



COOLOOLA SHIRE COUNCIL

AGENDA

of the

GENERAL MEETING

CHAIRMAN: Cr M Venardos OAM (Mayor)

**Held in the Boardroom
Old Bank Building
Cnr Nash & Channon Streets,
Gympie Qld 4570**

**On Tuesday 4th March 2008
at 9.00 am**



Cooloolo Shire Council

GENERAL AGENDA

*Mayor MJ Venardos OAM (Chairman),
Crs. CR Chapman OAM, FG Nissen AM, NR Ellis, LJ Friske, R.
Owen, SS Jocumsen, DR Neilson, IT Petersen, WJ McIntyre, WW
Sachs, J Watt and M. Prior.*

CONTENTS

SECTION 1: OPEN WITH PRAYER.....	4
SECTION 2: APOLOGIES.....	4
SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING.....	4
SECTION 4: PETITIONS.....	4
SECTION 5: ADOPTION OF PLANNING AND DEVELOPMENT COMMITTEE RECOMMENDATIONS.....	4
SECTION 6: REPORT BY PLANNING & DEVELOPMENT.....	4
CHAIRMAN (CR D.R NEILSON).....	4
SECTION 7: FINANCE DEPARTMENT MATTERS (Y. OLIVER).....	5
7/1 RECOMMENDATION F17/02/08 OF THE RECOMMENDATIONS OF THE ADMINISTRATION AND FINANCE COMMITTEE MEETING HELD ON 19 FEBRUARY 2008.....	5 5 5
SECTION 8: PLANNING & DEVELOPMENT DEPARTMENT MATTERS (M. HARTLEY).....	5
8/1 DA16145 – MATERIAL CHANGE OF USE APPLICATION – SHOWROOM & WAREHOUSE – 165 BRISBANE ROAD, MONKLAND – ARALUEN DEVELOPMENTS PTY LTD.....	6 6
8/2 REQUEST FOR RECONSIDERATION OF ROAD CONTRIBUTION ASSOCIATED WITH APPROVED RURAL RESIDENTIAL SUBDIVISION.....	15
8/3 DA13180 – DEVELOPMENT APPROVAL FOR RECONFIGURING A LOT – SUBDIVISION TO CREATE 121 ADDITIONAL LOTS – EEL CREEK ROAD, PIE CREEK – KEELDALE PTY LTD.....	20
8/4 DA12491 – REQUEST TO CHANGE AN EXISTING APPROVAL FOR MATERIAL CHANGE OF USE – TO CHANGE THE LAND USE ENTITLEMENTS FROM THE RURAL ZONE TO THE HOUSING ZONE AND RECONFIGURING A LOT – SUBDIVISION TO CREATE 56 ADDITIONAL LOTS – BANKS POCKET ROAD, GYMPIE – GYMPIE DEVELOPMENTS.....	22
SECTION 9: CORPORATE SERVICES MATTERS (CR M.J VENARDOS OAM, C. MANSON, B. HAYES).....	29
9/1 CALL FOR VOTERS TO TURN OUT IN COUNCIL ELECTIONS.....	29
9/2 CIRCULAR # 2008-030 – STATE GOVERNMENT SHIFTS ALL LOCAL GOVERNMENT EMPLOYEES INTO THE STATE INDUSTRIAL RELATIONS SYSTEM.....	30
SECTION 10: LATE ITEMS.....	31

SECTION 11: GENERAL BUSINESS..... 31

SECTION 12: IN COMMITTEE MATTERS 31

12/1 MEREDITH ROAD PROPERTY REF 31070, INVOICE No 299 9/06/93 31

SECTION 1: OPEN WITH PRAYER

ONE MINUTES SILENCE TO BE OBSERVED FOR DECEASED
COOLOOLA SHIRE RESIDENTS

SECTION 2: APOLOGIES

**SECTION 3 : CONFIRMATION OF MINUTES OF
PREVIOUS GENERAL MEETING**

(MOTION: That the Minutes of the General Meeting held on 26
February 2008 be taken as read and confirmed.)

SECTION 4 : PETITIONS

**SECTION 5 : ADOPTION OF PLANNING AND
DEVELOPMENT COMMITTEE
RECOMMENDATIONS**

(MOTION: That the Recommendations of the Planning and Development
Committee Meeting held on 26 February 2008 as presented, be received.)

