constructed. The street name sign shall be in accordance with Council's standard drawing. Traffic control and warning devices shall be erected as required by the Manual of Uniform Traffic Control Devices.

Water Supply

17. Submit to and gain approval from Council prior to Operational Works approval detail design, layout and construction plan associated with the supply of water. The design shall ensure sufficient capacity to meet the demands from the development and to sustain any fire fighting requirement for the proposal. Consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements.

Sewerage

18. Consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection and reticulation connection time of sewerage reticulation service.

Note: Connection to reticulated sewerage will not be permitted until the proposed Nikenbah Waste Water Treatment Plant is operational.

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

Stormwater

20. Submit for approval (prior to Operational Works approval), a site specific stormwater drainage and management plan in general accordance with an amended "Stormwater Management Plan" and "Hydraulic Impact Assessment" as per the requirements at Condition 2. The plan shall demonstrate that the development will not make material changes to the

pre-development stormwater quality, and the 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 and quality 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.

21. Submit for approval (prior to Operational Works approval) final site specific design and construction plans of stormwater drainage demonstrating that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties will occur as a result of the development, as set out in Transitional Planning Scheme Policy 20.

22. Submit for approval (prior to Operational Works approval) design and layout plan showing all stormwater control and management structures, including underground drainage pipes, bridges/culverts, open drains, bio-swale and bio-retention basins and any other stormwater quality improvement device for Council approval. Provision must be made for the water discharged from the site to meet acceptable water quality objective for urban stormwater runoff discharging to marine waters. Those water quality objectives shall be in accordance with the 'Queensland Water Quality Guidelines 2006". The design shall comply with Council's Policies and the Queensland Urban Drainage Manual (Vol 1, 2nd Edition) as adopted by Council and the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland (Version1, 2006).

23. Submit for approval (prior to Operational Works approval), a stormwater management plan that addresses stormwater quality during the construction and operational phases of the development. The treatment measures and devices to be constructed shall be detailed in the operational works application. Measures to neutralise potential acid sulfate soils impact on water quality need to be adequately addressed.

24. Prepare a Landscape Plan detailing the proposed landscaping for the "bio-retention basins" and submit this for Council approval prior to Operational Works approval.

Earthworks

25. Provide details of the quantities of fill, source of fill, and haul routes with the engineering drawings for operational works.

26. Provide a geotechnical investigation and report undertaken by a suitably qualified geotechnical engineer to determine the presence or otherwise of compressible marine clays or other material that may affect the stability of dwellings or other infrastructure on this site. The report shall be submitted to and approved by Council prior to the approval of any operational works application for the site.

27. Undertake an acid sulphate soil investigation for the development site 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 for approval as part of the Operational Works application.

CONSTRUCTION

General

28. Provide for minimum habitable floor level for this development in accordance with the Hydraulic Impact Assessment study (dated 2 October 2008) prepared by Belleng VDM Group. The study indicates that the Q_{100} flood level in the developable area of the subject site ranges from 8.50m AHD (south-eastern corner) to 6.50m AHD (north-western corner).

29. Provide for flood immunity to the Q_{100}, such that each lot will be filled to a minimum level ranging from 8.50m AHD (south-eastern corner) to 6.50m AHD (north-western corner). Minimum floor levels for dwellings will be a minimum of 300mm above the corresponding Q_{100} level.

Site and Environmental Management

30. Undertake all site development works in accordance with the EMP developed in accordance with the State Planning Policy 2/02 "Planning and Managing Development involving Acid Sulphate Soils" Guidelines.

31. Undertake vegetation clearing only in accordance with an Operational Works Approval for vegetation removal.

    Note: This development permit does not authorise any clearing of vegetation.

Roadworks

32. Extend and construct Pantlins Lane from the northern edge of the sealed section to the western property boundary of Lot 1 on SP175458 to the standard for a Minor Collector Street (as defined in the Development Manual) and then taper to seamlessly connect with the new road.

33. Design and construct all roads and associated works (including stormwater drainage) within and bounding the subdivision to the standard for residential access streets.

34. Provide turn around facilities for refuse collection vehicles at the end of all new roads. Where future extension of the road will be constructed, the turn around facilities may be temporary as defined in Council's Development Manual.

35. Construct accessways in accordance with Council Policy for the full length of the accessway or the easement for allotments that gain access by way of an accessway to a rear lot or by an easement.

Footpath/Pedestrian Access

36. Provide a 1.5 metre wide concrete footpath along the full length of one side of Pantlins Lane and all other internal roads.

37. Extend and construct the existing 2.5 metre wide shared pedestrian and cyclist pathway that runs along the eastern side of Highfields Estate and terminates at the north-east of Lot 250 on SP 178144 (21 Rochester Court, Urraween) to connect, to the north, to an existing wooden bridge over the Eli Creek. The extension of the path is to ensure footpath and cycleway connectivity between Gumtree Downs Estate to the north and the Highfields Development to the south. Payment of contribution towards 'Transport Infrastructure (including pedestrian and cycleway)' shall be offset against the construction of the shared pedestrian and cyclist pathway as per Council Planning Scheme Policy 4 or the policy current at the time of the construction of the shared pathway.

Water Supply

38. Provide a DN150 main in Pantlins Lane from the DN200 main in Bayswater drive (or the DN150 main in Pantlins Lane if it is in fact DN150) to supply the development. This extension shall provide a connection to the DN100 main which terminates opposite Coventry Court in Pantlins Lane and also a DN150 Tee, valve and hydrant shall be provided at Conservation Drive for future extension to Kingfisher Lakes development.

