AGENDA FOR PLANNING & DEVELOPMENT COMMITTEE MEETING
TO BE HELD IN COMMITTEE ROOM, BUNDABERG
ON THURSDAY 05 AUGUST 2010, COMMENCING AT 9.00 AM

1 Apologies

2 Confirmation of Minutes
   B1 Planning & Development Committee Meeting - 22/07/10

3 Development
   N1 446 Moore Park Road, Moore Park Beach - Concurrence Agency Assessment – Design and Siting – Shed 2
   N2 49 Somerset Street, Gin Gin - Material Change of Use – Impact Assessment – Six (6) Multi-Residential Units - Request for a Negotiated Decision Notice 14
   N3 Isis Highway, 148 Eastaughffes Road & 6571 Isis Highway, Eureka - Lot Reconfiguration – Code Assessment – subdivision of 6 lots into 22 lots) 41
   N4 Boaga Road, Mullett Creek - Material Change of Use for General Industry 64
   N5 64 Jealous Road, Kalkie - Reconfiguring a Lot (Impact Assessment) for Subdivision - 37 Lots plus Drainage area (in 3 stages) 86

4 General Business

5 Meeting Close
Item Number: N1  
File Number: 332.2010.41.1  
Part: DEVELOPMENT

Portfolio:  
Planning & Development Services

Subject:  
446 Moore Park Road, Moore Park Beach - Concurrence Agency Assessment – Design and Siting – Shed

Report Author:  
Hamish McIntosh, Planning Officer

Authorised by:  
Wayne Phillips, Manager Planning (Coastal and Strategic)

Link to Corporate Plan:  
Nil -

Applicant:  
PT Gentle

Owner:  
GL Hinchy

Location:  
446 Moore Park Road, Moore Park Beach

RPD:  
Lot 1 on CK1536

Area:  
1.320 ha

Land Designation:  
Rural

Planning Scheme:  
Burnett Shire 2006
1. **Proposal:**

A letter of submission was received from P T Gentle (letter received or referral information received 02/06/2010) requesting Council’s consideration of a variation to the alternate siting requirements contained in the Burnett Shire Planning Scheme 2006. The variation sought relates to an alternate provision for the design and siting of sheds.

The proposal is to construct a thirty (30) metre by twelve (12) metre shed (360 square metres) located fifteen (15) metres in from the lots western and northern boundaries. The Application states that the area of the shed is necessary to house and repair a number of the applicant’s collectable vehicles (evidenced in the application). The shed will be constructed from paint bonded metal. The applicant is contracted to purchase the property.

The acceptable solutions of the Detached Dwelling and Domestic Storage Code dictate a maximum combined Gross Floor Area for Sheds on Rural allotments of 100 square metres.

The proposed shed is substantially over the maximum specified area. However the land is zoned rural and located immediately adjacent to a large rural allotment where sheds of this scale could be expected. Code provisions relate predominantly to the appearance of sheds in a particular setting. In addition to the predominant rural context, the shed will be largely invisible from Moore Park Road due to topography and existing vegetation on the site. The Applicant has provided sufficient evidence to demonstrate that the shed is only to be used for domestic purposes associated with the principle use of the land. It will however be prudent to condition this matter under this concurrence agency approval.

**Attachments:**

1. Locality Plan (Plain)
2. Locality Plan (Aerial)
3. Proposal Plan
4. Decision Notice
5. Photos

**Recommendation:**

It is recommended Council agree to this proposal subject to the conditions included within the attached concurrence agency response.
Plan Sheet

Customer: Peter And Sandra Gentle
Site Address: 446 Moore Park Rd
City: Moore Park
State: QLD 4670
Proprietor: 14460-23824-D-Gentle
Lot on RFP: Parish
County: Wind Speed: C61

These drawings are to be read in conjunction with Garage World standard structural detail drawings. Use figured dimensions only.
Note: Drawing is NOT TO SCALE

1. FRONT ELEVATION
2. RIGHT ELEVATION
3. REAR ELEVATION
4. LEFT ELEVATION

Attachment 3 - Proposal Plan
5 August 2010

P T Gentle
13 Egret Lane
MOORE PARK BEACH QLD 4670

Attn: Peter Gentle

Dear Sir,

RE: Concurrence Agency Response for Building Works Application for Design & Siting- Shed at 446 Moore Park Road MOORE PARK BEACH; land described as Lot: 1 CK: 1536, County Cook, Parish Gooburrum.

I refer to the above-described development application, lodged with Council on 2 June 2010. This request has been assessed by Council and approved under delegation by the Planning and Development Committee Meeting held on 5 August 2010.

Council (for siting and design) as a Concurrence Agency has assessed the impact of the proposed development and has no objection to the Assessment Manager issuing a development permit. The conditions and advices that apply to the proposed development are included within the attached schedules.

This response is provided in accordance with Section 271 of the SPA ‘Referral agency response before application is made’.

This response (inclusive of conditions and advices) is valid for two (2) years from the date of this letter.

Please quote Council’s application number: 332.2010.41.1 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this matter or wish to schedule a meeting, please contact H Mcintosh on phone 1300 883 699.

Yours faithfully

P.J Byrne
Chief Executive Officer

Our Reference: 332.2010.41.1
Contact Person: H Mcintosh
Enclosures:  
Schedule 1 – Concurrence Agency’s Conditions; 
Schedule 2 – Concurrence Agency’s Advices; 
Approved Plans; 
Extract from the *Sustainable Planning Act 2009*. 
Schedule 1
Concurrence Agency’s Conditions

<table>
<thead>
<tr>
<th>Council Reference:</th>
<th>332.2010.41.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>P T Gentle</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>G L Hinchy</td>
</tr>
<tr>
<td>Real Property Description:</td>
<td>Lot: 1 CK: 1536, County Cook, Parish Gooburrum</td>
</tr>
<tr>
<td>Location:</td>
<td>446 Moore Park Road MOORE PARK BEACH</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Design &amp; Siting - Shed</td>
</tr>
</tbody>
</table>

**Development Conditions**

1. Subject to the issue of a development permit for building works;

2. Subject to the successful transfer of title for Lot 1 on CK 1536 to Peter Gentle and Sandra Gentle;

3. The proposed buildings are to be sited in accordance with the plans submitted –

<table>
<thead>
<tr>
<th>Plan/Document number</th>
<th>Plan/Document name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>332.2010.41.1</td>
<td>Site Plan, Floor Plan and Elevations</td>
<td>July 2010</td>
</tr>
</tbody>
</table>

4. The external roof and walls of the shed must be finished in paint bonded metal (colorbond) or timber or brick and coloured in tones sympathetic to the surrounding Rural area or compatible with the existing dwelling on the Lot. This excludes the use of zincalume wall cladding or similar exterior finish;

5. The shed must not be used as a separate domicile / dwelling or used for an industrial / business use unless a valid Planning Approval is granted for such uses. The shed can only be used by residents of the property.

6. This determination relates to the proposed development’s compliance with the Performance Criteria contained in the Burnett Shire Planning Scheme 2006. This development must comply with the acceptable solutions of all other relevant aspects of this part of the development code and any applicable requirements of the relevant Planning Scheme;

**End of Schedule 1**
Schedule 2
Concurrence Agency’s Advices

<table>
<thead>
<tr>
<th>Council Reference:</th>
<th>332.2010.41.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>P T Gentle</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>G L Hinchy</td>
</tr>
<tr>
<td>Real Property Description:</td>
<td>Lot: 1 CK: 1536, County Cook, Parish Gooburrum</td>
</tr>
<tr>
<td>Location:</td>
<td>446 Moore Park Road MOORE PARK BEACH</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Design &amp; Siting - Shed</td>
</tr>
</tbody>
</table>

**Development Advice**

1. Lot 1 on CK 1536 will have the following property note recorded:

   "The thirty (30) metre by twelve (12) metre shed Approved under approval reference 332.2010.41.1 must not be used as a separate domicile / dwelling or used for an industrial / business use unless a valid Planning Approval is granted for such uses."

**End of Schedule 2**
Item Number: N2  
File Number: 322.2009.27530.1  
Part: DEVELOPMENT

**Portfolio:**
Planning & Development Services

**Subject:**
49 Somerset Street, Gin Gin; Material Change of Use – Impact Assessment – Six (6) Multi-Residential Units - Request for a Negotiated Decision Notice

**Report Author:**
Aaron Kelly, Planning Officer

**Authorised by:**
Rob Thompson, Manager Planning (City & Hinterland)

**Link to Corporate Plan:**
Nil -

**Applicant:**
Sommerfeld Jensen Campbell Pty Ltd

**Owner:**
AP Humphrey & IJ Humphrey

**Location:**
49 Somerset Street, Gin Gin

**RPD:**
Lot 32 on G23118, County Cook, Parish Gin Gin

**Area:**
4,047 m²

**Land Designation:**
Residential Zone

**Planning Scheme:**
Planning Scheme for the Kolan Shire
1. **Background:**

By Notice dated 26 May 2010 Council approved Six (6) Multi-Residential Units at 49 Somerset Street, Gin Gin. By letter dated 22 June 2010 the Applicant suspended their appeal period and made representations regarding Conditions contained within the Decision Notice.

**Applicants Representations**

The Applicant’s Representations relate to fencing Conditions, notably Conditions (12) and (16), viz:

“(12) The provision of a 1.8 metre high solid screen fence along the side and rear boundaries of the subject site, commencing from the front boundary of the subject property. From the front building line of the structure to the front boundary of the site such fencing may be reduced to a height of 1.2 metres with exception of any private open space areas between the main building line and Somerset Street. The total cost of this new fencing is to be met by the developer.

This Condition includes the extension of the height of the existing fence where the site adjoins Lot 1 on RP95947 where it does not comply with the above requirement;

The Applicant requests that the second part of this Condition be deleted. The Applicant argues that existing fence in between the Day Care Centre and the proposed units is sufficient and that the extension of the height of the fence from 1.2 metres to 1.8 metres at this location is not warranted as the fencing in this location adjoins the Day Care Centre carparking area.

and;

“(16) Fencing to the rear of the units is to be located on the Stormwater Drainage Easement boundary;”

The Applicant requests that this Condition be deleted arguing that no fencing is warranted to the rear of units 4 and 5 bordering the stormwater drainage easement boundary including to the Aplin Terrace site frontage and to the side boundaries of the allotment where it adjoins Lot 1 and 2 on RP155018. The Applicant states that such fencing would restrict landscaping areas and outlooks over the drain to the rear of the proposed units 4 and 5.

**Considerations**

It is considered the Applicant’s request to delete the requirement for the extension of the height of the fence from 1.2 metres to 1.8 metres where it currently does not exist be agreed to.

It is seen that the privacy from the proposed Units 1 and 2, which are orientated towards the carparking area for the Day Care Centre, will not be compromised by retaining the existing 1.2 metre high fence which increases in height to 1.8 metres at the building line of the Day Care Centre which is set back from the front property boundary some twenty (20) metres.

In relation to the Applicant’s request to delete all Conditions requiring fencing to the rear of the site which has a frontage to Aplin Terrace it is recommended Council agree to this request in part.
The screening of screen clothes drying areas to the rear of units is considered a necessary requirement of the Planning Scheme. While the Aplin Terrace Street frontage is the best part of fifty (50) metres from the rear of Units 4 and 5 it should not negate the amenity consideration of screening clothes drying areas from the street frontage. It is recommended that this Condition be amended to require fencing that screens the clothes drying areas from view.

Due to the depth of the site privacy and amenity without a complete rear fence, or any fence bordering the drainage easement is not considered to be a concern in this instance. An amendment to Condition 12 is recommended that would ultimately require the deletion of Condition (16).

Additionally to this, the fencing Condition can also be further modified so that no side boundary fencing includes any part of the stormwater drainage easement.

**Conclusions**

That Fencing Condition (12) be amended as follows:

“(12) The provision of a 1.8 metre high solid screen fence along the side boundaries of the subject site except where the site is traversed by drainage easements, commencing from the front boundary of the subject property. From the front building line of the structure to the front boundary of the site such fencing may be reduced to a height of 1.2 metres with exception of any private open space areas between the main building line and Somerset Street. Clothes drying areas are to be screened from view to any street frontage. The total cost of this new fencing is to be met by the developer.

This Condition precludes the existing fence where the site adjoins Lot 1 on RP95947 where it does not comply with the above requirement and this fence may be retained;

and;

Fencing Condition (16) be deleted

**Attachments:**

2 Original Decision Notice
3 Negotiated Decision Notice

**Recommendation:**

That the Applicant be advised that Council has considered the submitted request for a Negotiated Decision Notice relating to application (Council Reference Number 322.2009.27530.1) for Material Change of Use – Impact Assessment – Six (6) Multi-Residential Units at 49 Somerset Street, Gin Gin; land described as Lot 32 on G23118, County Cook, Parish Gin Gin, and

(i) agrees to the amendment of Condition 12 (Fencing);
(ii) agrees to the deletion of Condition 16 (Fencing);
(iii) agrees to issue the attached Negotiated Decision Notice, including attachments.
26 May 2010

Sommerfeld Jensen Campbell Pty Ltd
PO Box 1688
BUNDABERG QLD 4670

Attention: Mr. Geoff Campbell

Dear Sir,

**Development Application Decision Notice**
**Approval**
*Integrated Planning Act 1997 Section 3.5.15*

**RE:** Development Application for Material Change of Use – Impact Assessment - for Six (6) Multi Residential Units at 49 Somerset Street, Gin Gin; land described as Lot 32 on G23118 (proposed Lot 50), County Cook, Parish Gin Gin;

- Planning Scheme for the Kolan Shire.

I refer to the above-described development application, received by Council on 16 December, 2009. This application has been assessed by Council and approved under delegation by the Planning and Development Committee, with conditions on the 26 May 2010.

1. **Details of Approval**
   Development Permit for Material Change of Use – Impact Assessment for Six (6) Multi Residential Units.

2. **Referral Agencies**
   Concurrency Agencies: Nil.
   Advice Agencies: Nil.