(MOTION: That the Recommendations of the Planning and Development
Committee Meeting held on 26 February 2008 (as amended), be adopted.)

**SECTION 6: REPORT BY PLANNING & DEVELOPMENT
CHAIRMAN (Cr D.R Neilson)**

**SECTION 7: FINANCE DEPARTMENT MATTERS
(Y. Oliver)**

7/1 Recommendation F17/02/08 of the Recommendations of the Administration and Finance Committee Meeting held on 19 February 2008

Re: Recommendation F17/02/08 of the Recommendations of the Administration and finance committee meeting held on 19 February 2008.

From: Finance Department Manager, Y. Oliver

File:

Date: 28 February 2008

At the General Meeting held on 26 February 2008, Council resolved vide Minute G82/02/08 that Recommendation F17/02/08 of the Recommendations of the Administration & Finance Committee Meeting held on 19 February 2008 be deleted, and the following placed in its stead:-That submissions in relation to the earlier than normal closing of the discount period will be considered at the General Meeting the be held on 4 March 2008, and Council will grant the discount on a case by case basis if hardship is demonstrated and provided the rates are paid by 8 March 2008.

Further, that the submitters be advised as soon as possible.

Report: (Finance Manager – Y. Oliver)

The above item is submitted for information as both parties have since paid their rates in full prior to the discount period ended 28/02/08.

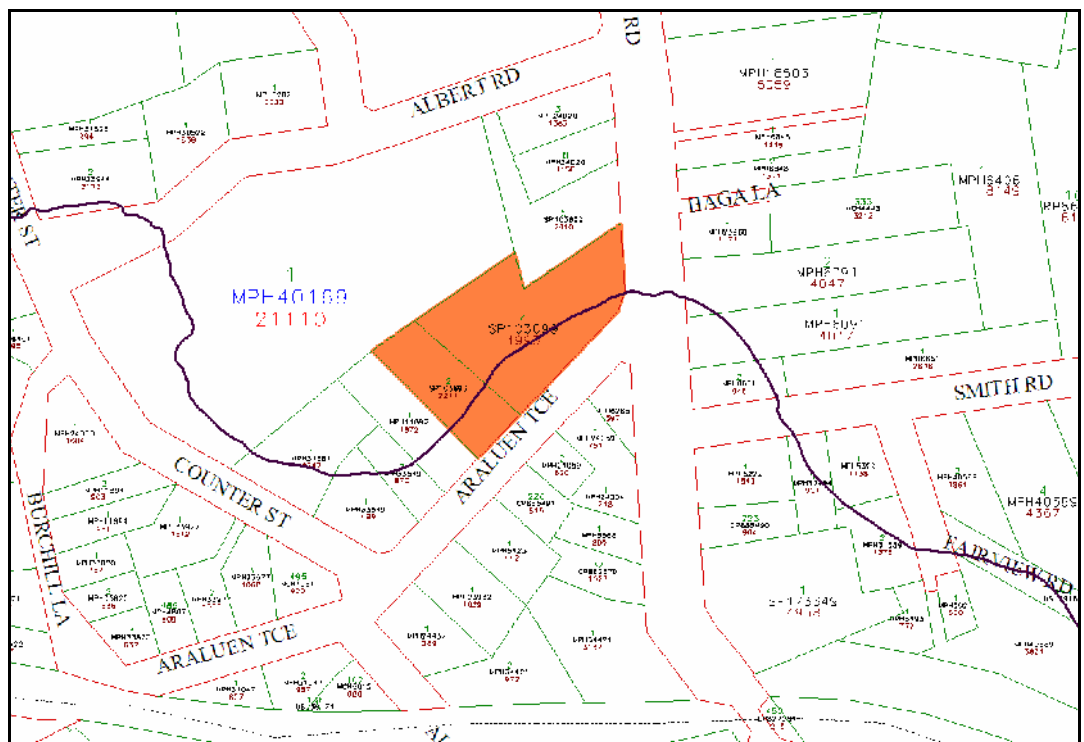
Recommendation: (Finance Manager – Y. Oliver)

That the item be received for information.