39. Install a boundary valve on the DN150 main south of Bayswater Drive to realign the existing DMA boundary and allow the supply from the DN200 main in Bayswater Drive.

40. Provide for the construction of all water supply works external to the development as may be required to service the development. The works shall be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's water supply strategy and design guidelines.

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

42. Install a blue pavement reflector on the centreline of the road pavement opposite the location of each Hydrant.

Sewerage

43. Provide for gravity sewer drainage for the entire development site. Any deviation from gravity drainage will only be accepted if it can be factually demonstrated that the only practical solution requires a sewerage pump station.

44. Provide for construction of all sewerage works external to the development as may be required to service the development. The works shall be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's sewerage reticulation strategy and design guidelines.

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

Stormwater

46. Incorporate a pre-cast lintel within the gully pit, designed to provide for heavy vehicle loadings and a flush fitting manufactured lid/grate and frame. The type of gully pit used shall be approved by Council prior to the commencement of any works.

Note: The use of the light pre-cast lintel and cast-in-situ top with concrete lids is not appropriate.

47. Install a sacrificial turf layer to the "bio-retention basins" floor immediately following construction of the basins. The sacrificial turf layer is to remain in place until such time as the total catchment for each "bio-retention basin" is developed with housing to 80% of its capacity. Upon attainment of this capacity, the turf layer shall be removed and the "bio-retention basin" landscaped in accordance with the approved landscape plans.

48. Develop and implement a vegetation management program to successfully maintain the "bio-retention basins" landscaping through-out the maintenance period.

Electricity

49. Install underground electricity including provision for street lights to serve each lot in the subdivision. The electricity reticulation shall be designed and constructed to comply with all requirements of the relevant electricity provider.

Earthworks

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

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

52. Undertake the earthworks to provide for flood immunity to the Q_{100} flood in accordance with the Belleng VDM the recommendation of the report titled "Hydraulic Impact Assessment" dated 02 October 2008; and reflecting any changes as per any amendments made to this report in accordance with Condition 2.

53. Limit filling and excavation so as not to intrude into Open Space areas and where this would result in the need for vegetation removal.

Sediment Control

54. Drainage, erosion and sediment control measures must be implemented and maintained in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Stormwater must not be contaminated by erosion and sediment runoff.

Noise

55. In accordance with the requirements of the *Environmental Protection Regulation 1998*, a building contractor must not make audible noise from building work:
    (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.

56. In accordance with the requirements of the *Environmental Protection Regulation 1998,* air conditioners must not be used or allowed to be used:
    (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.

57. In accordance with the requirements of the *Environmental Protection Regulation 1998,* regulated devices such as lawn mowers, power tools and the like must not be operated in a way that makes audible noise:

    (a) on a Sunday or public holiday, before 8am or after 7pm; or
    (b) on a Saturday or a business day, before 7am or after 7pm.

Dust and Other Emissions

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

59. 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.

Waste Services

60. Dispose of building construction waste only at an approved waste disposal facility. It is an offence to dispose of waste in other than an approved site.

61. Provide waste containers and suitable storage areas in accordance with the provisions of the *Environmental Protection (Waste Management) Policy and Regulation 2000*.

    Applicants are advised to contact Fraser Coast Waste to discuss waste servicing needs on ☎ 4197 4375.

POST-CONSTRUCTION

Sewerage

62. Provide (in accordance with the Planning Scheme Policy No. 2) an easement over the sewer that is not currently on the standard alignment. The sewer is the DN600/525 gravity sewer running along the southern boundary of the site through the rear of proposed Lots 1-11 which then continues on the same alignment to the east and progressively further into proposed Lots 12 to 17. From mapping, this sewer is approximately 2 metres from the property boundary through proposed Lots 1 to 11. It is also likely to significantly impact on the development potential of proposed Lots 13 to 17. Where the sewer is more than 4 metres in depth this easement shall extend 3 metres either side of the sewer (where possible due to site boundaries) and otherwise shall extend 2 metres on either side of the sewer.

Stormwater

63. Drainage easements or reserves are to be provided as may be required for all overland stormwater flows and drainage structures of 300mm diameter pipe (or equivalent) or greater, traversing land within the development (other than roads and parklands) and on the proposed bio-retention basins. The easements or reserves shall be a minimum width of 3 metres or such greater width as necessary to convey the fully developed flow with the appropriate clearance required by Council policy. All easements and reserves are to be provided at no cost to Council.

64. Maintain the "bio-retention basins" landscaping until such time as the "bio-retention basins" achieve the water quality objectives specified in the ANZEC guidelines for a period of not less than 2 consecutive years. Water quality objective testing results are to be submitted to Council demonstrating compliance with the ANZEC guidelines with the application for "off maintenance" of the "bio-retention basins".

65. Complete the bio-retention basin maintenance checklist (Healthy Waterways WSUD Technical Guidelines – bio-retention basins) at 3 monthly intervals. The checklists are to be submitted to Council every 3 months as evidence of on-going maintenance of the "bio-retention basins" until such time as the landscaping is accepted "off maintenance" by Council.

66. Comply with and submit to Council, the bio-retention basin asset transfer checklist (Healthy Waterways WSUD Technical Guidelines – bio-retention basins) prior to the acceptance of the "bio-retention basins" off maintenance.

67. Submit to Council certification from a suitably qualified Landscape Architect that the proposed landscaping has been constructed and maintained in accordance with the approved plans and maintenance schedule prior to the acceptance of the "bio-retention basins" "off maintenance".

Electricity

68. Enter into an agreement with the relevant electricity provider 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 subdivision.