Our Reference: 322.2009.27530.1
Contact Person: Aaron Kelly
3. Approved Plans

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Plan Name</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9124-S1</td>
<td>Proposed Multi Unit</td>
<td>Sommerfeld Jensen Campbell Pty Ltd</td>
<td>May 2010</td>
</tr>
<tr>
<td></td>
<td>Development</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Page Number</th>
<th>Plan Name</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>091108</td>
<td>SK5</td>
<td>Units 5 &amp; 6 Floor Plan</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK8</td>
<td>Units 5 &amp; 6 Elevations</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK3</td>
<td>Units 3 &amp; 4 Floor Plan</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK4</td>
<td>Units 3 &amp; 4 Elevations</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK1</td>
<td>Units 1 &amp; 2 Floor Plan</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK2</td>
<td>Units 1 &amp; 2 Elevations</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
</tbody>
</table>

4. Assessment Manager’s Conditions and Advices

Assessment Manager’s Conditions: As per attached Schedule 1.
Assessment Manager’s Advices: As per attached Schedule 2.


6. Further Development Permits Required

The following development permits are necessary to allow the development to be carried out:

- Building Works – Assessable against the Building Codes of Australia Act 1975 and the Building Regulations 2006;
- Plumbing and Drainage Works – Assessable against the Plumbing and Drainage Act 2002;
- Operational Works – Assessable against the Planning Scheme for the Kolan Shire.

7. Submissions

There was One (1) properly made submission about the application. In accordance with s 3.5.15(2)(j) of the IPA, the name and address of the principal submitter for each properly made submission are as follows:

<table>
<thead>
<tr>
<th>Name of PrincipalSubmitter</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greg and Carmel Savage</td>
<td>2 Lynn Street</td>
</tr>
<tr>
<td></td>
<td>GIN GIN QLD 4671</td>
</tr>
</tbody>
</table>
8. **Rights of Appeal**

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

9. **When the Development Approval Takes Effect**

This development approval takes effect as per set out by s 3.5.19 of the *Integrated Planning Act 1997*.

Yours faithfully,

(Peter Byrne)
Chief Executive Officer

Enclosures: Schedule 1 – Assessment Manager’s Conditions;
Approved Plans;
Extract from the *Integrated Planning Act 1997*. 
Schedule 1
Assessment Manager’s Conditions

Development Permit for Material Change of Use
– Impact Assessment

| Council Reference: | 322.2009.27530.1 |
| Development Permit Date: | 26 May 2010 |
| Applicant: | Sommerfeld Jensen Campbell Pty Ltd |
| Property Owner: | A. P. Humphrey & I. J. Humphrey |
| Real Property Description: | Lot 32 on G23118, County Cook, Parish Gin Gin |
| Location: | 49 Somerset Street, Gin Gin |
| Approved Use: | Six (6) Multi Residential Units |
| Planning Scheme: | Planning Scheme for the Kolan Shire |
| Land Designation: | Residential Zone |

Development Conditions

Approved Plans

1. The proposed development is to be generally constructed in accordance with
   Conditions contained within this notice and the following Approved Plans;

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Plan Name</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9124-S1</td>
<td>Proposed Multi Unit Development</td>
<td>Sommerfeld Jensen Campbell Pty Ltd</td>
<td>May 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Page Number</th>
<th>Plan Name</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>091108</td>
<td>SK5</td>
<td>Units 5 &amp; 6 Floor Plan</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK6</td>
<td>Units 5 &amp; 6 Elevations</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK3</td>
<td>Units 3 &amp; 4 Floor Plan</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK4</td>
<td>Units 3 &amp; 4 Elevations</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK1</td>
<td>Units 1 &amp; 2 Floor Plan</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK2</td>
<td>Units 1 &amp; 2 Elevations</td>
<td>Design Direct</td>
<td>1 December, 2009</td>
</tr>
</tbody>
</table>

Commencement of Works

2. This Development may not commence until a Final Plan of Survey has been
   endorsed by Council for the proposed Lot 50 on the site;
Schedule 1 – Assessment Manager's Conditions 26 May 2010

Infrastructure Contributions

3. Payment of Road Contributions in accordance with the adopted Planning Scheme Policy 6 – Road Contributions contained within the Planning Scheme for the Kolan Shire is required prior to commencement of the development. The total cost of the Contribution, based on a contribution of $900 per dwelling unit generated by the development is $5,400.00;

Water Supply

4. The Developer is to provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the proposed development;

5. Sub-meters shall be installed in accordance with the Water and Other Legislation Amendment Act 2007;

6. Arrangements for the installation of any new metered service and sub meters, or removal of an existing service, are to be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section. All works are to be undertaken by Council at the Developer's expense;

Sewerage

7. The Developer shall:-

7.1 locate the proposed buildings clear of the existing site sewerage reticulation; and

7.2 provide appropriate footings to the structures such that no extra loading is exerted on the Council sewerage infrastructure prior to what was exerted before construction of the building;

8. All live sewer work, including any new sewer point of connection, is to be undertaken by Council at the Developer's expense;

Stormwater Drainage

9. The nominated stormwater discharge point for the proposed units is to be the open drain at the Aplin Terrace frontage;
Schedule 1 – Assessment Manager’s Conditions 26 May 2010

Carparking

10. Provision of a car parking and vehicle manoeuvring area in accordance with the approved plan and Council’s requirements. Such car parking, access and manoeuvring areas are to be:-

10.1 constructed and sealed with bitumen, asphalt, concrete or approved pavers;
10.2 line-marked into parking bays;
10.3 designed to include a manoeuvring area to allow vehicles to leave the site in a forward gear;
10.4 designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
10.5 drained to the relevant site discharge point;
10.6 designed in accordance with AS/NZS2890.1-2004; ‘Parking Facilities Part 1: Off-street Car Parking’;

Landscaping

11. Landscaping of the site is to:-

11.1 Consist of the construction of permanent garden beds planted with trees and shrubs, with particular attention to the street frontages of the site.

Landscaping is to be completed prior to the premises being occupied and is to be maintained while the use of the premises for the ‘approved use’ continues;

11.2 Include species recognised for their low water requirements and is to be provided with an approved controlled underground or drip watering system.

Any such system shall be fitted with an approved testable backflow prevention device at the Developer’s expense. Please liaise with Council’s Building Services and Water Operations Sections in this regard;

Fencing

12. The provision of a 1.8 metre high solid screen fence along the side and rear boundaries of the subject site, commencing from the front boundary of the subject property. From the front building line of the structure to the front boundary of the site such fencing may be reduced to a height of 1.2 metres with exception of any private open space areas between the main building line
Schedule 1 – Assessment Manager’s Conditions 26 May 2010

and Somerset Street. The total cost of this new fencing is to be met by the developer.

This Condition includes the extension of the height of the existing fence where the site adjoins Lot 1 on RP95947 where it does not comply with the above requirement;

13. The erection of a second boundary line fence parallel to any existing boundary fence, is prohibited, thereby preventing the creation of an unmaintainable area between two fences that may attract or harbour vermin or pests;

14. Should any existing fence provide insufficient screening then the Developer may, by agreement with the owner/s of the neighbouring property, replace the existing fence wholly at the developer’s expense. Any replacement fence must comply with the requirements of this approval;

15. Should any existing fence not comply with the requirements of this approval then the Developer must replace said fencing in accordance with the requirements of this approval;

16. Fencing to the rear of the units is to be located on the Stormwater Drainage Easement boundary;

Air Conditioners

17. Air Conditioning units are to be designed, installed, maintained, and operated so that noise emissions are within the limits imposed by the Environmental Protection Act, Regulations and Policies;

18. Condensation from air conditioning units is to be discharged to the sewerage system;

Lighting

19. External lighting is to be designed in accordance with AS4282-1997: ‘Control of the Obtrusive Effects of Outdoor Lighting’ so as not to cause nuisance to nearby residents or passing motorists;

Bin Storage

20. The Developer is to provide a sufficient area for the storage of all waste bins. This area is to be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment;
Filling of Land

21. Placement of fill material within the subject land as part of the development works is to comply with the "Filling and Excavation Code" prescribed within the Planning Scheme for the Kolan Shire. All fill material to be placed on the subject lots is to be tested and structurally certified in accordance with this Code. Such certification is to be provided prior to Council's endorsement of any Final Plan of Survey;

End of Schedule 1
5 August 2010

Sommerfeld Jensen Campbell Pty Ltd
PO Box 1688
BUNDABERG QLD 4670

Attention: Mr. Geoff Campbell

Dear Sir,

**Negotiated Decision Notice**

*Integrated Planning Act 1997 Section 3.5.17*

RE: – Development Application for Material Change of Use – Impact Assessment – Six (6) Multi-Residential Units at 49 Somerset Street, Gin Gin; land described as Lot 32 on G23118, County Cook, Parish Gin Gin;

– Planning Scheme for the Kolan Shire;

– Request for a Negotiated Decision Notice.

I refer to the above-described Negotiated Decision Notice request, received by Council on 22 June, 2010. This request has been assessed by Council and approved under delegation by the Planning and Development Committee Meeting held on the 5 August 2010. This negotiated decision notice replaces the decision notice previously issued by Smart eDA, dated 28 May, 2010.

1. **Nature of the Changes**

The nature of the changes (highlighted in bold/italic print) are:-

The deletion of Conditions 12 and 16, thereto reading as follows:

“(12) The provision of a 1.8 metre high solid screen fence along the side and rear boundaries of the subject site, commencing from the front boundary of the subject property. From the front building line of the structure to the front boundary of the site such fencing may be reduced to a height of 1.2 metres with exception of any private open space areas between the main building line and Somerset Street. The total cost of this new fencing is to be met by the developer.
This Condition includes the extension of the height of the existing fence where the site adjoins Lot 1 on RP95947 where it does not comply with the above requirement;

and;

“(16) Fencing to the rear of the units is to be located on the Stormwater Drainage Easement boundary;”

And replacement of the following in its stead:

“(12) The provision of a 1.8 metre high solid screen fence along the side boundaries of the subject site except where the site is traversed by drainage easements, commencing from the front boundary of the subject property. From the front building line of the structure to the front boundary of the site such fencing may be reduced to a height of 1.2 metres with exception of any private open space areas between the main building line and Somerset Street. Clothes drying areas are to be screened from view to any street frontage. The total cost of this new fencing is to be met by the developer.

This Condition precludes the existing fence where the site adjoins Lot 1 on RP95947 where it does not comply with the above requirement and this fence may be retained;

2. Details of Approval


3. Referral Agencies

Concurrence Agencies: Nil.
Advice Agencies: Nil.

4. Approved Plans

<table>
<thead>
<tr>
<th>PLAN NUMBER</th>
<th>PLAN NAME</th>
<th>PREPARED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9124-S1</td>
<td>PROPOSED MULTI UNIT DEVELOPMENT</td>
<td>SOMMERFELD JENSEN CAMPBELL PTY LTD</td>
<td>MAY 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT NUMBER</th>
<th>PAGE NUMBER</th>
<th>PLAN NAME</th>
<th>PREPARED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>091108</td>
<td>SK5</td>
<td>UNITS 5 &amp; 6 FLOOR PLAN</td>
<td>DESIGN DIRECT</td>
<td>1 DECEMBER, 2009</td>
</tr>
</tbody>
</table>
5. Assessment Manager’s Conditions and Advices
   Assessment Manager’s Conditions: As per attached Schedule 1.
   Assessment Manager’s Advices: Nil.


7. Further Development Permits Required
   The following development permits are necessary to allow the development to be carried out:-
   
   o Building Works – Assessable against the Building Codes of Australia Act 1975 and the Building Regulations 2006;
   o Plumbing and Drainage Works – Assessable against the Plumbing and Drainage Act 2002;
   o Operational Works – Assessable against the Planning Scheme for the Kolan Shire.

8. Submissions
   There was one (1) properly made submission about the application. In accordance with s 3.5.15(2)(j) of the IPA, the name and address of the principal submitter for the submission is as follows:-

<table>
<thead>
<tr>
<th>NAME OF PRINCIPAL SUBMITTER</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>GREG AND CARMEL SAVAGE</td>
<td>2 LYNN STREET</td>
</tr>
<tr>
<td></td>
<td>GIN GIN QLD 4671</td>
</tr>
</tbody>
</table>
9. **Rights of Appeal**
   Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision.

10. **When the Development Approval Takes Effect**
    This development approval takes effect as per set out by s 3.5.19 of the *Integrated Planning Act 1997*.

Yours faithfully

(Peter Byrne)
Chief Executive Officer

Enclosures: Schedule 1 – Assessment Manager’s Conditions; Approved Plans; Extract from the *Integrated Planning Act 1997*. 
Schedule 1
Assessment Manager’s Conditions
(Negotiated Decision Notice)

Development Permit for Material Change of Use
- Impact Assessment

COUNCIL REFERENCE: 322.2009.27530.1
NEGOTIATED DECISION DATE: 5 AUGUST 2010
APPLICANT: SOMMERFELD JENSEN CAMPBELL PTY LTD
PROPERTY OWNER: A. P. HUMPHREY & I. J. HUMPHREY
REAL PROPERTY DESCRIPTION: LOT 32 ON G23118, COUNTY COOK, PARISH GIN GIN
LOCATION: 49 SOMERSET STREET, GIN GIN
APPROVED USE: SIX (6) MULTI-RESIDENTIAL UNITS
LAND DESIGNATION: RESIDENTIAL ZONE

Amended Development Conditions

Approved Plans

1. The proposed development is to be generally constructed in accordance with Conditions contained within this notice and the following Approved Plans;

<table>
<thead>
<tr>
<th>PLAN NUMBER</th>
<th>PLAN NAME</th>
<th>PREPARED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9124-S1</td>
<td>PROPOSED MULTI UNIT DEVELOPMENT</td>
<td>SOMMERFELD JENSEN CAMPBELL PTY LTD</td>
<td>MAY 2010</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROJECT NUMBER</th>
<th>PAGE NUMBER</th>
<th>PLAN NAME</th>
<th>PREPARED BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>091108</td>
<td>SK5</td>
<td>UNITS 5 &amp; 6 FLOOR PLAN</td>
<td>DESIGN DIRECT</td>
<td>1 DECEMBER, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK6</td>
<td>UNITS 5 &amp; 6 ELEVATIONS</td>
<td>DESIGN DIRECT</td>
<td>1 DECEMBER, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK3</td>
<td>UNITS 3 &amp; 4 FLOOR PLAN</td>
<td>DESIGN DIRECT</td>
<td>1 DECEMBER, 2009</td>
</tr>
<tr>
<td>091108</td>
<td>SK4</td>
<td>UNITS 3 &amp; 4 ELEVATIONS</td>
<td>DESIGN DIRECT</td>
<td>1 DECEMBER, 2009</td>
</tr>
</tbody>
</table>
Commencement of Works

2. This Development may not commence until a Final Plan of Survey has been endorsed by Council for the proposed Lot 50 on the site;

Infrastructure Contributions

3. Payment of Road Contributions in accordance with the adopted Planning Scheme Policy 6 – Road Contributions contained within the Planning Scheme for the Kolan Shire is required prior to commencement of the development.