**SECTION 8: PLANNING & DEVELOPMENT
DEPARTMENT MATTERS (M. Hartley)**

8/1 DA16145 – Material Change of Use Application – Showroom & Warehouse – 165 Brisbane Road, Monkland – Araluen Developments Pty Ltd

FILE NO:	DA16145
APPLICANT:	Araluen Developments Pty Ltd
LANDOWNER:	Araluen Developments Pty Ltd
RPD:	Lots 2 & 4 SP103699
SITE ADDRESS:	165 Brisbane Road, Monkland
CURRENT USE OF LAND:	Vacant
PROPOSAL:	Material Change of Use – Showroom & Warehouse
ZONE:	Housing
PLANNING AREA:	Gympie
LEVEL OF ASSESSMENT:	Code



Report: (Senior Planning Officer – T.M. Stenholm)

1.0 Introduction

This application was reported to Council’s Planning and Development Committee Meeting on 26 February 2002 where it was resolved vide minute P31/02/08:

‘Recommend that staff be requested to prepare conditions of approval for inclusion in the General Meeting Agenda for 4 March 2008 including

provision for a ‘no standing zone’ along the full frontage of the development site.’

2.0 Conditions

Following are conditions considered appropriate for an approval of the development.

However, Council will also need to provide ‘sufficient grounds’ to justify the decision despite conflicting with the planning scheme and consider that the following desired environmental outcomes of the planning scheme are not compromised:

- ‘(10) the standard of the built environment reflects community expectations and contributes to the amenity of the Shire;*
- (15) the health and safety of people, the amenity they enjoy . . . are maximised.’*

No hours of operation are indicated in the proposal report however it is considered appropriate to limit Saturday trading to morning only.

The following calculations are made for water and sewerage headworks charges:

<u>Water Supply</u>	<p>Showroom 1.0 ep/100m² 8.96 x 1.0 ep = 8.96ep</p> <p>Warehouse = 1.7e.p / 100m² Net Area = 1.7 x 9 (ie 900m²) = 15.3ep</p> <p>Credits = 2 x housing lots (all > 1 000m²) = 2 x 3.5ep = 7.5ep</p> <p>Total EP = 8.96ep (Showroom) + 15.3ep (Warehouses) – 7.5ep (Housing Credits) = 16.76Ep = 16.76 x \$1 054.50 = \$17 673</p>
---------------------	--

<u>Sewerage</u>	<p>Showroom 1.2ep/100m² = 8.96 x 1.2ep = 10.752ep</p> <p>Warehouse = 2.1e.p. / 100m² Net Area = 2.1 x 9 = 18.9ep</p> <p>Credits = 2 x housing lots (all > 1 000m²) = 2 x 3.0ep = 6ep</p> <p>Total EP = 10.752ep (Showroom) + 18.9ep (Warehouses) – 6.0ep (housing credits) = 23.652ep = 23.652 x \$1 647.87 = \$38 975</p>
-----------------	---

Assessment Manager's Conditions

Section 1.0 Conditions to be Satisfied Prior to the Commencement of the Approved Use

- 1.1 The development herein approved may not start until:
- (i) the following development permits have been issued and complied with as required –
 - (a) Development Permit for Building Work;
 - (b) Development Permit for Plumbing & Drainage Work;
 - (c) Development Permit for Operational Work (Site Works, Retaining Structures, Drainage Works, Sewerage Works, Car Parking Areas and Driveway Access).

Note: The development permit for operational work is to be submitted and approved prior to the issue of other required permits.

- 1.2 Contribution is to be made towards Water Supply Headworks in accordance with Council's Planning Scheme Policy 7. The contribution is currently assessed at \$17 673, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- 1.3 Contribution is to be made towards Sewerage Supply Headworks in accordance with Council's Planning Scheme Policy 7. The contribution is currently assessed at \$38 975, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.