Street Lighting

69. Install street lighting based on Tariff 2 to service the land and prior to the approval of the plan of subdivision provide written evidence that;

    (i) a street light lay-out for the subdivision has been designed in accordance with the electricity provider's requirements, Australian Standard 1158, and the Council's street lighting policy.
    (ii) a capital contribution to meet the full costs of the installation of street lighting has been paid to the electricity provider; or
    (iii) arrangements satisfactory to the electricity provider have been for the installation of street lighting; and
    (iv) the street lighting will be installed and operating in conjunction with the power reticulation of the subdivision.

Where non-standard street lights are installed at the Developer's request, the Developer shall make a capital contribution towards future maintenance of lights in accordance with Council policy.

Open Space

70. Prior to the approval of the plan of subdivision containing any Public Open Space, the Developer shall ensure that the Public Open Space is developed to allow the land to be used for that purpose, and its finished condition shall be to the satisfaction of Council.

Administrative

71. Submit to Council a plan sealing report and supporting documentation, demonstrating compliance with each condition of this approval prior to the endorsement of any survey plan to create separate titles. The plan sealing report must accompany the application for plan sealing.

72. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to submission of the 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 shall be paid prior to the approval of the plan of subdivision.

73. Except for the bio-retention basins all works that will revert to Council control shall be subject to a twelve month maintenance period during which time the Developer shall 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 shall require 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 shall be submitted in accordance with Council's policy.

74. Clear the development site (including balance allotments) of all groundsel and noxious weeds prior to the approval of the plan of subdivision.

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

Headworks Contributions

76. Payment of a Contribution towards Open Space shall be made to Council in accordance with Planning Scheme Policy 1 for any shortfall in the land dedication for open space, pursuant to the policy current at the time of payment.

77. Payment of a Contribution towards Water Supply Infrastructure shall be made to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

78. Payment of a Contribution towards Sewer Infrastructure shall be made to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

79. Payment of a Contribution towards Transport Infrastructure (including pedestrian and cycleway) shall be made to Council in accordance with Planning Scheme Policy 4 or the policy current at the time of payment.

80. Payment of a Contribution towards Stormwater Infrastructure shall be made to Council, in accordance with Planning Scheme Policy 14 or the Policy current at the time of payment.

81. Payment of contributions must be made prior to the issue of a building permit or plan seal. Headwork contributions are paid with the proviso that if a development with a higher density occurs further contributions may be payable.

Carried Unanimously
513/3-061025

P&D 4.6 PRELIMINARY APPROVAL FOR MCU OVERRIDING THE PLANNING SCHEME - RURAL - RURAL RESIDENTIAL AND DEVELOPMENT PERMIT FOR ROL - 3 LOTS INTO 215 (STAGES 11 AND 18-24 POONA BAY ESTATE) - LANDPARTNERS - BORONIA DRIVE, POONA

MOVED (Hovard / Arthur)

That the application by Cromcorp Australia Pty Ltd C/ Landpartners for a Preliminary Approval Overriding the Planning Scheme - Material Change of Use – Rural Residential Precinct to Residential Precinct Uses and Development Permit for Reconfiguring a Lot – One (1) lot into 215 lots in eight (8) stages (Stages 11, and 18-24) in respect of the land described as Lot 927 on SP179265, parish of Poona, be refused for the following reasons:

1. The proposed development does not achieve the outcomes sought by Desired Environmental Outcome 4.

2. The proposed development does not achieve the outcomes sought by Desired Environmental Outcome 16.

3. The proposed development does not achieve the outcomes sought by Desired Environmental Outcome 17.

4. The proposed development does not achieve the outcomes sought by Desired Environmental Outcome 25.

5. The proposed development does not achieve the outcomes sought by Desired Environmental Outcome 26.

6. The proposed development does not achieve the outcomes sought by Desired Environmental Outcome 35.

7. The proposed minimum and average lot sizes do not comply with the Rural Residential Precinct or Residential Precinct in the Coastal Township of the Lot Reconfiguration Code and insufficient planning grounds exist to justify the conflict.

8. Insufficient information has been submitted to adequately demonstrate stormwater management can achieve adequate control of quality and quantity of runoff from the site.

9. Insufficient information has been submitted to adequately demonstrate that on site effluent disposal systems can be established within the environmental capacity of the area and without resulting in adverse impacts on sensitive ecological processes, specifically groundwater quality and contamination of the Great Sandy Strait marine environment.

10. The applicant has not adequately demonstrated that effluent treatment and disposal systems can be designed to be located above five (5) metres AHD in accordance with the On-site Effluent Disposal Code.

11. Insufficient information has been submitted to adequately demonstrate adequate management of acid sulfate soils in accordance with the Assessment and management of Acid Sulfate Soils (ASS) Code.

12. The proposed development would result in the removal of significant flora species *Acacia attenuata* and significant vegetation community Palustrine wetlands, which is inconsistent with the provisions of the Ecology Protection Code.

13. The proposed development does not comply and cannot be reasonably conditioned to comply with the following Codes of the Maryborough City Plan 2000:

    - Local Area 7 – Coastal Townships and Rural: Vision; and Local Area Specific Measures – Poona
    - Lot Reconfiguration Code
    - Filling and Excavation Code
    - Infrastructure Services Code
    - Assessment and Management of Acid Sulfate Soils Code
    - Flood Management Code
    - On Site Effluent Disposal Code
    - Ecology Protection Code
    - Subdivisional and Engineering Works Code
    - Coastal Townships Code

14. The proposed development does not comply and cannot be reasonably conditioned to comply with the State Coastal Management Plan.