The total cost of the Contribution, based on a contribution of $900 per dwelling unit generated by the development is $5,400.00;

Water Supply

4. The Developer is to provide a metered service, and internal infrastructure as required, to satisfy the fire fighting and water supply demands of the proposed development;

5. Sub-meters shall be installed in accordance with the Water and Other Legislation Amendment Act 2007;

6. Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, are to be made with Council’s Water and Wastewater Infrastructure Planning Technical Support Section. All works are to be undertaken by Council at the Developer’s expense;

Sewerage

7. The Developer shall:-
7.1 locate the proposed buildings clear of the existing site sewerage reticulation; and

7.2 provide appropriate footings to the structures such that no extra loading is exerted on the Council sewerage infrastructure prior to what was exerted before construction of the building;

8. All live sewer work, including any new sewer point of connection, is to be undertaken by Council at the Developer’s expense;

Stormwater Drainage

9. The nominated stormwater discharge point for the proposed units is to be the open drain at the Aplin Terrace frontage;

Carparking

10. Provision of a car parking and vehicle manoeuvring area in accordance with the approved plan and Council’s requirements. Such car parking, access and manoeuvring areas are to be:-

10.1 constructed and sealed with bitumen, asphalt, concrete or approved pavers;
10.2 line-marked into parking bays;
10.3 designed to include a manoeuvring area to allow vehicles to leave the site in a forward gear;
10.4 designed to include the provision of fill and/or boundary retaining walls to allow for the containment and management of site stormwater drainage as required;
10.5 drained to the relevant site discharge point;

Landscaping

11. Landscaping of the site is to:-

11.1 Consist of the construction of permanent garden beds planted with trees and shrubs, with particular attention to the street frontages of the site.

Landscaping is to be completed prior to the premises being occupied and is to be maintained while the use of the premises for the ‘approved use’ continues;
11.2 Include species recognised for their low water requirements and is to be provided with an approved controlled underground or drip watering system. Any such system shall be fitted with an approved testable backflow prevention device at the Developer’s expense. Please liaise with Council’s Building Services and Water Operations Sections in this regard;

Fencing

12. The provision of a 1.8 metre high solid screen fence along the side boundaries of the subject site except where the site is traversed by drainage easements, commencing from the front boundary of the subject property. From the front building line of the structure to the front boundary of the site such fencing may be reduced to a height of 1.2 metres with exception of any private open space areas between the main building line and Somerset Street. Clothes drying areas are to be screened from view to any street frontage. The total cost of this new fencing is to be met by the developer.

This Condition precludes the existing fence where the site adjoins Lot 1 on RP95947 where it does not comply with the above requirement and this fence may be retained;

13. The erection of a second boundary line fence parallel to any existing boundary fence, is prohibited, thereby preventing the creation of an unmaintainable area between two fences that may attract or harbour vermin or pests;

14. Should any existing fence provide insufficient screening then the Developer may, by agreement with the owner/s of the neighbouring property, replace the existing fence wholly at the developer’s expense. Any replacement fence must comply with the requirements of this approval;

15. Should any existing fence not comply with the requirements of this approval then the Developer must replace said fencing in accordance with the requirements of this approval;

16. [Condition Deleted]

Air Conditioners
17. Air Conditioning units are to be designed, installed, maintained, and operated so that noise emissions are within the limits imposed by the Environmental Protection Act, Regulations and Policies;

18. Condensation from air conditioning units is to be discharged to the sewerage system;

**Lighting**

19. External lighting is to be designed in accordance with AS4282-1997: ‘Control of the Obtrusive Effects of Outdoor Lighting’ so as not to cause nuisance to nearby residents or passing motorists;

**Bin Storage**

20. The Developer is to provide a sufficient area for the storage of all waste bins. This area is to be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment;

**Filling of Land**

21. Placement of fill material within the subject land as part of the development works is to comply with the “Filling and Excavation Code” prescribed within the Planning Scheme for the Kolan Shire. All fill material to be placed on the subject lots is to be tested and structurally certified in accordance with this Code. Such certification is to be provided prior to Council’s endorsement of any Final Plan of Survey.

End of Schedule
Item Number: N3
File Number: 321.2008.20814
Part: DEVELOPMENT

Portfolio:
Planning & Development Services

Subject:
Isis Highway, 148 Eastauhffes Road & 6571 Isis Highway, Eureka - Lot Reconfiguration – Code Assessment – subdivision of 6 lots into 22 lots)

Report Author:
Alicia Otto, Planning Officer

Authorised by:
Wayne Phillips, Manager Planning (Coastal and Strategic)

Link to Corporate Plan:
Nil -

Applicant:
Wayne Say & Associates Pty Ltd

Owner:
JW Harney, PJ Harney & JT Harney

Location:
Isis Highway, 148 Eastauhffes Road & 6571 Isis Highway, Eureka

RPD:
Lot 131 & 132 on CK634, Lot 1 on CK290, Lot 1 on RP121838, Lot 128 on RP849757, Lot 129 on RP849758, County Cook, Parish Eureka

Area:
200.57, 283.062, 344.066, 80.732, 223.5, 132.8ha

Land Designation:
Rural

Planning Scheme:
Planning Scheme for the Balance of the Shire of Isis

Proposal
A development application has been lodged with Council seeking approval for Reconfiguring a Lot (6 lot into 20 lots) at Eureka more accurately described as Lot 132 on CK 634, Lot 1 on CK 290, Lot 1 on RP 121838, Lot 131 on CK 634, Lot 128 on RP 849757, Lot 129 on RP 849758.
The Applicant wishes to subdivide the subject premises into 22 lots, construct two (2) new cul-de-sac roads with all lots proposed to be a minimum of 40ha. Lots 9 and 18 facing the cul-de-sac New Roads will not comply with the minimum frontage requirement of 200m.

The 22 lots are to be staged as follows:

STAGE 1 – Lots 15 – 21  
STAGE 2 – Lots 7 to 14 and 22  
STAGE 3 – Lots 1 – 6

An acknowledgement notice was issued on 20 May 2008 (Amended 5 April 2010 due to a change to the application) stating the application will be assessed against the Superseded Planning Scheme for the Balance of the Shire of Isis.

**Subject Site & Surrounding Land Uses**

The subject land is located on the southern side of the Isis Highway, with Berries Road (bitumen) bordering the western boundary of the site and unconstructed Eastaughffes Road reserve splitting the site approximately through the centre. Edward Creek runs along the south eastern corner of the site.

The site is irregular in shape and is covered intermittently by native vegetation along the Isis Road boundary; however the rear of the site has been partially cleared.

The surrounding land uses are predominantly rural. The site is approximately 10km south- west of the town of Childers.

**Planning History**

There is no planning history relevant to the assessment of this application.

**Considerations**

**Isis Shire Planning Scheme**

**Superseded Planning Scheme**

The subject land is included in the Rural A zone under the Superseded Planning Scheme for the Balance of the Shire of Isis. The existing and proposed use of the land is consistent with its intent under the superseded scheme, being generally either Pastoral or Arable (Restricted) land with limitations making it unsuitable for cropping, but generally suitable for improved and/or native pastoral development.

**Superseded Subdivision of Land Provisions**

The Superseded Subdivision of Land Provisions (By-Law No. 31 – Subdivision of Land) specify a minimum lot size of 40ha and minimum road frontage of 200m for land included in the Rural A zone.
The applicant proposes to subdivide the subject premises into 22 lots. The lot sizes and frontages are listed below:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Frontage to Berries Road (m)</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>Frontage to Berries Road (402m)</td>
<td>47.3ha</td>
</tr>
<tr>
<td>Lot 2</td>
<td>Frontage to Berries Road (321.9m)</td>
<td>50.9ha</td>
</tr>
<tr>
<td>Lot 3</td>
<td>Frontage to Berries Road (287.7m)</td>
<td>40ha</td>
</tr>
<tr>
<td>Lot 4</td>
<td>Frontage to Berries Road (342m)</td>
<td>56.1ha</td>
</tr>
<tr>
<td>Lot 5</td>
<td>Frontage to Berries Road (304.1m)</td>
<td>55.6ha</td>
</tr>
<tr>
<td>Lot 6</td>
<td>Frontage to Berries Road (501.6m) and Isis Highway (570.9m)</td>
<td>40.4ha</td>
</tr>
<tr>
<td>Lot 7</td>
<td>Frontage to Isis Highway (1027.4m) – Access via New Road access strip (25m)</td>
<td>42.0ha</td>
</tr>
<tr>
<td>Lot 8</td>
<td>Frontage to Isis Highway (400m) with access via Easement A</td>
<td>41.4ha</td>
</tr>
<tr>
<td>Lot 9</td>
<td>No street frontage - access via Easement A</td>
<td>42.7ha</td>
</tr>
<tr>
<td>Lot 10</td>
<td>Frontage to Isis Highway (1100m) with access via Easement A</td>
<td>40.0ha</td>
</tr>
<tr>
<td>Lot 11</td>
<td>Frontage to Isis Highway (343m) with access via Eastaughffes Road</td>
<td>41.8ha</td>
</tr>
<tr>
<td>Lot 12</td>
<td>Frontage to Eastaughffes Road</td>
<td>42.9ha</td>
</tr>
<tr>
<td>Lot 13</td>
<td>Frontage to Isis Highway and Eastaughffes Road – Access via Eastaughffes Road</td>
<td>40.0ha</td>
</tr>
<tr>
<td>Lot 14</td>
<td>Frontage to Isis Highway (597m) – Shares access strip with Lot 22</td>
<td>42.5ha</td>
</tr>
<tr>
<td>Lot 15</td>
<td>Frontage to Isis Highway (597m) and New Road – Access via New Road</td>
<td>40ha</td>
</tr>
<tr>
<td>Lot 16</td>
<td>Frontage to New Road (202.6m)</td>
<td>40ha</td>
</tr>
<tr>
<td>Lot 17</td>
<td>Frontage to New Road (226.5m)</td>
<td>55ha</td>
</tr>
<tr>
<td>Lot 18</td>
<td>Frontage to New Road (34.5m)</td>
<td>50ha</td>
</tr>
<tr>
<td>Lot 19</td>
<td>Frontage to New Road (223.9m)</td>
<td>47.3ha</td>
</tr>
<tr>
<td>Lot 20</td>
<td>Frontage to New Road and Sawmill Road (200m to New Road and 470.8m to Sawmill Road)</td>
<td>65ha</td>
</tr>
<tr>
<td>Lot 21</td>
<td>Frontage to New Road and Isis Highway (24.1m to New Road; 1800m to Isis Highway)</td>
<td>40.2ha</td>
</tr>
<tr>
<td>Lot 22</td>
<td>Frontage to Eastaughffes Road (2318.7m); Access via a 20 m wide Access Strip from Isis Highway (approx 1000m)</td>
<td>298.8ha</td>
</tr>
</tbody>
</table>

Areas of non compliance assessed in this instance are:

- Lot 9 will have a non complying frontage to New Road but will gain access from the New Road cul-de-sac; and
- Lot 18 facing the cul-de-sac New Road will not comply with the minimum frontage requirement.

The Planning and Development Department considers this non compliance minimal as the majority of the lots will gain access via a fully formed and constructed rural road which is a better outcome than previous subdivision layouts which relied on easement configurations.

Based on this assessment, the proposed subdivision satisfies the minimum requirements for Rural A lots as prescribed under the Subdivision of Land Provisions of the superseded planning scheme.

**Strategic Plan**

The subject land is included in the rural preferred dominant land use designation under the Superseded Strategic Plan. This designation includes good quality agricultural land that is suitable for grazing, agriculture and forestry purposes. Objectives relevant to the proposed development are addressed below:

**Objective 4.1.2 To preserve pastoral and farming land within the Shire.**

In implementing this objective, Council will not allow the subdivision of land into unmanageable, unviable, unusable or inaccessible lots. The proposed subdivision provides for lots with minimum area of 40 hectares which is considered sufficient area for general agricultural uses. Subject to appropriate conditions regarding
roadworks and access, the lots will have satisfactory access, namely two cul-de-sac New Roads will be constructed to the required standard to service Lots 7-10 and Lots 15-21 to ensure most lots have an all weather sealed road access. Reduced road frontages are generally accepted for lots at the head of a cul-de-sac.

Objective 4.1.6 To preserve the natural appearance and rural character of the majority of the Shire.

The site is mostly cleared and proposed layout will create lots with suitable areas for a building site.

Overall, the proposal is not considered to offend the goals or objectives of the superseded Strategic Plan.

Engineering or Internal Referral

Water

There is no access to reticulated water supply. Each lot therefore shall be required to supply its own water supply if a habitable dwelling is to be built. A minimum 45,000 litre rainwater tank will need to be provided at the time of construction of a dwelling on any proposed lot. An additional supply of water (of approximately 5000 litres) is recommended for fire-fighting purposes, as per the recommendations of the Bushfire Hazard Assessment discussed in section 4.3.1 below.

Sewerage

The applicant has not provided any information in relation to soil suitability for on-site effluent treatment and disposal. A wastewater treatment and disposal report demonstrating compliance with the Queensland Plumbing and Wastewater Code will be required at the time of building application on any proposed lot.

Stormwater

Stormwater paths will, even once house sites and other structures are expected to be built, essentially remain as is due to the rural nature of the site. Any impervious footprints will be largely insignificant to create nuisance. The greatest consideration for stormwater flows shall be given to existing road reserves, the creation of new road, and the creation of driveways for each allotment.