- 1.4 In accordance with Planning Scheme Policy 11: *Roadworks Contributions* a contribution, currently assessed at \$3 294, is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount will be indexed to ABS ANZSIC Class 4121.
- 1.5 A contribution of \$1 500 is to be paid to Council towards the provision of street lighting in the vicinity of the site.
- 1.6 Prior to the issue of a Development Permit for Building Work all lots that form part of this Development Application are to be amalgamated in Title. Such amalgamation does not require development approval however evidence that this has been affected is to be submitted to Council.
- 1.7 Approved refuse containers are to be provided and kept in an imperviously paved area with a suitably screened enclosure in accordance with the *Environmental Protection (Interim Waste) Regulation 1996* to the satisfaction of Council's Chief Executive Officer.
- 1.8 The number and type of refuse containers provided on site is to be determined in accordance with Council's Rating Policy.
- 1.9 Proposed buildings are not to exceed 8.0 metres in height, measured from natural ground level to the highest projection of the building at any point.
- 1.10 The buildings are to incorporate a portico entrance, awnings and other architectural features as nominated in the approved '3D Views' plan.
- 1.11 Easements or reserves for drainage purposes are to be surveyed and registered in favour of Council and at no cost to Council. Specific requirements are to be confirmed with Council's Chief Executive Officer prior to cadastral survey and at completion of engineering design approval process. A solicitor's undertaking (or alternative suitable to Council) shall also be submitted confirming the easement documents will be submitted with the Plan Registry Authority in conjunction with the Plan of Survey.
- 1.12
 - (i) An easement will be required from relevant adjoining landowners to discharge/accept any concentrated stormwater onto their respective properties.
 - (ii) Such water is to be directed to the lawful point of discharge without causing nuisance or annoyance to any person.

- 1.13 (i) Provide Council with written permission from relevant adjoining landowners to discharge/accept concentrated stormwater onto their respective properties.
(ii) Such water is to be directed to the lawful point of discharge without causing nuisance or annoyance to any person.
- 1.14 The development layout will need to be amended to comply with Council's building setback from sewer or an application for building over sewer is to be submitted for Council's assessment.
- 1.15 The development herein approved may not start until written confirmation is provided to Council that the Department of Main Roads conditions attached to this Development Permit are substantially completed/fulfilled to the satisfaction of the Department of Main Roads.
- 1.16 Any retaining structures greater than one (1) metre in height are to be certified by a structural engineer and subject to building approval.

Section 2.0 Conditions Relevant to the issue of a Development Permit for Operational Work (Site Works, Retaining Structures, Drainage Works, Sewerage Works, Car Parking Areas and Driveway Access)

- 2.1 Access to the proposed development is to be constructed in accordance with the requirements of Council's Infrastructure Works Code – Drawing No R-05.
- 2.2 Access to the site is to be designed for medium rigid vehicles.
- 2.3 The existing abandoned driveway accesses are to be reinstated with kerb and channel to comply with Council's requirements. The footpath verge to also be reinstated as part of this work including previous pedestrian access points with lower kerb heights along Araluen Terrace.
- 2.4 The internal driveway is to be constructed in a manner to provide suitable access for a refuse collection vehicle to the satisfaction of Council's Chief Executive Officer.
- 2.5 Provide at least 38 off-street car parking spaces including at least one (1) designated accessible parking bay located at opposite ends of the site. The accessible parking bay is to be located on a continuous accessible path of travel between the car parking facilities and the main entrance to each building.

- 2.6 Car parking and access areas shall be sealed pavement and designed, drained, constructed and maintained in accordance with Council's Vehicle Parking and Access Code.
- 2.7 Lighting is to be provided to the car park area in accordance with the requirements of A/PS-3 of the Vehicle Parking and Access Code.
- 2.8 Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems at no cost to Council.
- 2.9 Landscaping is to be provided to the development along the frontage of the site and within car parking areas in accordance with Council's Landscaping Code.
- 2.10 A 1.8m high solid Colorbond (or other approved material) is to be constructed along the boundaries of the property adjoining residential uses.
- 2.11 A 1.2 metre wide concrete footpath is to be constructed along the full frontage of the site to Araluen Terrace and Brisbane Road and the remaining areas shall be formed, grassed and topsoiled in accordance with the requirements of the Infrastructure Works Code and Planning Scheme Policy 8: *Infrastructure Works*.
- 2.12
 - (i) A properly prepared Landscape Plan in accordance with Council's Planning Scheme Policy 4 - Landscaping is to be submitted to and approved by Council's Chief Executive Officer. The landscape plan is to denote areas of existing vegetation and/or existing trees proposed to be retained and proposed amenities to be provided for residents.
 - (ii) Landscaping works are to be completed in accordance with the approved landscape plans.
 - (iii) The landscaping shall be maintained (watering, fertilising, mulching, weeding, and the like) at all times.
- 2.13 Undertake at no cost to Council, the alteration of any public utility mains (eg. Electricity, water, sewerage, gas etc.) or other facilities necessitated by the development of the land or associated construction works external to the site.
- 2.14 Stormwater is to be disposed of on site so as to cause no scour or damage to adjoining properties to the satisfaction of Council's Chief Executive Officer.
- 2.15
 - (i) A master stormwater drainage plan, designed in accordance with Council's Infrastructure Works Code, is to be prepared to address the impact of the proposed development on the existing