15. The applicant has not adequately demonstrated that the proposal complies with the State Planning Policy 2/02 Guideline: Planning and Managing Development Involving Acid Sulfate Soils.

16. The proposed development does not comply with the State Planning Policy 1/03 Guideline - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

17. Pursuant to section 3.5.14 of the *Integrated Planning Act* 1997, the Assessment Manager's decision must not compromise the achievement of the Desired Environmental Outcomes of the Planning Scheme area or conflict with the Planning Scheme unless sufficient grounds exist to justify the conflict. The applicant has not demonstrated that sufficient grounds exist to justify the conflict in this instance.

18. Inadequate information was provided as part of the application to satisfactorily demonstrate that the proposed use will not cause environmental harm or result in exposure to natural hazards. The application is refused in accordance with the exercise of the 'precautionary principle' insofar as it relates to Council's assessment of the matters pertaining to the overall impact of the development on the environment and risk to personal safety and property damage (i.e. fire and flood inundation).

Carried 8/1
6/MI/Poona/1

P&D 4.7 REQUEST NEGOTIATED DECISION - PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE OVERRIDING THE PLANNING SCHEME - RURAL TO RESIDENTIAL LOW DENSITY INCLUDING LOTS LESS THAN 600M2 AND RETIREMENT VILLAGE (NURSING HOME - 120 BEDS); AND DEVELOPMENT PERMIT FOR RECONFIGURING A LOT - 3 LOTS INTO 77 LOTS, PARK AND BALANCE LOT - HERVEY BAY JV PTY LTD C/- PMM BRISBANE - MARYBOROUGH – HERVEY BAY ROAD AND PIALBA – BURRUM HEADS ROAD, URRAWEEN QLD 4655

MOVED (Nioa / Dalgleish)

That the request by Conics (Brisbane) Pty Ltd for a Negotiated Decision with regard to Development Permit 513/3-061156 dated 21 August 2008, being an approval for Development Permit for Reconfiguring a Lot - 3 Lots into 79 Lots (Stages 4 and 5 Augustus Estate) and a Preliminary Approval for Material Change of Use - Overriding the Planning Scheme - Rural to Residential Low Density including Lots less than 600m^2 and Retirement Village (Nursing Home - 120 Beds), determined by Council at Planning and Development Committee Meeting No. 4 on 13 August 2008, be agreed to in part as follows:

Preliminary Approval

1. Existing Recommendation A is to be amended as follows:

A. That the application for Preliminary Approval for Material Change of Use to Override the Planning Scheme, being the Hervey Bay City Planning Scheme 2006, made pursuant to section 3.1.6 of the *Integrated Planning Act* 1997 by Hervey Bay (JV) Pty Ltd C/- Conics (Brisbane) Pty Ltd in respect of land described as Lot 3 on SP 104344; Lot 5 on RP838850; Lot 7 on MCH3772 and Lot 1 RL8097 (Now described as Lots 85, and 87 on SP198285, Lot 86 on SP198283 and Lot 1 on RL8097) and situated at Maryborough-Hervey Bay Road and Pialba-Burrum Heads Road, be approved generally in accordance with plan titled "Augustus – Hervey Bay Heads Road – Allotment Layout", Drawing Name 7403-14-PRO, Job Reference 7403-P, Plan Reference 7403-14M, dated 9 April 2009 and "Augustus – Hervey Bay: Cross Sections – Wetland Interface" Project No. 7403_69a dated April 2009, prepared by Conics (Brisbane) Pty Ltd, to the extent particularised below:

- Existing dot point 1 is to be deleted.

- The proposed tables of assessment and proposed codes are subject to the changes conditioned below.

The approval is subject to the following conditions, which must be met prior to the endorsement of the plan of survey or at any other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition.

2. Existing Condition 1(a) is to be deleted.

3. Existing Condition 1(b) is to be deleted.

4. Existing Condition 1I is to be deleted.

5. Existing Condition 1(d) is to be amended as follows:

   Retain a minimum ten (10) metre wide buffer area as wetland protection (ecosystem protection zone) between the new development area and the mapped wetland to provide an area for the maintenance of natural processes and conditions at the wetland edge. Exclude all development from the buffer area, with the exception of the road verge to the extent of the eastern edge of the road pavement, generally in accordance with plan titled "Augustus – Hervey Bay: Cross Sections – Wetland Interface" Project No. 7403_69a dated April 2009, prepared by Conics (Brisbane) Pty Ltd. Acceptable activities within the buffer include controlled maintenance access and minor structures such as fencing and vegetation rehabilitation works. Unacceptable activities within the buffer include clearing of native vegetation, ground disturbance, filling, construction of structures, stormwater management devices, uncontrolled access and waste storage.

6. Existing Condition 1(e) is to be deleted.

7. Existing Condition 1(f) is to be deleted.

8. Existing Condition 1(g) is to be amended as follows:

   A minimum of 60% of the perimeter of the retained wetland buffer area must be bounded by public access roadways with the road pavement area located outside of the ten (10) metre wetland buffer, generally in accordance with plan titled "Augustus – Hervey Bay: Cross Sections – Wetland Interface" Project No. 7403_69a dated April 2009, prepared by Conics (Brisbane) Pty Ltd.

9. Existing Condition 1(i) is to be amended as follows:

   Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate that include the land fronting the corner of Urraween Road and Scrub Hill Road, submit supporting information prepared by a suitably qualified professional, adequately demonstrating that an appropriate buffer to the Industrial zoned land located to the southwest of the subject site can be incorporated into the plan of development, sufficient to attenuate all likely impacts generated by industrial uses within that zone.