Roadworks

Council’s Information Request dated 26 June 2009 stated that “the extensive use and reliance of access easements to provide access to these lots is considered unacceptable.”

After several alterations of lot layouts and road geometries the Applicant has put forward Wayne Say and associates Drawing Number 15 dated 22.04.2010 for assessment.
The following Objectives under the Strategic plan for the Whole of Shire of Isis (effective 2\textsuperscript{nd} September 2004) and By-Law No. 31 Subdivision of Land represent pertinent points for this argument:

Objective 4.1.1(iii) states:

Council shall not allow the subdivision of land into unmanageable, unusable or inaccessible lots.

Objective 4.10.1 states:

Council will not favourably consider rural residential developments which have allotments fronting roads under the control of the State Government or Principal Shire Roads.

Objective 4.10.2 (i) and (ii) state:

1.1.1. Council will require that developments within the Shire which increase vehicular traffic upon Shire roads pay a contribution to upgrading the roads in the Shire or upgrading the roads affected by the proposed development.

1.1.2. All new roads or existing gazetted roads to be constructed within the Shire will be required to comply with Council’s Road Design Standards.

In addition, By-Law No. 31 Subdivision of land, Clause 1 states the meaning of “Access” as:

“the practical means of entry of persons and vehicles on to every proposed allotment from a constructed road which abuts the frontage thereof or where approved by the Council, such means of entry by way of easement. For the purpose of this definition the term “constructed road” means a dedicated road which has been constructed to the appropriate standard fixed by clause 19 of this by-law.”

In relation to above objectives the following points are made:

- After much consideration of previous lot layouts and discussions with the Developer and their surveying representative Council’s assessing officers are of the opinion that the current proposed lot layout best fits the intent of Objective 4.1.1(iii).

- The concept of forming and sealing part of the Eastaughffes Road has not been addressed by the Developer in detail. It is considered reasonable and relevant to request that the Developer form the new road, providing a two-coat seal bitumen for a nominal length of 100m (a constructed width of 5.5m on a 6.0m formation is considered standard) to allow prospective owners of proposed Lots 11, 12 and 13 adequate access to their lots. Given the topography of the site it may be necessary to further form Eastaughffes Road to a gravel standard to allow
reasonable access points – the extent of this gravel requirement would be negotiated at Operational Works Stage.

- The new road servicing Lots 15-21 inclusive can reasonably be required to be constructed to a two-coat bitumen standard with a twenty metre cul-de-sac within the 20m proposed road reserve. A constructed width of 5.5m on a 6.0m formation is considered standard.

- With reference to By-Law No. 31 Clause 19, the proposed access easement through Lot 14 servicing Lot 22 inclusive can reasonably be requested to be cleared and formed from in-situ compacted material to a nominal 4.0 wide width to provide respectable level of access to Lot 22.

- To remove any ambiguity the local access from Lots 14 and 22 onto the Isis Highway shall be two-coat bitumen sealed per the Main Roads Standard Drawing referenced.

- With reference to By-Law No. 31 Clause 19, a reasonable and relevant standard of construction for the length of the handle access to Lot 7 would be 3.0m wide gravel standard to 150mm compacted depth on a 4.0m formation.

- The Berries road reserve is currently to a gravel standard with the first 1km sealed using GATT seal. It is considered reasonable that the Developer seal the full road width that is adjacent to the frontage of allotments 1 to 6 (excluding the current extent of GATT seal performed by Council). The Developer shall construct a two coat seal with suitable preparation and enhancement of existing base material as required.

- The Department of Transport and Main Roads has assessed the proposal as a Concurrence Agency and has restricted access points to the Isis Highway (a State-controlled road) under its development conditions. This decision is consistent with Council’s objective 4.10.1 above and the Department’s own current policies.

- Council is of the opinion that the Report prepared by WR & CA Paulger Consulting Engineering Project Managers dated January 2009 adequately addresses sight distances and provides adequate conclusions in regard to upgrades required due to the development with regard to State-controlled road issues.
**Electricity Supply**

Council adopted a governance policy for ‘Electrical Supply and Street Lighting’ at its meeting held 21 November 2008. The following concerns are raised over the application of the policy to the current proposal:

- The current application was received on the 13 March 2008 at which point the Isis Shire policy was not to require electricity supply to rural lots;
- The new policy (that took effect 24 November 2008) requires electrical reticulation for all new rural lots 40 hectares or smaller. More than half of the proposed lots are 40 hectares in area, with all but one (1) lot in the proposal being less than 46 hectares. Based on the proposed layout, electricity would be required to half of the lots in the proposal. However, if the developer were to slightly raise the minimum lot size at time of final survey, to say 41 hectares, the policy would suggest that electricity supply would not be required;
- The policy requires electrical reticulation to be provided such that every lot has a connection point at its frontage with connection available at Ergon’s standard connection rate. This can result in the installation of redundant transformers should a landowner decide to build some distance off the road frontage (as is often the case on large rural lots).

It is understood that Council’s intent was to require electricity to be supplied to rural lots such as those proposed under the current application. While it is arguable whether the policy would apply to the current proposal, it is considered reasonable to require the developer to provide electricity supply to the development. However, rather than require power to be supplied so that connection is available at the frontage of each lot, it is recommended that Council require a high voltage ‘backbone line’ to be installed, capable of servicing all lots in the development. Appropriate conditions have been included in the recommendation hereunder.

It is not considered necessary to require street lighting within the proposed rural subdivision.

**State Planning Policies**

**SPP1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide**

The land is mostly included in a medium bushfire hazard area (with only pockets of low risk) under Rural Fire Service risk mapping. The applicant has provided a Bushfire Risk Assessment dated March 2008 prepared by The Consultancy Bureau, which has identified the whole of the site as having a mostly low hazard rating and a medium bushfire hazard, rating where overhead vegetation is present. The report includes recommendations to minimise risk to people and property. Conditions will be attached to any approval requiring the developer to comply with the recommendations in the report. It is also recommended that property notes be attached to the new lots to advise future landowners/ purchasers of the recommendations. Subject to the above, the proposed development is not considered to offend the principles of the State Planning Policy.

As such, the proposed development is not considered to offend the principles of the State Planning Policy, as long as adequate measures are taken at the Building
Permit stage. Any potential risks of flooding and/or landslide are not considered to affect Council's consideration of the current application.

**Referral Agencies**

The Department of Transport Main Roads was triggered as a concurrence agency as the site abuts a Main Road (Isis Highway). By letter dated 2 June 2010, the Department of Transport and Main Roads advise they approve of the development, subject to Conditions which are to be included in any approved Decision Notice, should one issue.

The Department of Environment and Resource Management was triggered as a concurrence agency. By letter dated 30 June 2010, the agency has advised conditions in regards to sediment control and wetland matters to be included in any approved Decision Notice, should one issue.

**Grounds of Submissions**

The application is Code Assessable and therefore not subject to public notification.

**Infrastructure Charges**

No infrastructure contributions are applicable in this instance.

**Conclusions**

Whilst there are some minor areas of non compliance with the superseded planning scheme, it is considered that the current layout of this proposal satisfactorily meets the provisions of the Superseded Planning Scheme and can be conditioned to provide access and services to all proposed lots at a satisfactory standard to ensure manageable, viable, usable and accessible lots.

**Attachments:**

1. Locality Plan
2. Decision Notice
4. Proposal Plan
Recommendation:

5 August 2010

Wayne Say & Associates Pty Ltd
PO Box 91
CHILDERNS QLD 4660

Attn: Wayne Say

Development Application Decision Notice
Approval
Integrated Planning Act 1997 Section 3.5.15

Dear Si,

– Planning Scheme for the Balance of the Shire of Isis.

I refer to the above-described development application, received by Council on 17 March 2008. This application has been assessed by Council and approved under delegation by the Planning and Development Committee, with conditions on the 5 August 2010

1. Details of Approval

Development Permit for Lot Reconfiguration – Code Assessable – Reconfiguring a Lot (Subdivision of 6 lots into 22 lots).

2. Referral Agencies

Concurrence Agencies: State Controlled Road Matters
District Director (Wide Bay)
Department of Transport and Main Roads
Locked Bag 486
BUNDABERG DC Q 4670

Tel: (07) 4154 0200

Our Reference: 321.2008.20814.1
Your Reference: 08028
Contact Person: Miss Alicia Otto
3. **Approved Plans**

<table>
<thead>
<tr>
<th>Plan/Document Number</th>
<th>Plan/Document Name</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
</table>

4. **Assessment Manager's Conditions and Advices**

Assessment Manager’s Conditions: As per attached Schedule 1.
Assessment Manager’s Advices: As per attached Schedule 2.

5. **Referral Agency's Response**

Concurrence Agencies: The Department of Transport and Main Roads, by letter dated 2 June 2010 (copy letter attached for information).
6. Conflicts with Laws and Policies and Reasons for the Decision despite the Conflict

The Assessment Manager considers this decision conflicts with the following Planning Provisions:-

<table>
<thead>
<tr>
<th>The decision conflicts with the following codes, planning instrument, local planning instrument, State Planning Policy or Priority Infrastructure Plan.</th>
<th>Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum frontage requirements for Rural Lots under the Superseded Planning Scheme</td>
<td>Lots 9 and 18 facing the cul-de-sac New Roads will not comply with the minimum frontage requirement of 200m. Council considers this non compliance minimal as the majority of the lots will gain access via a fully formed and constructed road which will allow for better sight distance for access to the Isis Highway.</td>
</tr>
</tbody>
</table>

7. Further Development Permits Required

The following development permits are necessary to allow the development to be carried out:-
- Operational Works – Assessable against the Planning Scheme for Isis Shire Planning Scheme 2007.

8. Submissions

Not Applicable

9. Rights of Appeal

Attached is an extract from the Integrated Planning Act 1997 which details your appeal rights regarding this decision.

10. When the Development Approval Takes Effect

This development approval takes effect as per set out by s 3.5.19 of the Integrated Planning Act 1997.

Yours faithfully

Wayne Phillips
Manager Planning (Coastal)
Enclosures:

Schedule 1 – Assessment Manager’s Conditions;
Schedule 2 – Assessment Manager’s Advices;
Concurrence Agency’s Conditions;
Approved Plans;

cc. For Information Purposes

District Director (Wide Bay)
Department of Transport and Main Roads
Locked Bag 486
BUNDABERG DC  Q  4670

Administration Officer
Implementation and Support Unit
Department of Environment and Resource Management
PO Box 15155
CITY EAST  Q  4002

Ergon Energy
PO Box 1090
TOWNSVILLE  Q  4815
Schedule 1
Assessment Manager’s Conditions

Development Permit for Lot Reconfiguration - Code Assessment

Development Permit Date: 5 August 2010
Applicant: Wayne Say & Associates Pty Ltd
Property Owner: J W Harney & P J Harney & J T Harney
Location: Isis Highway EUREKA, 148 Eastaughffes Road EUREKA, 6571 Isis Highway EUREKA
Approved Use: Reconfiguring a Lot (subdivision of 6 lots into 22 lots)
Planning Scheme: Superseded Planning Scheme for the Balance of the Shire of Isis
Land Designation: Rural

Development Conditions

Approved Plans

1. The proposed development is to be generally constructed in accordance with Conditions contained within this notice and the following Approved Plans;

<table>
<thead>
<tr>
<th>Plan/Document Number</th>
<th>Plan/Document Name</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
</table>

Staging

2. The development is to be staged generally as follows: -
   (i) Stage 1 – Lots 15 to 21;
   (ii) Stage 2 – Lots 7 to 14 and 22; and
   (iii) Stage 3 – Lots 1-6
Potable Water Supply

3. The Applicant may provide water supply by either bore water supply or rainwater harvesting or a combination of both in accordance with the following:

(i) The Applicant must provide chemical and microbiological testing of the ground water supply to demonstrate that it meets the quality requirements of the NHMRC Guidelines or provide details of the water treatment required to meet NHMRC Guidelines for potable water supply.

(ii) Testing of groundwater supply shall be undertaken annually and appropriate remedial action taken if required to ensure that ground water quality remains at pre development levels.

(iii) All potable water storage facilities shall be protected from contamination by the fitting of backflow prevention or similar devices.

(iv) The on site water supply shall be treated to comply with the requirements of the “Guidelines for Drinking Water Quality in Australia” published by the National Health and Medical Research Council.

(v) If rainwater harvesting is to be used for or part of the potable water supply requirements then the Applicant shall provide details that demonstrate compliance with the relevant Australian and New Zealand Standards for the system intended to be used.

Details of the above are to be provided in further Development Applications required for Operational Works and Plumbing and Drainage Works.

Wastewater Treatment And Disposal

4. At the time of final Building Approval for a residential dwelling on any proposed allotment, an minimum seconding treatment On Site Sewerage Facility must be designed, operated, constructed and maintained in accordance with the Department of Environment and Resource Management – “On-Site Sewerage Code” - November 2002 and associated Guidelines for Vertical and Horizontal Separation Distances and Guidelines for Effluent Quality, and Australian Standards (AS) 1547.2000, under the Plumbing and Drainage Act 2002. A report in accordance with the Code is to be submitted prior to the installation of any system and approved prior to the operation of the system.

Stormwater Drainage

5. The stormwater drainage system associated with formation of road ways and access tracks must be designed and constructed in accordance with requirements of the Queensland Urban Drainage Manual (QUDM);

6. As far as practicable in the rural context, for stormwater drainage associated with driveways, and road works, the nominated point discharge point for localised stormwater drainage for each allotment shall be any road frontage to that allotment;
7. Each allotment must be designed so as to be self-draining and flood free.