- stormwater drainage in the area, including upstream and downstream of the site.
- (ii) In this regard, stormwater runoff from the proposed development is to be collected on site in an appropriately designed detention system or other manner acceptable to Council.
- 2.16 Any upgrading of the sewer connection line external to the property necessary to service the development is to be carried out at the applicant's expense.
- 2.17 An Environmental Management Plan is to be submitted and approved by Council prior to commencement of any site works. The plan is to address all likely environmental impacts during the construction phase of the development, including but not limited to
- (a) noise;
 - (b) stormwater management;
 - (c) erosion and sediment control;
 - (d) dust; and
 - (e) hazardous goods storage.
- The plan shall also include a process for reducing and dealing with potential complaints.
- 2.18 All night lighting must be designed and constructed to the satisfaction of Council's Chief Executive Officer so that light emitted from the subject land does not, in the opinion of the Council, cause nuisance or annoyance to residents or traffic in the immediate vicinity.
- 2.19 The floor level for all buildings and other structures, car park areas and fill levels for the site are to be approved by Council's Chief Executive Officer.
- 2.20 Any filling or other development works undertaken on the site shall be carried out so as not to cause the ponding of water on any adjoining lands or the blockage or interference with any natural watercourse.
- 2.21 No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Operational Works.
- 2.22
- (i) Where any works associated with this development approval are to be carried out on Council controlled land, such as road, park, drainage reserves, or the like, a Traffic Management Plan shall be submitted to Council for approval with the development application/s for such works.
 - (ii) The Traffic Management Plan shall be constantly reviewed and revised throughout the construction phase of the project until the works are accepted "On-maintenance" by Council.

- 2.23 Erosion and sediment control measures are to be designed and provided in accordance with the Institution of Engineers, Australia, Qld Division's "*Soil Erosion and Sediment Control: Engineering Guidelines for Queensland Construction Sites*". The design shall be submitted to Council for approval with subsequent development applications for operational work.
- 2.24 Prior to commencement of any site works a declared plants clearance is required to be obtained from Council and/or a satisfactory management plan approved. The enclosed Notification of Compliance Form is to be completed and lodged with Council as evidence that this has been undertaken prior to issue of a Development Permit for Operational Works.
- 2.25 A 'No Standing Anytime' zone is to be implemented, including the required signage and road markings, from the proposed driveway on Araluen Terrace to its intersection with Brisbane Road and the full frontage of the development site to Brisbane Road in accordance with the requirements of the MUTCD.

Section 3.0 General Conditions of Approval

- 3.1 (i) The development shall be generally in accordance with the plans submitted with the application (Plans unnumbered drawn by Cooloola Drafting and dated 28 August 2007) except for any amendments required to comply with the conditions of approval;
- (ii) The layout of the development as shown on the endorsed development plans shall not be altered or modified unless previously approved by Council's Chief Executive Officer.
- 3.2 Hours of operation are approved for
Mon - Fri 7am – 5:30pm
Sat 8am – 12pm
- 3.3 Loading/unloading operations shall be conducted within the site and vehicles waiting to be loaded/unloaded shall stand entirely within the site.
- 3.4 Access to the site is limited to medium rigid vehicles only. Approval is not granted for the site to be accessed by vehicles larger than a medium rigid vehicle at any time.
- 3.5 In the event that a valid complaint of unreasonable noise emissions from the development is received, Council may require the submission of an environmental noise level study and report which complies with Australian Standard 1055 and The Environmental Protection Agency Noise Measurement Manual and require works and/or management

practices to be carried out to ensure noise emissions comply with the requirements of the Environmental Protection (Noise) Policy 1997.