10. Existing Condition 2 is to be amended as follows:

    Submit to and gain approval from Council a vegetation retention and rehabilitation plan, prepared by a qualified ecologist with the first subsequent development application of any stage adjacent to the wetland

area. The Plan must include details of revegetation to be carried out within the buffer area, how any clearing will be carried out on the site, details of rehabilitation techniques, a weed control program and provisions for site landscaping using local native species.

11. Existing Condition 3 is to be amended as follows:

    Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate that include the land fronting Urraween Road, Scrub Hill Road or Maryborough-Hervey Bay Road, submit supporting information prepared by a suitably qualified professional, to adequately demonstrate how the layout of future stages meet the following requirements:

    B. Environmental Protection (Noise) Policy for noise sensitive uses considering:

    - the volume and speed of traffic on Scrub Hill Road, Urraween Road and Maryborough-Hervey Bay Road; and
    - industrial uses anticipated to establish on land to the west of Scrub Hill Road in accordance with the Industry zoning.

    (b) In conjunction with any application to Council for further development of land fronting Urraween Road, Scrub Hill Road or Maryborough-Hervey Bay Road, prepare and submit a noise assessment report identifying the noise impacts of existing and ultimate design traffic on proposed house sites. The report is to be prepared generally in accordance with the requirements of the Department of Main Roads publication, "Road Traffic Noise Management – Code of Practice". All necessary amelioration works are to be included in subsequent designs fronting those roads.

12. Existing Condition 9 is to be amended as follows:

    Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate that include the land fronting Urraween Road or Scrub Hill Road, provide a plan of development that allows for the construction of a full length physical barrier to prevent vehicular traffic gaining access to Scrub Hill Road and Urraween Road frontages of the development, with the exception of the proposed access roads. The barrier must be constructed to a design as approved by Council.

13. Existing Condition 10 is to be amended as follows:

    Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate, provide a plan of development that accommodates the construction of footpaths and shared paths on both the internal and external roads in conformance with Table 3.2.11.1 in the Development Manual and Council's Road Hierarchy. The shared path in Scrub Hill Road must connect to the existing pathway network at the Yarrilee State School.

14. Existing Condition 11 is to be amended as follows:

    Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate, provide a plan of development that accommodates the construction of roundabouts at the intersection of –

- Urraween Road and the proposed internal road, and
- Scrub Hill Road and the old Maryborough – Urangan Road.

The intersection of the proposed internal road and Urraween Road must be located opposite the recently constructed entrance to the Hervey Bay Crematorium.

15. Existing Condition 12 is to be amended as follows:

    Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate, provide a plan of development that accommodates the construction of Scrub Hill Road and Urraween Road for the full frontage of the development site in accordance with Section 3 of the Development Manual. The roads must be constructed to the standards defined for a "Trunk Collector" and "Sub-Arterial" respectively.

16. Existing Condition 13 is to amended as follows:

    Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate, submit to and gain approval by Wide Bay Water Corporation (WBWC), an overall servicing strategy with preliminary design layout and levels with respect to sewerage reticulation. Specifically this document must address servicing by gravity sewer only. If a pump station is considered to be necessary then the alternative of connecting the southern portion of the site to the existing gravity sewers within the Lower Mountain Road Industrial Estate shall be investigated in the strategy report.

17. Existing Condition 14 is to be amended as follows:

    Prior to the issuance of a Development Permit for Reconfiguring a Lot for subsequent stages of the estate, submit to and gain approval by Wide Bay Water Corporation (WBWC), an overall servicing strategy with preliminary design layout with respect to water reticulation. Specifically this document must address mains sizes throughout the development and alternative supply requirements for an alternative feed (where more than 100 ED are supplied from a single main) in addition to augmentation of the existing DN250 CI main in Urraween to service the anticipated 800ED of the development.

18. Existing Condition 15 is to be deleted.

19. Existing Condition 16 is to be amended as follows:

    Cancel the approval 513/3-041033 granted by letter dated 2 March 2005 for a Material Change of Use to Residential Low Density for the area described as "Area A" on the submitted plan and bounded by Lots 1-23 and 76-85 and Reconfiguring a Lot by subdividing one lot into 74 lots plus a balance lot in writing, in accordance with S.3.5.26 of the *Integrated Planning Act 1997*, within twenty (20) business days of the sealing of the survey plan(s) for Stages 2 and 3 of the estate, or prior to the endorsement of any plan of survey related to this approval, whichever is the sooner.

Development Permit – Stages 4 and 5

20. Existing recommendation B is to be amended as follows:

    B. That the application for Development Permit (Stages 4 and 5 of the Augustus Estate) and Reconfiguring a Lot - Three (3) lots into 79 Residential Low Density lots, Open Space (Park) and a balance lot by Hervey Bay (JV) Pty Ltd C/- Conics (Brisbane) Pty Ltd in respect of land described as Lot 3 on SP 104344; Lot 5 on RP838850; Lot 7 on MCH3772 and Lot 1 RL8097 (Now described as Lots 85, 87 on SP198285, Lot 86 on SP198283 and Lot 1 on RL8097) and situated at Maryborough-Hervey Bay Road and Pialba-Burrum Heads Road, be approved generally in accordance with plan titled "Augustus – Hervey Bay Heads Road – Allotment Layout", Drawing Name 7403-14-PRO, Job Reference 7403-P, Plan Reference 7403-14M, dated 9 April 2009 and prepared by Conics (Brisbane) Pty Ltd, to the extent particularised below:

    - Submit an amended plan of development demonstrating that road access accommodating continuous forward movement for a refuse collection vehicle (HRV), or a suitable alternative access in accordance with Planning Scheme Policy 2 – Development Manual and to Council's satisfaction can be achieved, prior to proposed Lots 608-610 in Stage 5 being approved. When approved, such plans will form part of the endorsed plan under this permit.