Roadworks

8. The Developer must form a new road, providing a two-coat seal bitumen (5.5m on a 6.0m formation) for a nominal length of 100m to allow prospective owners of proposed Lots 11, 12 and 13 adequate access to their lots. It may be necessary to further form Eastaughffes Road to a gravel standard (5.5m 150mm compacted depth on a 6.0m formation) to allow reasonable access points given local topography – the extent of this gravel requirement must be negotiated at Operational Works Stage;

9. The new road servicing Lots 15-21 inclusive must be constructed to a two-coat bitumen standard (5.5m on a 6.0m formation) with a twenty metre cul-de-sac within the 20m proposed road reserve;

10. The proposed access easement through Lot 14 servicing Lot 22 must be cleared and formed from in-situ compacted material to a nominal 4.0 wide width;

11. All accesses onto the Isis Highway shall be a minimum standard of two-coat bitumen seal notwithstanding any Main Roads Condition of Development in their correspondence dated 2 June 2010;

12. The Developer must form a new road, providing a two-coat seal bitumen for a nominal length of 100m (5.5m on a 6.0m formation) to allow access to proposed Lots 7-10 (inclusive). Furthermore the balance of the new road up to the frontage of Lot 9 shall be constructed to a gravel standard (5.5m 150mm compacted depth on a 6.0m formation);

13. The full length of the handle access to Lot 7 shall be constructed to a 3.0m wide gravel standard to 150mm compacted depth on a 4.0m formation;

14. The Berries Road reserve is currently to a gravel standard with the first 1km (approximate) sealed using GATT seal. The Developer seal the full road width (constructed width of 5.5m on a 6.0m formation) to the frontage of allotments 2 to 6 (excluding the current extent of GATT seal performed by Council) with a two-coat seal with suitable preparation and enhancement of existing base material as required. The extent of two-coat seal to the frontage of Lot 1 must be a nominal 100m from the common boundary with lot 2;

Street Signs
15. The Developer shall supply and erect the necessary “No Through Road” and Street Name Signs and posts. The Developer shall liaise with Council for determination of the name for the Development’s new roadways;

**Erosion Control**

16. The applicant shall, at the time of development, take all reasonable precautions to minimise erosion of the land, to the satisfaction of Council. These measures shall include the following, where necessary:
   (a) clearing in stages;
   (b) partial, preferential removal of trees and shrubs;
   (c) seeding of grass species, plus application of topsoil, fertiliser and watering as necessary until vegetation is established;
   (d) stabilising of earthworks quickly by vegetation to prevent excessive erosion.

**Declared Plants and Pests**

17. The Developer shall eradicate/control all declared plants existing on the property. Council will not endorse the Final Plan of Survey until it is satisfied that all declared plants have been treated as required by the provisions of the Land Protection (Pest and Stock Route Management) Act 2002. It is the responsibility of the Developer – at the time of submission of a Final Plan of Survey with Council – to liaise with Bundaberg Regional Council’s Environmental and Natural Resources Officers to arrange for inspection of the site;

**Bushfire Management**

18. The developer must comply with the recommendations included in the ‘Bushfire Risk Assessment’ dated March 2008 prepared by The Consultancy Bureau. The developer is responsible for the establishment and maintenance of the recommended actions until lots are sold, at which time any subsequent landowner/s will be responsible for on-going maintenance. A property note will ensure all landowners are aware of the mitigating actions for preparing for a bushfire.

**Other**

19. The Developer or any of their agents, contractors or servants must not commence construction work on the site including servicing of plant and equipment and delivery of materials on any day before 7.00am, nor continue any such works after 6.00pm. Neither must any works be undertaken on a Sunday or Public Holiday. Adequate precautions, to the satisfaction of Council, must also be taken to ensure that dust, noise and odours do not cause annoyance to adjacent and nearby dwellings during construction work.
on the site. This may mean cessation of work during periods of adverse climatic conditions, if directed by Council or until the nuisance is rectified.

20. The Developer or any of their agents, contractors or servants must ensure full compliance with Workplace Health and Safety Act and Regulations with particular additional attention to site safety when there are no construction personnel on site.

21. The Developer must lodge a certificate signed by a licensed surveyor stating that, after the completion of all works associated with the subdivision, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the plan of survey as of a particular date.

22. This approval will lapse four (4) years from the date of this approval.

End of Schedule 1
Schedule 2
Assessment Manager’s Advices

Development Permit for Lot Reconfiguration - Code Assessment

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Permit Date:</td>
<td>5 August 2010</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Wayne Say &amp; Associates Pty Ltd</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>J W Harney &amp; P J Harney &amp; J T Harney</td>
</tr>
<tr>
<td>Location:</td>
<td>Isis Highway EUREKA, 148 Eastaughffes Road EUREKA, 6571 Isis Highway EUREKA</td>
</tr>
<tr>
<td>Approved Use:</td>
<td>Reconfiguring a Lot (subdivision of 6 lots into 22 lots)</td>
</tr>
<tr>
<td>Planning Scheme:</td>
<td>Superseded Planning Scheme for the Balance of the Shire of Isis</td>
</tr>
<tr>
<td>Land Designation:</td>
<td>Rural</td>
</tr>
</tbody>
</table>

**Development Advice**

**Rates and Charges**

A. In accordance with the Integrated Planning Act, all rates, charges or any expenses being a charge over the subject land under any Act shall be paid prior to the Plan of Survey being endorsed by Council;

**Operational Works**

B. Prior to Operational Works approval, the developer is to provide Council with a detailed Stormwater Management Plan, for the discharge of stormwater flows from the site. Should this report identify that easements are required to secure areas of open drainage within the proposed lots, the developer shall dedicate such easements for drainage purposes prior to endorsement of the Plan of Survey;

**Rural Numbering**

C. Components of the rural numbering may be obtained from Council at the relevant cost as set down in Council’s adopted Register of Fees and Charges;
Cultural Heritage

D. The development approval does not authorise any activity that may harm Aboriginal Cultural Heritage. Under the Aboriginal Cultural Heritage Act 2003, you have a duty of care in relation to such heritage. Section 23(1) provides that “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage”. Council does not warrant that the approved development avoids affecting Aboriginal Cultural Heritage. It may therefore be prudent for you to carry out searches, consultant, or a cultural heritage assessment to ascertain or otherwise of Aboriginal Cultural Heritage. The Act and the Associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Property Notes

E. The following property note shall be included for all lots:

“At the time of lodgement of any development application for a dwelling on the lot, the owner is to provide on-site wastewater treatment and disposal in accordance with the requirements of the Queensland Plumbing and Wastewater Code – 2008 and Australian Standards AS 1547: 2000 under the Plumbing and Drainage Act 2002. On-site wastewater treatment on the subject lot must be to minimum secondary standard with disposal via sub-surface irrigation.”

F. The following property note shall be recorded against Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 and 21:

“It is a condition of subdivision that is attached to and remains with the land that vehicular access to this lot directly from the Isis Highway is prohibited for traffic management and safety reasons.”

G. Each proposed lot must have a property note stating the property is not serviced by Council’s reticulated sewerage.

H. Landowners shall undertake appropriate measures to reduce bushfire risk as outlined in the ‘Bushfire Assessment’ dated March 2008 prepared by The Consultancy Bureau (refer to Council File 321.2008.20814.1). A copy of this report is available to landowners and future purchasers on request (standard photocopy charges apply). Additional information and publications on measures to assist in the mitigation of bushfire attack are available from a variety of sources, including the Queensland Department of Local Government and Planning/ Rural Fire Service publication ‘Protecting your home against bushfire attack’.

I. The mitigating actions against bushfire for each of the proposed lots should be as follows:

   o All fencing and boundaries should have a cleared with of 6 metres on both side and be traversable as possible.
   o Existing management tracks should be retained and linked to the boundary and fence line access where appropriate to provide a network of access across the subject land.
   o Each lot should have cleared building sites of up to 2 hectares and a minimum of 20 metres cleared around all buildings.
o Individual mature trees (smooth bark) can be retained if not overhanging buildings.
o No vertical fuels should be allowed to develop and grasses should be kept well maintained.
o Each lot is to provide a water source specifically for firefighting purposes – 5000 litres minimum.
o Any revegetation within 40 metres of any building should avoid flammable species.

End of Schedule 2
Item Number: N4  
File Number: 322.2009.27537.1  
Part: DEVELOPMENT

Portfolio: Planning & Development Services

Subject: Boaga Road, Mullett Creek - Material Change of Use for General Industry

Report Author: Merinda Grayson, Planning Officer

Authorised by: Wayne Phillips, Manager Planning (Coastal and Strategic)

Link to Corporate Plan: Nil -

Applicant: Sommerfeld Jensen Campbell

Owner: TE Gorton

Location: Boaga Road, Mullett Creek

RPD: Lot 3 on RP866222, County Cook, Parish Littabella

Area: 176.739 ha

Land Designation: Rural (Rural Planning Area)

Planning Scheme: Planning Scheme for Burnett Shire 2006

1. Proposal

A development application has been lodged seeking approval for a Material Change of Use for General Industry at Boaga Road, Mullett Creek more accurately described as Lot 3 on RP866222.
The Applicant seeks planning approval for a produce receive shed (Shed 2) and a packed produce storage shed (shed 3). A produce packing shed (Shed 1) has an existing approval.

Shed 2 is located closest to North Littabella Road and is for the receipt of loose produce and storage of empty containers. This shed will have a gross floor area (GFA) of 306m² (20m x 15.3m) and an overall height of 7.7 metres. Behind this shed, and separated by 7 metres is the packing shed, Shed 1 (GFA of 497m²). The western most shed, Shed 3 is to be used for storage of packed produce, will have GFA of 497m² (33.15m x 15m) and an overall height of 7.7 metres.

Access
Two (2) access points to the site from North Littabella Road are proposed for improved internal vehicular circulation and safety. The southern access point will be adjacent to the gravel roadway existing in Lot 1 on RP608735. The access is proposed to be “entry only” given the limited sight distance to the south at this point. The northern access point is to be available for both ingress and egress with satisfactory sight distances in both directions at this point.

Parking
The Applicant proposes that car parking and loading/unloading areas are to be constructed from gravel hardstand materials. Twenty one (21) angled car parks located approximately 35 metres from the new shed plus six (6) car parks adjacent to the Packing Shed 1 are provided.

Hours of Operation
The hours of operation will be from 6.00 am to 6.00 pm Monday to Sunday.

2. Subject Site & Surrounding Land Uses
The subject site is described as Lot 3 on RP866222 with an area of 176.739ha and is located in the Rural Zone of the Burnett Shire Planning Scheme 2006. The unimproved irregular shaped lot has a frontage of approximately 78 metres to North Littabella Road (a bitumen sealed road) and 2150 metres to Boaga Road. Walsh Creek bounds a portion of the south-eastern boundary of the site.

The surrounding locale is rural in nature.

3. Planning History
The site is subject to the following development applications:

- Material Change of Use for Rural Industry (Packing Shed) (322.2009.26157.1)
  - Approved by Council on 10 November 2009 subject to conditions.

4. Considerations
4.1. Burnett Shire Planning Scheme 2006

The proposal has been assessed against the following provisions of the Burnett Shire Planning Scheme 2006. Within the Rural Zone a Material Change of Use for General Industry is Impact Assessable. The application is required to be assessed against the following codes:

- Rural Planning Area Code;
- Rural Zone Code;
- Natural Features or Resources Overlay Code;
- Development Infrastructure and Works Code;
- Landscaping Code; and

The application’s compliance with the relevant Codes of the Burnett Shire Planning Scheme 2006 is addressed in the following sections:

4.1.1. Rural Planning Area Code

The application has been assessed against the Specific Outcomes and standards for development within the Rural Planning Area. A number of Overall Outcomes (relevant to this application) are provided for in the Rural Planning Area of the former Burnett Shire. Specifically, the rural landscape is to be maintained and enhanced through development; new land uses are to avoid conflict with nearby rural activities; the biological diversity and ecological integrity of the Rural Planning Area is to be maintained or enhanced; development is not to cause or exacerbate flooding or drainage issues; and infrastructure is to operate safely and efficiently free from encroachment by incompatible uses and works.

The proposed development is associated with the rural activities (primary production) conducted on the site. Furthermore the location of the sheds on the site is such that it does not impact on the “main” agricultural portions of the site. The proposed development in this regard is consistent with the provisions of the Rural Planning Area contained within the Burnett Shire Planning Scheme 2006.

4.1.2. Rural Zone Code

The application has been assessed against the Specific Outcomes and standards for development within the Rural Zone. A number of Overall Outcomes (relevant to this application) are provided for in the Rural Planning Zone Code of the former Burnett Shire. The Rural Zone Code aims to protect and preserve productive and potentially productive agricultural land for sustainable production; and aims to maintain the rural character of the area.

As identified in section 4.1.1 of this report, the development is associated with the rural activities (primary production) conducted on the site. Furthermore the location of the sheds on the site is such that it does not impact on the “main” agricultural portions of the site. The proposed development in this regard is consistent with the
provisions of the Rural Zone Code contained within the Burnett Shire Planning Scheme 2006.

4.1.3. **Natural Features or Resources Overlay Code**

The site is identified as containing dominant and sub-dominant wetlands and local and state biodiversity significant areas and therefore the application requires assessment against the Natural Features or Resources Overlay Code.

**Dominant and Sub-dominant wetlands**

Dominant wetlands are contained in the south western portion of the site with sub-dominant wetlands being contained in the north eastern portion of the site. It is not anticipated that the subject application will have adverse affects on identified wetlands as the development is approximately 400 metres from the nearest wetland.

**Local and State Biodiversity Significant Areas**

Local and State biodiversity significant areas are located within the north eastern portion and south and western portion of the site respectively. The proposed development is not located in any of the subject biodiversity significant areas and it is therefore considered that wildlife habitats will be maintained.

4.1.4. **Development Infrastructure and Works Code**

The application has been assessed against the Specific Outcomes and standards of the Development Infrastructure and Works Code. The development can be serviced with appropriate infrastructure commensurate to the scale and intensity of development proposed. No major development works are required and conditions of approval relate to the provision of compliant access and future consideration/standards for detached dwellings. Based on the above, the proposed development is consistent with the Development Infrastructure and Works Code contained within the Planning Scheme.

4.1.5. **Landscaping Code**

The proposed development generally compiles with the provision of the Landscaping Code. Notwithstanding this, a condition has been included in the Decision Notice requiring a landscaping plan to be submitted, approved and landscaping constructed prior to the commencement of the use. Such plan must be prepared in accordance with the Landscaping Policy in the Burnett Shire Planning Scheme 2006.