- 3.6 A Development Permit for Operational Work (Advertising Devices) is required for any proposed signage on the site.
- 3.7 All appliances and equipment including air conditioner units shall be installed and/or housed so as to prevent the emission of unreasonable noise.
- 3.8 Any lighting on the site is to be angled or shaded in a manner so that light does not directly illuminate any nearby sensitive premises (eg private residence) causing environmental nuisance.

Concurrence Agency Conditions

(a) Department of Main Roads

The application was referred to the Department of Main Roads as a Concurrence Agency under the requirements of the Integrated Planning Act. That department has imposed the following conditions on an approval of this development.

- (i) There shall be no direct access to Tin Can Bay Road. All access is to be via Araluen Terrace and a minimum of 40m from the Property alignment at Tin Can Bay Road.
- (ii) Prior to the commencement of any works within the State-controlled road including connection to services, the applicant must arrange for detailed engineering plans and specifications for the proposed works to be submitted to Main Roads for assessment and be approved.
- (iii) The engineering design, plans and specifications submitted must be certified by an appropriate Registered Professional Engineer Qld (RPEQ).

Note:

Further approvals will be required for construction in accordance with the requirements of section 33 of the Transport Infrastructure Act 1994.

- (iv) All works associated with this proposal, including relocation of services, lighting, etc. must be carried out at no cost to Main Roads.
- (v) The applicant is responsible for achieving the acoustic quality objectives of the Environmental Protection Act 1994, Environmental Protection (Noise) Policy 1997 and the requirements of Main Roads document, Road Traffic Noise Management: Code of Practice. Main Roads will not be responsible for the provision of any buffers or noise attenuation

measures necessary to maintain an appropriate level of amenity for residential or other noise sensitive uses. The applicant is to provide these noise attenuation facilities which are to be located clear of the State-controlled road reserve.

- (vi) The applicant is to undertake all necessary works to ensure that future stormwater runoff from the proposed development is no worse than currently exists.

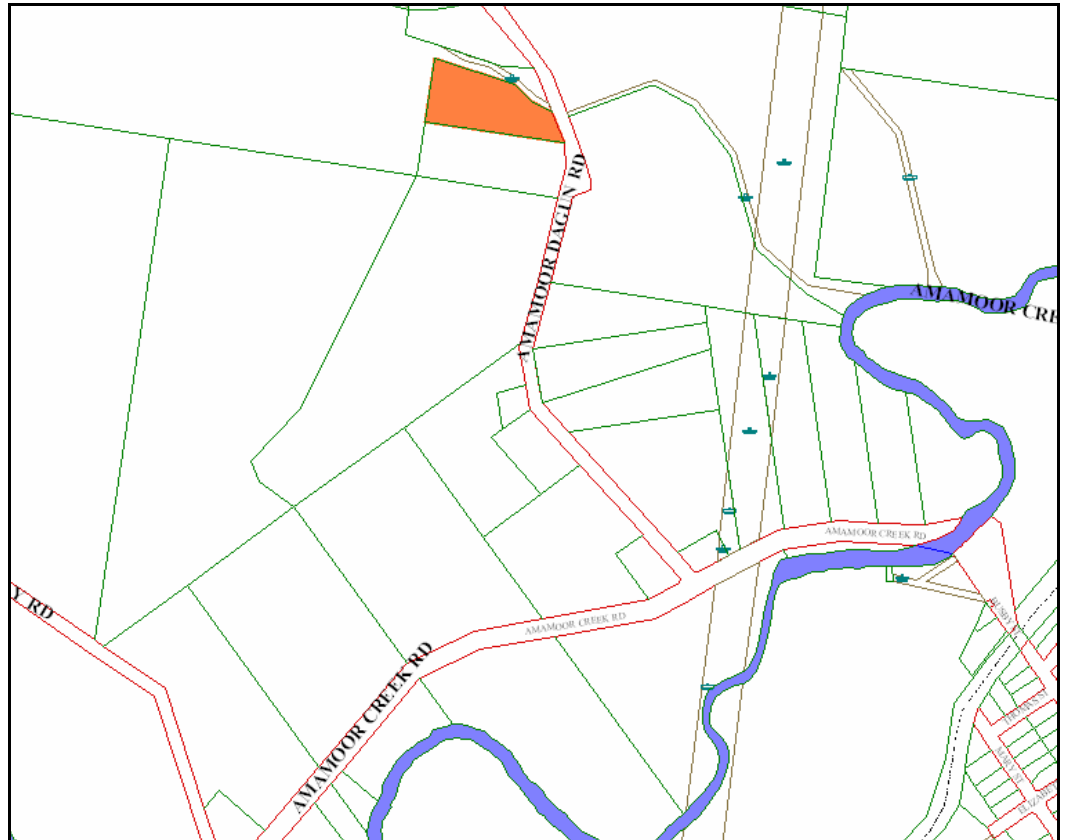
Recommendation: (Director of Planning and Development – M. Hartley)