      The development is subject to the following conditions, which must be met prior to the endorsement of the plan of survey or at any other time as may be specified in any particular condition. These conditions must be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition.

21. Existing Condition 1 is to be deleted.

22. Existing Condition 7 is to be amended as follows:

    Design the stormwater drainage such that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flow will occur, the applicant must demonstrate that no adverse impact, both upstream and downstream, will occur as a result of the development, to the satisfaction of Council.

23. Existing Condition 9 is to be amended as follows:

    The use of light pre-cast lintel and cast-in-situ top with concrete lids is not approved. All gully pits must incorporate a pre-cast lintel designed to provide for heavy vehicle loadings and a flush fitting manufactured lid/grate and frame. The type of gully pit used must be approved by Council prior to the commencement of any works.

24. Existing Condition 18 is to be amended as follows:

    Submit to and gain approval from Council as part of civil Operational Works for Stages 4 and 5 of the estate, a final and detailed design of the acoustic attenuation measures (i.e. combined landscaped earth mound, retaining structures and acoustic screen fence) as it relates to Stages 4 and 5 of the estate. The acoustic barrier must be consistent in engineering design, function and appearance for the length of the effective secondary road frontage to Maryborough-Hervey Bay Road or any shared boundary to the Open Space land between the estate and Maryborough-Hervey Bay Road. The attenuation must be consistent with the requirements of the Department of Main Roads and the modified boundary setbacks, including ancillary structures, outbuildings, pools and the like as indicated in the Provisions Overriding the Hervey Bay City Planning Scheme 2006 – Urban Design Guidelines – Table 2 – Lot and Dwelling Characteristics.

25. Existing Condition 40 is to be amended as follows:

    Discharge all stormwater run-offs through a stormwater quality improvement system, (i.e. rain garden, WSUD feature), prior to discharging into the existing conservation area to the satisfaction of Council.

26. Existing Condition 45 is to be deleted.

27. Existing Condition 48 is to be amended as follows:

Maintain any stormwater quality improvement device installed until such time as the whole of the up-stream contributing catchment is developed with a minimum of 80% housing or other period as approved by Council.

Carried Unanimously
513/3-061156

P&D 4.8 APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - EXTENSION TO EXISTING COMMUNITY FACILITY AND PRELIMINARY APPROVAL - BUILDING WORKS – LIONS CLUB OF MARYBOROUGH - LOCATED AT SALTWATER CREEK ROAD, MARYBOROUGH

MOVED (Nioa / MucKan)

That the application by Lions Club of Maryborough for a development permit for a Material Change of Use for extensions to an existing Community Facility be approved generally in accordance with the plans titled 'Site Layout Plan, Floor Plan, and Elevations (Sheets 1 and 2 of 2)' prepared by Carlsal Pty Ltd, 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 unless specified in any particular condition.

PRE-CONSTRUCTION

General

1. Ensure roof and wall materials/colours of the building do not reflect glare into the habitable rooms of any dwelling on adjoining allotments.

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

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

4. Obtain further Development Permits, as required by the *Integrated Planning Act 1997*, in respect of any works in relation to this approval before any such works are commenced.

CONSTRUCTION

Environmental Health

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

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

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

8. Do not undertake works during the following hours –

   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.

9. 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.

POST CONSTRUCTION

Stormwater

10. 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.

Carried Unanimously
MC.C09/00010 (F0009420)

P&D 4.9 APPLICATION FOR RECONFIGURING A LOT (1 LOT INTO 9 LOTS) – FRASER COAST REGIONAL COUNCIL – BARRON COURT, URANGAN

MOVED (Dalgleish / O'Connell)

That the application by Fraser Coast Regional Council for Reconfiguring a Lot (1 lot into 7 industrial lots, 1 'public use land' lot and 1 balance lot) in respect of Lot 158 on SP181751, located at Barron Court, Urangan, be approved to the extent particularised below:-

- Stage 1 – Development Permit.
- Stages 2 and 3 – Preliminary Approval.

The application is approved generally in accordance with the plan titled "Proposed Subdivision of Lots 1-9 & Proposed Emts A-H" dated 6 February 2009, subject to the following conditions which must be met prior to the approval of the relevant plan of survey or at such other time as may be specified in the terms set out hereunder.

CONDITIONS APPLICABLE TO DEVELOPMENT PERMIT – STAGE 1

PRE-CONSTRUCTION

General

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

2. Prior to commencement of any works on site, submit an Operational Works application for approved by the Council. The Operational Works application shall include design plans detailing measures to be used to mitigate any adverse stormwater runoff effect generated on-site. The stormwater management measures must incorporate water sensitive urban design principles. The design shall be prepared by a registered professional engineer to the standards defined in Council's Development Manual.

3. Submit engineering drawings detailing all civil engineering site works and stormwater design within the site to Council in conjunction with the operational works and building works applications and approval gained from Council prior to any work commences onsite. Works of a substantial nature require a separate operational works approval. All such works are to be completed to Council's satisfaction prior to the sealing of the plan of survey.

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

Staging

5. Stage the reconfiguration in accordance with plan titled "Proposed Subdivision of Lots 1-9 & Proposed Emts A-H" dated 6 February 2009 as follows:-

Stage 1 Proposed Lots 1, 2, 3 and 8;
Stage 2 Proposed Lots 4 and 5; and
Stage 3 Proposed Lots 6, 7 and 9.