4.1.6. **Vehicle Parking and Access Code**

The purpose of the Vehicle Parking and Access Code is to ensure that uses provide adequate on-site car parking and do not generate excessive parking, manoeuvring or servicing on nearby roads. The development is required to provide a minimum of six (6) car parking spaces however a total of 27 car parking spaces are provided. The applicant has demonstrated that manoeuvring onsite is sufficient for all vehicles using the site and that all vehicles are able to enter and leave the site in a forward gear. Therefore it is considered that the proposed development is consistent with
4.2. Engineering or Internal Referral

Council’s Sustainable Development Section has provided the following comments, together with conditions relating to sewerage, stormwater and roadworks which should be applied to this development.

Stormwater Drainage

The site has two catchments. The first catchment drains north across Lot 4 on RP 619752 and the applicant supplied a letter from the owner of Lot 4 indicating that he was willing to accept the water from the development associated with Shed 1 works. The applicant also provided a Stormwater Quality Management Plan which demonstrates through water reuse and grass swales that the development (including sheds 1 to 3 and associated works) will be provided with a treatment system that will adequately treat the stormwater from the site. The second catchment drains to the west and, given the size of the allotment, will not materially affect the drainage in the area.

Sewerage

The proposed development site is not serviced by Council’s reticulated sewerage infrastructure. Sanitary drainage will drain to an all-waste on-site treatment system in accordance with the Queensland Plumbing and Wastewater Code 2002.

Roadworks & Car Parking

The following consideration was given for the approved packing shed, 322.2009.26157.1 development: the comments apply to this proposal.

North Littabella Road is a bitumen sealed rural road, there is a local widening at the top of the gully to the south that is a minimum cost attempt to provide some safety for through traffic entering the blind spot. This proposed development is inconsistent with other development in the area and it is unlikely that additional development will be provided on the opposite side of the road in the foreseeable future, the developer’s representative has indicated they agree with conditioning that the full width of North Littabella Road be upgraded as part of this proposed development.

It is not ideal to have the south access so close to the blind spot. The neighbouring driveway can’t go anywhere else. The proposed work will be a left in only south access.

4.3. State Planning Policies

The Queensland Government has prepared a number of State Planning Policies to enunciate the State dimensions of various aspects of planning and development. In this instance, it is not considered that any of the State Planning Policies have an overriding bearing on the assessment and decision of the proposed development.

4.4. Referral Agencies
The Applicant triggered referral to the following referral agency:

4.4.1. **Department of the Environment and Resource Management**

The site is identified as being within 100 metres of a wetland and therefore triggers referral to the Department of the Environment and Resource Management as an advice agency. The Department has assessed the application and provided the following comments:

- There should be no net loss of wetland habitat and impacts on the wetland values, water regime and water quality should be avoided.

A copy of the Department’s response is attached to the Decision Notice of this application.

4.5. **Grounds of Submissions**

Pursuant to the *Integrated Planning Act 1997*, this application was advertised for 30 business days until 24 June 2010. The Applicant submitted documentation on 28 June 2010 advising that public notification had been carried out in accordance with Section 3.4.7 of the *Integrated Planning Act 1997*. Council received no submissions in relation to this development application during this advertising period.

4.6. **Infrastructure Charges**

Infrastructure charges contributions are required as per the attached calculation sheet. A summary of the contributions are detailed in the table below.

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Equivalent Demand (EP)</th>
<th>Recognised Previous Contributions (EP)</th>
<th>Infrastructure Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport (Roads)</td>
<td>5.4735</td>
<td>0</td>
<td>$43,059.07</td>
</tr>
<tr>
<td>Stormwater</td>
<td>8.2103</td>
<td>0</td>
<td>$12,315.38</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$55,374.44</strong></td>
</tr>
</tbody>
</table>

Note: The contribution for stormwater will not recognise the contribution from 322.2009.26157.1.

5. **Conclusions**

The proposed General Industry is considered generally consistent with the site’s rural zoning and applicable codes under the Burnett Shire Planning Scheme 2006. Council’s Planning and Development Department therefore recommend the application for approval subject to conditions.

**Attachments:**

1. Locality plan
2. Proposal Plan
3. IC Sheet
4. Decision Notice
**Recommendation:**

That application (Council Reference Number 322.2009.27537.1) for Material Change of Use for General Industry at Boaga Road, Mullett Creek; land described as Lot 3 RP866222, County Cook, Parish Littabella be APPROVED with conditions and Council issue the attached Decision Notice, including attachments.
Locality Plan
Boaga Road, Mullett Creek

While every care is taken to ensure the accuracy of this data, the Department of Environment and Resource Management and Bundaberg Regional Council makes no representation or warranties about its accuracy, reliability, completeness or stability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.
Title: Elevations of Shed 3
Drawing No: BRMC-003

Scale 1:200 – Lengths are in Metres.
Floor Plan of Shed 3
Drawing No: BRMC-004
Planning Scheme for Burnett Shire, Infrastructure Planning Scheme Policy - Water Supply, Sewerage, Transport, Drainage and Stormwater, Public Parks, and Community Land

File Reference: 322.2009.27537.1

Existing Use: Rural

Proposed Use: Packing Sheds (803.25 m² – Shed 2 & 3 SJC plan no 9167-C2)

Planning Area: Rural

Acronyms

WSIC = Water Supply Infrastructure Contribution
SIC = Sewerage Infrastructure Contribution
TRIC = Transport Roads Infrastructure Contribution
TPPBIC = Transport Pedestrian Paths and Bikeways Infrastructure Contribution
DSIC = Drainage and Stormwater Infrastructure Contribution
PPCLIC = Public Parks and Community Land Infrastructure Contribution
ED = Equivalent Demand
PC = recognised Previous Contribution
CR = Contribution Rate
I = Indexed by the ABS Catalogue 6401 Table 1 (Brisbane All Groups) and 6427 as appropriate

Water Supply Infrastructure Contribution

\[ WSIC = ([ED – PC] x CR) \times I \]

Na

Sewerage Infrastructure Contribution

\[ SIC = ([ED – PC] \times CR) \times I \]

Na

Transport Roads Infrastructure Contribution

Background

The definition of rural industry provided in the former Burnett Shire Council planning Scheme is –

“Rural Industry” means the use of premises for—

(1) the handling, processing or packaging of primary products (including sale to the public) that have been grown on-site and where the gross floor area of the subject buildings, including any ancillary storage or administration functions, exceeds 150 square metres but does not exceed 500 square metres;
This site has a Material Change of Use application for rural industry where Shed 1 has a GFA of 500 m² (322,2009.26157.1). This application being sheds 2 and 3 have a combined GFA of 803.25 m², therefore, the description of the use complies with General Industry.

To allow this application and the application associated with shed 1 to co-exist the ICS charges will be considered as a meets and bounds type of approval whereby the Transport and Stormwater will be considered only over the additional area around shed 3 and the total GFA of shed 2.¹

**Calculation**

\[
TRIC = ((ED - PC) \times CR) \times I
\]

Where:

\[
ED = \frac{15}{ha} (\text{Area Shed 3} - 3289 \text{ m}² + \text{GFA Shed 1 - 306 m}²) = 5.4735
\]

\[
PC = 0
\]

\[
CR = \$3,753.00 \text{ (Council)} = \$2,860.00 \text{ (DMR)}
\]

\[
I = 1.067
\]

\[
([5.4735 - 0.0] \times $6,613.00) \times 1.099 = $43,059.07
\]

**Transport (Pedestrian Paths & Bikeways)**

\[
PCIC = ((ED - PC) \times CR) \times I
\]

**Na**

**Drainage and Stormwater Infrastructure Contribution**

\[
SWIC = (ED - PC) \times CR
\]

Where:

\[
ED = 1 \times 0.9/400 \text{ m}² \text{ (Same as transport)} = 8.2103
\]

\[
PC = 0
\]

\[
CR = \$1,500.00
\]

\[
(8.2103 - 0.0) \times $1,500.00 = $12,315.38
\]

**Parks, Recreation & Community Land**

\[
PRCLIC = ((ED - PC) \times CR) \times I
\]

**Na**

---

**Note:** It will be necessary to condition the parking, roadwidening and access as if the first application did not exist.
5 August 2010

Sommerfeld Jensen Campbell Pty Ltd
PO Box 1688
BUNDABERG QLD 4670

Attn: Geoff Campbell

Development Application Decision Notice
Approval
Integrated Planning Act 1997 Section 3.5.15

Dear Sir,

RE: – Development Application for Material Change of Use for General Industry at Boaga Road MULLETT CREEK; land described as Lot 3 RP866222, County Cook, Parish Littabella;
– Planning Scheme for Burnett Shire 2006.

I refer to the above-described development application, received by Council on 16 December 2009. This application has been assessed by Council and approved by the Planning and Development Committee with delegated powers, with conditions on the 5 August 2010.

1. Details of Approval

2. Referral Agencies
   Concurrence Agencies: N/A
   Advice Agencies: **Wetlands**
   Administration Officer
   Implementation and Support Unit
   Department of Environment and Resource Management
   PO Box 15155
   CITY EAST Q. 4002
   Tel: 1300 368 326

Our Reference: 322.2009.27537.1
Your Reference:
Contact Person: Merinda Grayson

Attachment 4 - Decision Notice
3. **Approved Plans**

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Plan Name</th>
<th>Prepared By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9167-S2</td>
<td>Site Plan Sommerfeld Jensen</td>
<td>Campbell</td>
<td>6 May 2010</td>
</tr>
<tr>
<td>BRMC-001</td>
<td>Floor Plan of Shed 2</td>
<td>Sommerfeld Jensen</td>
<td>February 2010</td>
</tr>
<tr>
<td>BRMC-002</td>
<td>Elevations of Shed 2</td>
<td>Sommerfeld Jensen</td>
<td>February 2010</td>
</tr>
<tr>
<td>BRMC-003</td>
<td>Floor Plan of Shed 3</td>
<td>Shower Engineering</td>
<td>7 October 2009</td>
</tr>
<tr>
<td>BRMC-004</td>
<td>Elevations of Shed 3</td>
<td>Sommerfeld Jensen</td>
<td>February 2010</td>
</tr>
</tbody>
</table>

4. **Assessment Manager's Conditions and Advices**

Assessment Manager's Conditions: As per attached Schedule 1.
Assessment Manager’s Advices: As per attached Schedule 2.

5. **Referral Agency’s Response**

Concurrence Agencies: Nil.

6. **Further Development Permits Required**

The following development permits are necessary to allow the development to be carried out:-

- Building Works – Assessable against the Building Act 1975 and the Building Regulations 2006;
- Plumbing and Drainage Works – Assessable against the Plumbing and Drainage Act 2002; and
- Operational Works – Assessable against the Planning Scheme for Burnett Shire 2006.

7. **Submissions**

There were no properly made submissions about the application

8. **Rights of Appeal**

Attached is an extract from the Integrated Planning Act 1997 which details your appeal rights regarding this decision.
9. **When the Development Approval Takes Effect**

This development approval takes effect as per set out by section 3.5.19 of the *Integrated Planning Act 1997*.

Yours faithfully

(Peter Byrne)
Chief Executive Officer

Enclosures: Schedule 1 – Assessment Manager’s Conditions;
Schedule 2 – Assessment Manager’s Advices;
Department to Environment and Resource Management – Advice Agency Comments;
Approved Plans;
Extract from the *Integrated Planning Act 1997*.

cc. For Information Purposes
Administration Officer
Implementation and Support Unit
Department of Environment and Resource Management
PO Box 15155
CITY EAST Q. 4002
Schedule 1
Assessment Manager’s Conditions

Development Permit for Material Change of Use - Impact Assessment - General Industry

<table>
<thead>
<tr>
<th>Council Reference:</th>
<th>322.2009.27537.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Permit Date:</td>
<td>5 August 2010</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Sommerfeld Jensen Campbell Pty Ltd</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>T E Gorton</td>
</tr>
<tr>
<td>Real Property Description:</td>
<td>Lot 3 RP866222, County Cook, Parish Littabella</td>
</tr>
<tr>
<td>Location:</td>
<td>Boaga Road MULLETT CREEK</td>
</tr>
<tr>
<td>Approved Use:</td>
<td>General Industry</td>
</tr>
<tr>
<td>Planning Scheme:</td>
<td>Burnett Shire 2006</td>
</tr>
<tr>
<td>Land Designation:</td>
<td>Rural (Rural Planning Area)</td>
</tr>
</tbody>
</table>

Development Conditions

PLAN OF DEVELOPMENT

1. Development is to be undertaken generally in accordance with the following except as modified by the conditions contained hereunder:
   1.1. Drawing No. 9167-S2 Site Plan prepared by Sommerfeld Jensen Campbell and dated 6 May 2010;
   1.2. Drawing No. 9167-F Floor Plan of Shed 1 by Sommerfeld Jensen Campbell and dated February 2010;
   1.3. Drawing No. 9167-E Elevations of Shed 1 by Sommerfeld Jensen Campbell and dated February 2010;
   1.4. Drawing No. 09289/1 Floor Plan of Shed 3 prepared by Shower Engineering and dated 7 October 2009; and

GENERAL

2. The approval of Packing Shed 1 is guided by a Development Permit issued on 16 November 2009 (Council reference 322.2009.26157.1). The conditions of this Development Permit remain applicable to Packing Shed 1.

3. All works are to be undertaken at the Developer’s expense.

4. The Developer must comply with all the conditions in the development permit prior to the commencement of use of the facility unless otherwise stated within this notice.

5. Any placement of fill material within the subject land shall comply with the Planning Scheme for Burnett Shire Council’s ‘Filling or Excavation Code’. All fill
material to be placed on the subject allotment must be tested and structurally certified in accordance with the Code.

6. The approved use must be undertaken so that no undue disturbance is caused to neighbouring properties by virtue of noise, bright lights, traffic movements or interference with radio and television reception.

SITE DEVELOPMENT

7. The Developer or any of their agents, contractors or servants must not commence construction work on the site on any day before 7.00am, including servicing of plant and equipment and delivery of materials nor continue any such work after 6.00pm, nor must they undertake any construction work on a Sunday or Public Holiday. Adequate precautions, to the satisfaction of the Council must be taken to ensure dust, noise and odours do not cause annoyance to adjacent sites or dwellings during construction on the site. This may mean the cessation of work during periods of adverse climatic conditions, if directed by Council or until the nuisance is rectified.