6. Dedicate the full length of the proposed new road and fully construct the new road to the southern boundary of proposed Lot 1 as part of Stage 1. Construct the balance of the new road through to Round Island Road as part of Stage 3.

Landscaping

7. Submit a Landscape Enhancement Plan prepared by a suitably qualified landscape professional that achieves the following:

   a) landscape plantings, including street trees, that incorporate at least 75% local endemic plant species. The "Recommended Plant List for Developers" prepared by the Hervey Bay City Council is available in this regard;

   b) include a mixture of shrubs and trees;

   c) a schedule of all proposed trees, shrubs and ground cover, including the location and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material;

   d) The provision of appropriate street trees within the new road and Round Island Road, selected from Appendix B of Planning Scheme Policy 2;

   e) measures to protect all retained existing trees through the construction phase of the project; and

   f) measures to ensure that the planted trees will be retained and managed to allow growth of the trees to mature size as well as ensure building integrity.

   The Landscape Enhancement Plan shall be submitted to Council for the approval by the Executive Manager Development Assessment prior to the sealing of the plan of survey.

8. Rehabilitate cleared, degraded and disturbed areas within the proposed open space dedication. The rehabilitation is to occur in accordance with a rehabilitation plan prepared by a suitably qualified and experienced person which is to include, but not be limited to, the following matters:-

   a) appropriate rehabilitation and restoration methods for bed/banks and in-stream and waterway vegetation;

   b) management measures for weed species;

   c) consideration of fauna habitat for species covered by the RAMSAR agreement;

d) proposed planting regimes (utilising species appropriate to the area); and

e) proposed measures for the protection of vegetation and habitat whilst rehabilitation works are being undertaken.

Submit the rehabilitation plan to Council for endorsement prior to the commencement of any works on the subject site.

Electricity

9. Enter into an agreement with an approved electricity provider to ensure that electricity will be available to each proposed lot under standard tariff conditions and without further capital contributions.

Administrative

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

Construction Management

11. Submit to and gain approval from Council, prior to approval of Operational Works, a Construction Management Plan for all site works, including Operational Works, Building Works and landscaping works within and external to the site. The Plan must include, but not necessarily be limited to the following:

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

(b) owner's permission for parking on other land;

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

(d) 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 in any adjoining streets including the pavement, kerb, channel, cross-overs to adjoining properties and verges;

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

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

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

(h) incorporation of erosion and sediment control measures;

(i) location of site sheds and facilities; and

(j) protection of adjoining assets, including protection of adjoining wetland areas, from construction activities.

CONSTRUCTION

General

12. Provide drainage easements or reserves as may be required for all overland stormwater flows (especially through proposed Lots 2, 3 and 7) and drainage structures of 300mm diameter pipe (or equivalent) or greater, traversing land within the development (other than roads and parklands). The easements or reserves shall be a minimum width of 3 metres or such greater width as necessary to convey the fully developed flow with the appropriate clearance required by Council Policy. All easement and reserves are to be provided at no cost to Council.

13. Do not commence any works that will revert to Council control or any works that are within a Council-controlled road reserve unless the name of the Principal Contractor has been advised to Council and evidence has been provided to Council that all notifications under the *Workplace Health and Safety Act* have been completed. In the event that a Principal Contractor is not appointed by the applicant, the Applicant shall be the Principal Contractor and shall be responsible to ensure compliance with the *Workplace Health and Safety Act*.

Stormwater Discharge

14. Construct site-specific stormwater drainage (as per the approved design) 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 – Development Manual.

15. Construct stormwater drainage measures for the proposed development or grade the site such that concentrated stormwater runoffs from all the proposed lots are adequately drained to legal points of discharge and thus do not cause nuisance to the proposed lots and adjoining properties.

16. Ensure that the constructed stormwater management system or site works do not cause an increase of the existing flooding risk or alter the drainage pattern of properties that are upstream, downstream or adjacent to the subject site and do not cause an increase of the existing flooding risk and hazard to the proposed new lots themselves.

17. Stormwater runoff from the site shall be collected within the site and discharged via a train of stormwater quality improvement devices (SQIDs) designed such that the post-development discharge water quality is of a no lesser standard than the pre-development discharge quality. The SQIDs shall be in accordance with an engineering design approved by the Council.

Roads and Footpaths

18. Construct the proposed new road to the southern boundary of Proposed Lot 1 as an industrial access street in accordance with Council's Development Manual. The pavement width must not be less than 12 metres in accordance with Table 3.2.2.1 of the Development Manual.

19. Construct a 1.5 metre wide concrete footpath (or approved equivalent) along the eastern side of the proposed new roadway from Barron Court to the southern boundary of proposed Lot 1.

Access

20. Construct a reinforced concrete industrial type crossing in accordance with Council Standard Drawing R-08 across the road verge at each point of entry to or exit from each lot.

Water Supply

21. Provide water supply connections in accordance with the requirements of Wide Bay Water Corporation.

22. Contain water services to each individual lot wholly within the lot to which they are connected.

Sewerage

23. Provide sewerage connections in accordance with the requirements of Wide Bay Water Corporation.

Environmental Health

24. Carry out the development in accordance with the endorsed Construction Management Plan.

25. Do not carry out operational works in a way that makes or causes audible noise to be made from the building work within the following hours
    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.

26. Confine on site all airborne hazards including concrete dust, wood shavings, dust and other emissions, such as ash, fumes, light, odour or smoke from the building work.

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

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

29. Collect and dispose of any spills of soil or other material from the road or gutter upon completion of each days construction work. 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.