8. The Developer or any of their agents, contractors or servants must ensure full compliance with Workplace Health and Safety Act and Regulations with particular additional attention to site safety when there is no construction personnel on site.

INFRASTRUCTURE CHARGES

9. Prior to commencement of use, pay Infrastructure Contributions for Sewerage, Water Supply, Stormwater, Transport (local and state controlled roads), Pedestrian and Cycle Ways and Parks, Recreation and Community Land in accordance with Council's adopted Policy.

Contributions required is paid by June 2011 are:-

<table>
<thead>
<tr>
<th>Type of Contribution</th>
<th>Equivalent Demand (ED)</th>
<th>Recognised Previous Contributions (ED)</th>
<th>Infrastructure Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport (Roads)</td>
<td>5.4735</td>
<td>0</td>
<td>$43,059.07</td>
</tr>
<tr>
<td>Stormwater</td>
<td>8.2103</td>
<td>0</td>
<td>$12,315.38</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$55,374.44</strong></td>
</tr>
</tbody>
</table>

**Note:** Council’s adopted Policy allows the value of the Infrastructure Contributions to vary unless payment is received by Council within six (6) months of the date on this Decision Notice.

WATER

10. Prior to commencement of use, the Developer must provide for the water supply needs for the proposed development from the existing bore and onsite water storage.

SEWERAGE
11. The Developer must provide for the disposal of on-site effluent in accordance with former Burnett Shire PSP7: On-site Sewerage Facilities Planning Scheme Policy.

STORMWATER DRAINAGE

12. The drainage system for the development is to incorporate Stormwater Quality Improvement Devices (SQID) and measures to remove pollutants, including sediment, nutrients, metals and trash as outlined in the Stormwater Quality Management Plan (Empire Engineering - March 2010) with grass areas to be extended to the east to treat the water from all the gravel areas.

13. The Developer must provide a downstream drainage discharge agreement to cater for the stormwater flows from the whole site area. The discharge agreement must be binding on successors, be acceptable to the Bundaberg Regional Council and be prepared at no cost to Bundaberg Regional Council.

ROADWORKS AND ACCESS

14. The Developer must upgrade North Littabella Road for the full frontage of the proposed development consistent with the former Burnett Shire Council standard drawing R102. North Littabella Road is considered an ‘Access Road’ for the purposes of this condition.

15. The Developer must provide a table drain along the west side of North Littabella Road for the full frontage of the proposed development.

16. Proposed accesses must be provided as indicated on Drawing No. 9167-S2 Site Plan prepared by Sommerfeld Jensen Campbell and dated 6 May 2010 and are to be consistent with former Burnett Shire Council Standard drawing R113-2 or as agreed by the Manager Sustainable Development.

17. The southern entry must be left in only as indicated on Drawing No. 9167-S2 Site Plan prepared by Sommerfeld Jensen Campbell and dated 6 May 2010. Signage details for the entry must be determined at the Operational Works Stage.

18. The Developer must seal both proposed accesses from the roadway to ten (10) metres inside the property boundary.

AMENITY

19. The site is to be maintained in a neat and tidy state at all times.

End of Schedule 1
Schedule 2
Assessment Manager’s Advices

Development Permit for Material Change of Use - Impact Assessment - General Industry

<table>
<thead>
<tr>
<th>Council Reference:</th>
<th>322.2009.27537.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Permit Date:</td>
<td>5 August 2010</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Sommerfeld Jensen Campbell Pty Ltd</td>
</tr>
<tr>
<td>Property Owner:</td>
<td>T E Gorton</td>
</tr>
<tr>
<td>Real Property Description:</td>
<td>Lot 3 RP866222, County Cook, Parish Littabella</td>
</tr>
<tr>
<td>Location:</td>
<td>Boaga Road MULLETT CREEK</td>
</tr>
<tr>
<td>Approved Use:</td>
<td>General Industry</td>
</tr>
<tr>
<td>Planning Scheme:</td>
<td>Burnett Shire 2006</td>
</tr>
<tr>
<td>Land Designation:</td>
<td>Rural (Rural Planning Area)</td>
</tr>
</tbody>
</table>

Development Advice
1. The Applicant be advised they have twenty (20) business days after the day the decision notice is given to the Applicant to appeal against the conditions of approval, in accordance with Section 4.1.27 of the Integrated Planning Act 1997.
2. The Applicant be supplied with a copy of Section 4.1.27 and 4.1.28 of the said Act.
3. The Relevant Period for this development is in accordance with Section 3.5.21 and 3.5.21A of the Integrated Planning Act 1997.
4. This Development Approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that “a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage”. Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.
5. A Building Permit will be required to remove or demolish any structures from the site.

End of Schedule 2
Item Number: N5  File Number: 321.2009.27374.1  Part: DEVELOPMENT

Portfolio: Planning & Development Services

Subject: 64 Jealous Road, Kalkie; Reconfiguring a Lot (Impact Assessment) for Subdivision - 37 Lots plus Drainage area (in 3 stages)

Report Author: Gail Downie, Senior Planner

Authorised by: Rob Thompson, Manager Planning (City & Hinterland)

Link to Corporate Plan: Nil -

Applicant: Vasco Pty Ltd

Owner: Vasco Pty Ltd

Location: 64 Jealous Road KALKIE

RPD: Lot 1 on RP24923, Lot 2 on RP24923, Lot 2 on RP229039, County Cook, Parish Kalkie

Area: Total Area of Parent Lot 11.0856 ha (Note: Stage 1 Subdivision has been completed)

Stage 2A – 4.7393 ha.
Stage 2B – 1.4345 ha
Stage 2C – 1.3166 ha.

(Total area of Stage 2: 7.4803 ha)

Land Designation: Non-urban (Local Area 6)
(Note: MCU for “Residential Subdivision plus Parkland, Agricultural Buffer and Drainage Reserve” issued 01 June 2007

**Planning Scheme:**
Planning Scheme for Bundaberg City

1. **Proposal:**

The site is located on the northern side of Jealous Road and contains a total area of 11.08 hectares. The site is traversed by an existing drainage easement in the northern and western portions of the site. The portion of the site towards the Jealous Road frontage is presently being developed for a residential housing estate.

Plans lodged with the application indicate that the lot sizes range from 708 square metres to 1,279 square metres. The Applicant proposes to back lots onto the proposed Drainage area. A drainage area totalling 9,211 square metres is proposed. The proposal plan does not provide for the provision of any Parkland for this Stage and the Applicant has requested that Council accept a cash contribution in lieu of provision of parkland.

The Applicant proposes to develop the site for residential housing lots in this application, in three stages, viz:

- Stage 2A – 14 lots (including a 2.7202 hectare lot) plus balance area
- Stage 2B – 12 lots plus balance area
- Stage 2C – 11 lots

The Applicant advises that the 2.7202 hectare lot (Lot 100) created in Stage 2A will be subject to a future Material Change of Use Application for a Multi-unit development (for 46 accommodation units). It is to be noted that this Application was lodged with Council on 09 March 2010 and is currently awaiting a response to Council’s Information Request (issued on 19 April 2010).

**Subject Site & Surrounding Land Uses**

The site comprises a total area of 11.08 hectares, with approximately 100 metre frontage to Jealous Road. Stage 1 of a residential subdivision has recently been completed.

The elevation of the site varies from approximately RL 13 metres AHD in the northern portion of the site and falls gently towards the south-western corner to approximately RL 8 metres AHD. The site has previously been cleared of significant vegetation and was used for agricultural purposes.

The site is adjoined to the north west and west by agricultural lands included in the “Non Urban” precinct, and presently under sugar cane cultivation. Land to the north-east and east is situated in the “Residential A” precinct and comprises mainly single unit dwelling houses.
Land opposite the site in Campbell Street is located in an Industrial precinct, and comprises industrial land uses. Land uses in Morrison Street comprise mainly single unit dwelling houses.

**Planning History**

Previous approvals by Council in respect to these parcels of land include:

01 June 2007 – Combined Application for Part A: Material Change of Use of site for “Residential Subdivision plus Parkland, Agricultural Buffer and Drainage Reserve; and Part B – Reconfiguring a Lot – Stage 1 (22 lots plus balance area)

17 June 2009 – Notice of Change of an Existing Approval issued. This change involved a re-design of the layout of Stage 1 Subdivision layout, and incorporated an increase in the number of lots from 22 to 25 lots, deletion of the requirement to install an approved drip watering system within the buffer area plantings, and changes to stormwater drainage conditions.

**Considerations**

1. **Planning Scheme**

The site is situated in the “Non Urban” Precinct (Local Area 6) and the proposed Reconfiguring a Lot application represents Impact Assessable Development under the provisions of the Planning Scheme for Bundaberg City.

(a) **Structure Plan** – The site has a part “Low Density Residential” and part “Open Space” designation on the Structure Plan. The “Open Space” designation generally incorporates the path of the drainage system which traverses the site.

(b) **Residential Strategy** – The use of the site for the purposes of low density residential development generally complies with the intent of the Residential strategy. The site is capable of being connected to Council’s reticulated water and sewer networks. The development will need to provide suitable buffers to adjoining agricultural land uses and/or “Non Urban” precinct lands.

1.1 **Reconfiguring a Lot Code**

P1 - All proposed lots are greater than the Code’s 600 square minimum, and with the exception of the proposed hatchet-shaped lots (Lots 55 and 56) have a street frontage of at least 15 metres. Proposed Lots 55 and 56 have areas, excluding the area of the access strip, greater than 600 square metres.

P2 – Infrastructure – All proposed lots are capable of being connected to all reticulated services (water, sewer, electricity and telecommunications) and adequately drained. The applicant proposes to dedicate as Drainage Reserve, a 25 metre wide strip over the drainage path with traverses the site.
<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Probable Solutions (illustrate how compliance with the Performance Criteria may be achieved)</th>
</tr>
</thead>
</table>
| P3  Sufficient open space is provided to meet the needs of the likely occupiers of the proposed allotments | A3.1 – Proposals to create additional allotments include provision of 10% of the area to be subdivided to be dedicated for parkland that satisfies the criteria set out in the Open Space and Recreation Planning Scheme Policy; and  
A3.2 – Parklands are not located on land that is:  
- below the 20% AEP localised flood level; or  
- contaminated; or  
- encumbered by electricity supply easements; or  
- smaller than 4,000 square metres, excluding when adjoining an existing park; or  
- of a gradient/slope in excess of 1 (vertical) in 10 (horizontal); or  
- less than 40 metres in width; and  
A3.3 – Parklands are provided with road frontage equal to 50% of the perimeter distance; and  
A3.4 – 90% of residential allotments are located within 400 metres safe walking distance from parkland; and  
A3.5 – The necessary works are carried out to the parkland to render it useable for its intended use. |

The applicant does not propose to provide Public Open Space, and requests Council accept a monetary contribution in lieu thereof.

As part of the previous approval for Stage 1 subdivision of this development (containing an area of 3.8468 hectares), the Developer was conditioned to provide Parkland comprising an area of 3,379 square metres (as shown on Plan 41-20969 Rev C SK009) plus $5,000 cash parkland contribution, or to provide an area of Parkland comprising 10 percent of the area of the stage – i.e. 3,846 square metres.

Stage 2 comprises a total area of 7.4803 hectares. The area, minus the proposed site of a community title (accommodation unit site for 46 dwelling units) is 4.7601 hectares (i.e. 7.4803 hectares minus 2.7202 hectares). The Reconfiguring a lot code requires that Parkland be provided at the rate of ten percent of the area to be subdivided, and thus an area of 4,760 square metres is required at Stage 2 (excluding the community title lot).

As mentioned previously, the Developer does not propose to provide Parkland for this stage, and requests that a cash contribution be accepted by Council in lieu of Parkland.

In Council’s Information request, Council requested the Applicant to address the shortfall of Parkland. The Applicants advance the following in their Information Response:

“Further parkland is not proposed in the Stage 2 application. Instead, it is proposed to make a per lot monetary contribution to Council with a view to that money being expended on infrastructure improvements to the active recreation park...
provided in Stage 1. The Applicant submits that this approach has the following advantages over merely providing more parkland:

1. It is consistent with the preferred position of the Open Space and Recreation Planning Scheme Policy (OSRPSP) Policy 2.1 of the OSRPSP identifies criteria which Council will consider when “determining whether an area for parkland should be sought instead of a monetary contribution”. The Policy pre-empts that a monetary contribution will be required unless the parkland satisfies those criteria (including the prerequisites identified in the Council Request for Further Information). Making a monetary contribution toward park improvements in lieu of providing further land is thus prima facie consistent with the council policy.

2. The utility of a park is a function of a number of variables, one of which is the raft of facilities that it provides. By making a contribution toward infrastructure such as play equipment, shelter, seating and bar-b-que, residents will have a higher propensity to use the park than if it were a barren parcel of land;

3. The higher use of a park contributes to building a sense of community as residents engage in an informal, attractive setting.

4. As an entrance to the estate, an attractively landscaped park with community infrastructure will make a positive contribution to the streetscape and engender a sense of belonging for residents;

5. In terms of maintenance costs to Council, it is cheaper per square metre of land to provide fewer but higher quality parks than more parks (which may or may not be of inferior quality).

It therefore remains the Applicant’s contention that a monetary contribution invested in the Stage 1 park will deliver a better community outcome than further open space.

It is to be noted that the total area of Stages 1 and 2 subdivision (excluding the proposed Community title lot area of 2.7202 hectares) is 8.3654 hectares (11.0856 – 2.7202). For this area of the residential subdivision, the Developer proposes only to provide a Parkland comprising 3846 square metres (at best), which equates to a 4.6 percent parkland contribution, which is less than half the required 10 percent land contribution. The proposed area of parkland is also less than Council’s nominated Probable Solution of 4,000 square metres. The Developer has requested that in lieu of providing the required 10 percent of land contribution for Stage 2, that Council accept a cash contribution.

Open Space and Recreation Planning Scheme Policy 5.1 states at Clause 2.3 “that where Council requires a monetary contribution in lieu of provision of an area of land as parkland, the amount of the contribution will be in accordance with Planning Scheme Policy 5.10 for each additional allotment proposed in the subdivision”. In this case, the contribution in lieu of 10 per cent land as Park, would be in the 2009/2010 Financial Year, $2,535.19 per lot, and for 37 lots, would equate to $93,802.03 in lieu of a land contribution of 4,760 square metres.
It is considered that the Parkland provided in Stage 1 is adequate to service this site, and Council agree to accept a Cash contribution in lieu of land contribution in this instance.

P4 – No new residential lots are created in natural hazard areas, (eg within the Defined Flood Event (DFE))

P5 – requires that new residential allotments must be adequately buffered from any adjacent incompatible land uses. The proposes development incorporates a continuation of the landscaped buffer/fencing treatment constructed at Stage 1 along the common boundary with the caneland to the west.

P6 – Access Strips – It is noted that two lots in Stage 2A of the subdivision will gain access to the new road via 6.0 metre wide access strips. Council’s Lot Reconfiguration Planning Scheme Policy requires that the access strips be sealed with asphalt, concrete or pavers to a width of 3.5 metres centrally located within the strip. The pavement is to be edged with concrete kerb on both sides and a 1.8 metre high screen privacy fence to be constructed on both sides of the strip. Provision is to be made in the strip for conduits for services (water, electricity, telecommunications etc).

1.2 Flood Management Code

The site is affected by the Q50 Burnett River flooding, as well as the Q100 ARI Localised flood event. The portion of the land at the Jealous Road frontage (covered by stage 1) is affected by the Q50 flood level to a height of RL 8.5 metres.

The Q100 ARI flood event relates closely to the discharge of stormwater from upstream drainage reserves across the site. The applicant intends to formalise the flow of stormwater across the site and contain the flowpath within a Drainage Reserve 25 metres wide through the site.

2. Engineering or Internal Referral

2.1 Water

The development proposes to connect to an existing water main on the northern side of Jealous Road via works in Stage 1 of the subdivisional works. The Developer will be also conditioned at Stage 3 to connect the internal water to the water supply network in Maike Street.

2.2 Sewerage

The development proposes to connect into the sewer infrastructure to be provided at Stage 1 of the subdivisional works.
2.3 **Roadworks**

The development proposes the continuation of Stage 1 internal roadways and the creation of a linking road and three cul-de-sacs. All road reserves will be 15 metres wide with a pavement width of 7.0 metres.

2.4 **Drainage**

As part of the Information request Council sought clarification in regard to vehicular access to the Drainage Reserve and also Crime Prevention Through Environmental Design (CPTED) principles the developer proposes in respect to the residential lots which abut the proposed drainage reserve. The Developer’s response to these matters is as follows:

“the object of the CPTED principles is to make public spaces safer spaces. The principles encourage passive surveillance of publicly owned land and seek to limit places of entrapment or concealment.

It is the Applicant’s view that CPTED is not directly relevant to the current application as it applies to the proposed drainage reserve. The reason for this position is that CPTED specifically addresses public spaces ‘which are intended for use by the public’ (cf definition of ‘public spaces’ in CPTED Guidelines for Queensland). Neither the Council, nor the applicant seeks the drainage reserve as a place of social engagement. It is not, for example, a ‘gathering place’ as anticipated by Action 1.5 of Chapter 6 CPTED Guidelines for Specific Urban Environments of the Guidelines. It is not a ‘shared space’ as envisaged by Principle 3A and has not been designed to satisfy the ‘needs of different groups’ as envisaged by Action 3.1 of Chapter 6. As indicated in the Town Planning Report that accompanied the development application, the drainage reserve has been located and designed to satisfy a specific function – the carriage and detention of stormwater. For this reason, it is our client’s submission that CPTED is not directly relevant to the design of the drainage reserve.

Notwithstanding this position, the applicant has no objection to Council imposing a condition that requires it to build a drainage reserve boundary fence to Lots 42, 48, 49, 50, 51, 55, 56 and 61 with not less than 50% of the boundary fence area being permeable. This will ensure passive surveillance of the reserve and could be complemented by a similar condition of the aforementioned community title development proposal on the north side of the reserve.

With respect to the matter of vehicle access to the drainage reserve, discussions between this consultancy and Council officers indicated that the pivotal issue was more a matter of maintenance vehicle access along the reserve (particularly during a flood event) rather than to the reserve. With this in mind, the present 1:3 grade is considered to be too steep to enable a vehicle to safely drive along the reserve. GHD engineers have reviewed the cross-sectional design of the reserve and admit that a 1:4 grade is achievable. This grade can be traversed by maintenance vehicles. It is therefore recommended that Council impose a condition that requires the operational works drawings to show a bank gradient to the drainage reserve of not greater than 1:4.”
It is to be noted that the matter of lots abutting the proposed drainage reserve was discussed with the previous property owners/developer at the time of consideration of the material change of use application for the entire site. At that time, the proposed drainage reserve was designed to be adjoined on both sides by a narrow strip of Parkland, and with the southern side abutting a future roadway, with only two lots in the extreme north-eastern corner abutting the drainage reserve. This design had the advantage of providing additional parkland and open space for the entire development, as well as achieving the design element of good accessibility and visibility from roadways to the drainage reserve as envisaged by CPTED. It is noted in the past that where lots abut drainage reserves, high screen fences are usually constructed, and the drainage reserve becomes an informal “dumping ground” for garden and other rubbish.

The drainage reserve area to the east of this site, contains an underground pipe drainage system, which outlets onto the subject site. The Developer’s proposed drainage system involves an open drain system, and where the drain meets the proposed extension of Road 1, a series of 1300 diameter pipes to divert the drainage to the drainage area provided at Stage 1. This situation will result in the proposed drainage reserve east of Road 1 serving the purpose of a detention basin and at its meeting with Road 1 road reserve, would be approximately 4.0 metres deep. Safety concerns are held especially where young children may be caught in the open drain, and do not readily have an escape path.

The Crime Prevention Through Environmental Design (CPTED) Guidelines for Queensland – Part A – Essential Features of safer places aim is to influence and inform decision makers about designing and managing the built environment, so that our communities, towns and cities are safer, more secure and therefore more sustainable. Designing and managing for security is about many, sometimes competing, goals and responses. The Guidelines state that no one single detailed CPTED strategy or principle should be followed in isolation from the others, with the best approach being “based upon an understanding and application of the whole body of CPTED ideas.” The focus of CPTED is about preventing crime against people and property. The Applicant’s statement that the proposed drainage area is not intended as a “public space” will not prevent the use of such a space by the public, and in fact will be workspace for Council maintenance workers. It is impracticable to adequately and securely fence such an area to prevent entry by any person. It is desirable that such an environment be designed to be safe for maintenance workers and any person who may enter upon such area.

It is to be noted that an ARC type pool fence, would normally be 1.2 metres high and have a transparency factor of approaching 85 per cent

Batter slopes – the Developer has requested that Council accept 1(V): 4(H) batter slopes within the proposed Drainage reserve east of the extension of proposed Road 1. It is to be noted that this slope is similar to the slope of the drainage reserve to the east of the development site. It is further noted that the drainage reserve land to the east does not contain an open drain, but underground pipe drainage.

The Filling and Excavation Code, as well as the Bundaberg City Development Manual specifies 1(V) : 6(H) maximum slopes, unless otherwise approved by
Council. In this instance, a relaxation of the 1(v) : 6(H) maximum batters is not considered appropriate, particularly considering the location of the drain behind the proposed residential allotments and the on-going maintenance burden such will impose on Council.

3. **State Planning Policies**

This Development has been designed to provide a landscaped buffer to adjacent agricultural land in Jealous Road, in line with that required at Stage 2 of the development.

4. **Referral Agencies**

There are no referral agencies.

5. **Submissions**

No submissions were received as a result of Public notification of this proposal.

6. **Infrastructure Charges**

Infrastructure charges contributions would be required as per the attached calculation sheet.

**Request by Application for Reduction/Refund of Fees**

As mentioned previously, the Applicant has a current MCU application for 46 units on proposed Lot 100 of Stage 2A of this application.

By letters dated 09 March and 24 March 2010, the Applicant has requested that refund of fees in respect of this and the MCU application. [Copies of letters are attached].

It is noted that the fees paid at the time of lodgement of this application, and also that for the MCU were the fees scheduled in Council’s adopted Schedule of fees.

- This matter is submitted for Council’s consideration.

**CONCLUSIONS**

1. The subject land is suitable for residential subdivision, with all required services being able to be extended to service the site.

2. The method of drainage proposed by the Developer is unsatisfactory. The Developer proposes to provide a drainage area, which will be dedicated as Public use Land for Drainage purposes with batter slopes greater than 1(V) : 6(H). This area will need to be maintained by Bundaberg Regional Council and batter slopes greater than 1(v) : 6(H) have been a considerable maintenance burden in previous developments.
3. The proposed batters to the Drainage Area are contrary to the requirements of the Planning Scheme for Bundaberg City’s Filling and Excavation Code, which specify a maximum batter of 1(V) : 6(H).

4. The proposed batters to the Drainage Area are contrary to the Bundaberg City Development Manual which specifies 1(V) : 6(H) maximum slope, unless otherwise approved by Council. In this instance a relaxation of the 1(V) : 6(H) maximum batter is not considered appropriate, particularly considering the location of the drain behind the proposed residential allotments and the ongoing maintenance burden such will impose on Council.

5. The proposed layout of the subdivision is unsatisfactory, particularly in respect to the lots adjoining the proposed Drainage Area and does not meet the aim or focus of the Crime Prevention Through Environmental Design guidelines. The Drainage area will be dedicated as Public Use Land for Drainage Purposes and has not been designed using CPTED guidelines to provide a safe and secure environment for any person who may enter the area.

6. Re-design of the subdivision layout of the site can be carried out to achieve the required batter slopes and a safer and more secure environment.

**Attachments:**

1. Proposal Plans & Buffer Elevations
2. Locality Plan
3. Proposal Plan
4. Decision Notice

**Recommendation:**

(A) The request for reduction/refund of part of the fees paid is submitted for Council’s consideration;

(B) The application (Council Reference Number 321.2009.27374.1) for Reconfiguring a Lot for Subdivision 37 Lots plus Drainage Reserve (in Three stages) at 64 Jealous Road, Kalkie; land described as Lot: 1 RP: 24923, Lot: 2 RP: 24923, Lot: 2 RP: 229039, County Cook, Parish Kalkie be granted PRELIMINARY APPROVAL ONLY and Council (acting as Assessment Manager) issue the attached Decision Notice, including attachments.
5 August 2010

Vasco Pty Ltd
C/- GHD Pty Ltd
PO Box 712
BUNDABERG QLD 4670

Attn: Randall Barrington

Dear Sir

Development Application Decision Notice
Approval
Integrated Planning Act 1997 Section 3.5.15


– Planning Scheme for Bundaberg City.

I refer to the above-described development application, received by Council on 2nd December 2009 and deemed properly made on 11th December 2009. This application has been assessed by Council and granted Preliminary Approval under delegation by the Planning and Development Committee on the 5 August 2010.

1. Details of Preliminary Approval

PRELIMINARY APPROVAL for Reconfiguring a Lot – Impact Assessable – Subdivision of the land into single unit residential housing subject to re-design and submission of a fresh Reconfiguring a Lot application providing for a subdivision layout which incorporates –

1.1 A Drainage Area which has been designed to:

(a) have batter slopes not greater than 1(v) : 6(H) in accordance with the Planning Scheme for Bundaberg City’s Filling and Excavation Code and Bundaberg City Development Manual; and

(b) provide a safe and secure environment for nearby residents and their properties, maintenance workers and their vehicles and any person who may enter such area;

Our Reference: 321.2009.27374.1
Your Reference: 41/22193/00/5180 RB
Contact Person: G B Downie
(c) exhibit good and permanent surveillance from public roadways and overlooking by nearby residential property residents;

2. Reasons for Preliminary Approval

2.1 The subject land is suitable for residential subdivision, with all required services being able to be extended to service the site.

2.2 The method of drainage proposed by the Developer is unsatisfactory. The Developer proposes to provide a drainage reserve, which will be dedicated as Public Use Land for Drainage purposes with batter slopes greater than 1(V) : 6(H). This area will need to be maintained by Bundaberg Regional Council and batter slopes greater than 1(v) : 6(H) have been a considerable maintenance burden in previous developments.

2.3 The proposed batters to the Drainage area are contrary to the requirements of the Planning Scheme for Bundaberg City’s Filling and Excavation Code, which specify a maximum batter slope of 1(V) : 6(H).

2.4 The proposed batters to the Drainage area are contrary to the Bundaberg City Development Manual which specifies 1(V) : 6(H) maximum slope, unless otherwise approved by Council. In this instance a relaxation of the 1(V) : 6(H) maximum batter is not considered appropriate, particularly considering the location of the drain behind the proposed residential allotments and the on-going maintenance burden such will impose on Council.

2.5 The proposed layout of the subdivision is unsatisfactory, particularly in respect to the lots adjoining the proposed Drainage area and Council considers that it does not meet the aim or focus of the Crime Prevention Through Environmental Design (CPTED) guidelines. The Drainage area will be dedicated as Public Use Land for Drainage Purposes and has not been designed using CPTED guidelines to provide a safe and secure environment for any person who may enter the area.

2.6 Re-design of the subdivision layout of the site can be carried out to achieve the required batter slopes and a safer and more secure environment.

3 Referral Agencies

Concurrence Agencies: nil
Advice Agencies: nil
4 **Referral Agency’s Response**
   
   Concurrence Agencies: nil
   Advice Agencies: nil

5 **Conflicts with Laws and Policies and Reasons for the Decision Despite the Conflict**
   
   Not applicable

6 **Further Development Permits Required**
   
   The following development permits are necessary to allow the development to be carried out:
   o Development permit for Reconfiguring a Lot

7 **Submissions**
   
   There were no properly made submissions about the application.

8 **Rights of Appeal**
   
   Attached is an extract from the Integrated Planning Act 1997 which details your appeal rights regarding this decision.

9 **When the Development Approval Takes Effect**
   
   This development approval takes effect as per set out by s 3.5.19 of the Integrated Planning Act 1997.

Yours faithfully

(Peter Byrne)
Chief Executive Officer