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

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

POST-CONSTRUCTION

Environmental Management

32. Future site development on the created lots must implement best practice environmental management in order to maintain the values of the adjoining RAMSAR wetland. To this end, at the time of making a material change of use application over each of the created lots, submit a site based management plan for approval by the Council.

Administration

33. Submit a plan sealing report demonstrating or certifying compliance with each development condition with any request for plan sealing to create separate titles.

34. Submit a plan shall to Council prior to approval of the plan of survey showing the locations of all existing buildings including services, structures, dams and other improvements on the land in relation to the proposed new boundaries and the distances there from. The plan shall 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.

    - the distances from the proposed new boundaries of all buildings and structures shown hereon generally conform to the boundary clearance requirements for side and rear boundaries as specified the *Building Act 1975* and Council's Planning Scheme.

    - All services to the existing building from the reticulation mains are contained wholly within the subject lot.

    .....
    (Signature)"

35. Pay all outstanding rates, sewerage, cleaning or water charges or other charges due to Council, prior to endorsement of the plan of survey. Where arrangements have been made with Council to pay the rates and charges on an instalment basis, all unpaid and outstanding instalments shall be paid prior to endorsement of the survey plan.

Landscaping

36. Complete the landscaping shown on the endorsed plan prior to endorsement of the survey plan and properly maintain at all times to a standard satisfactory to Council.

37. Complete all rehabilitation works within Proposed Lot 8 required by the endorsed rehabilitation plan prior to the endorsement of the survey plan.

CONDITIONS APPLICABLE TO PRELIMINARY APPROVAL - STAGES 2 & 3

PRE-CONSTRUCTION

Stages 2 and 3

38. Stages 2 and 3 of the development are approved for a Preliminary Approval only. Further application(s) for a Development Permit for Reconfiguring a Lot for these stages must be submitted to Council within the relevant period for this approval.

39. Submit a report prepared by a suitably qualified and experienced person addressing the potential impacts upon wetland values as outlined in the Environmental Protection Agency's Advice Agency Response - Wetlands dated 23 November 2007 as part of any application for a Development Permit for Stages 2 and 3,. Amend the lot layout and setback distances to Pulgul Creek for Stages 2 and 3 where necessary to respond to the findings and recommendations of the said report.

Site Based Management Plan and Rehabilitation Plan

40. Prepare and submit to Council as part of any application for a Development Permit for Stages 2 and 3 a site based management plan prepared by a suitably qualified and experienced person which incorporates, but is not limited to, the following matters:-

    a) buffering to minimise edge effects;

    b) fauna management and rehabilitation;

    c) weed control and management;

    d) management/control of feral animals; and

    e) maintenance of water quality entering Pulgul Creek.

General

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

Carried Unanimously
514/3-072139

Councillor O'Connell declared an interest in Item P&D 4.10 - Application for Development Permit for Material Change of Use – Educational Establishment – Fraser Coast Training Employment Support Service Inc – 9 Woocoo Drive, Oakhurst and left the meting.

P&D 4.10 APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – EDUCATIONAL ESTABLISHMENT – FRASER COAST TRAINING EMPLOYMENT SUPPORT SERVICE INC – 9 WOOCOO DRIVE, OAKHURST

MOVED (MucKan / Hovard)

A. That the application by Fraser Coast Training Employment Support Service Inc for a Development Permit for a Material Change of Use - Educational Establishment on land situated at 9 Woocoo Drive, Oakhurst, being Lot 35 RP218839, be approved generally in accordance with the plan submitted with the application marked in red 'Plan A', 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 the Council or Wide Bay Water Corporation unless specified in any particular condition:-

Defined Use

1. Carry out the approved use in accordance with the defined use of 'Educational Establishment' as defined in section 6.3 the 2006 Woocoo Shire Council Planning Scheme.

Hours of Operation

2. Limit the hours of operation to Monday to Friday between the hours of 8.00am and 6.00pm, unless otherwise approved in writing by the Executive Manager, Development Assessment.

Car Parking

3. Ensure on-site car parking areas and access driveways are kept available for these purposes at all times.

Waste

4. Maintain and operate an adequate waste refuse service so as not to cause a nuisance to users of the subject site and any adjoining properties or public areas to the satisfaction of the Executive Manager, Development Assessment.

5. Maintain the existing landscaping on the site, to the satisfaction of the Council.

Carried Unanimously
513/3-091035

Councillor O'Connell returned to the meeting.

P&D 5 OFFICERS' REPORTS – POLICY ITEMS

Nil

P&D 6 OFFICERS' REPORTS – OTHER ITEMS

P&D 6.1 OUTSTANDING RESOLUTIONS REPORT

MOVED (Nioa/ Arthur)

That the report be received and noted.

Carried Unanimously

P&D 6 OFFICERS' REPORTS – OTHER ITEMS

P&D 6.2 MONTHLY DEVELOPMENT ACTIVITY – APRIL 2009

MOVED (O'Connell / Hawes)

That the report be received and noted.

Carried Unanimously

P&D 7 QUESTIONS ON NOTICE

P&D 7.1 QUESTIONS ON NOTICE REGISTER UPDATE

MOVED (MucKan / Nioa)

That the report be noted.

Carried Unanimously

P&D 8 GENERAL BUSINESS

Nil

P&D 9 CONFIDENTIAL

Nil

P&D 10 PRESENTATION TO COUNCIL

Nil

There being no further business, the Meeting closed at 10.12am.

Minutes to be confirmed at the Planning & Development Committee Meeting No 5 held on 10 June, 2009.

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MAYOR