For Council's consideration.

8/2	Request for Reconsideration of Road Contribution Associated with Approved Rural Residential Subdivision
-----	---

Re: Request for Reconsideration of Road Contribution Associated with Approved Rural Residential Subdivision
Site: Lot 4 RP814548
From: S.G. and H.M. Simmons
File: DA14565
Date: 29 January, 2007 (sic)

“As previously deliberated, I would like you to reconsider the amount of road contribution that we have been asked to pay. When we first approached council with the intention of cutting off a portion of our land, we were told that we would have to pay a road contribution, and the amount quoted to us was \$9,000.00 (Nine thousand dollars) after looking at other costs, we decided to proceed, at this point in time a contribution to parks was not mentioned, however, after following procedures and advises from the planning and development department, and our application was approved (with conditions) we found the road contribution was \$20,000.00 (Twenty thousand dollars) this amount being far in excess of the quoted amount. We at this stage of the project cannot turn back, due to all of the outlays we have made. Most of the other conditions have now been met, and the ones that are not are in the process of being completed. Please give this request your consideration.”



Report: (Senior Planning Officer – T.M. Stenholm)

1.0 Introduction

The above request was received by council on 4 February 2008 and is a request for Council to reconsider the road contribution levied on an approved subdivision at Amamoor.

The request was not made as a formal request to change an approval with the normally required fee for such.

2.0 History

The application for a Material Change of Use to change the land use entitlements to those of the Rural zone and Reconfiguring a Lot – Subdivision to Create One (1) Additional Lot was lodged with Council on 10 October 2006.

Public notification of the proposal was carried out from 10 March 2007 to 4 April 2007 and no submissions were received.

A report was submitted to the Planning and Development Committee Meeting on 8 May 2008 and was approved subject to conditions at the General Meeting held on 15 May 2008. The Decision Notice was issued on 21 May 2007.

Planning and Development Committee Meeting held on 10 July 2007 and at the General Meeting held on 17 July 2007, it was resolved to issue a Negotiated Decision Notice. The Negotiated Decision Notice was issued on 25 July 2007.

3.0 Planning Comment

Representations were lodged during the initial appeal period where Council resolved vide Minute P12/07/07:

“Recommend that Item 1/10 be received.

Further, that in relation to development application (DA14565) for Material Change of Use – To Change the land use entitlements from the Rural Zone to the Rural Residential Zone & Reconfiguring a Lot – Subdivision to Create One (1) Additional Lot & Access Easement, located at 204 Amamoor-Dagun Road, Amamoor, Council issue a Negotiated Decision Notice incorporating the following amendments:

1. *Existing condition 2 to be deleted and replaced with:
“At the time of lodgement of the survey plan with Council, Easement B is to be shown on the plan and a solicitor’s undertaking provided that Easement B will be registered to facilitate a legal point of access to proposed lot 1 upon lodgement of the survey plan with the Titles Office”;*
2. *Condition 4 to be amended to read: In accordance with Planning Scheme Policy 10: Roadworks Contributions, a contribution, currently assessed at \$19,584, is to be paid toward road improvements on Amamoor-Dagun & Amamoor Creek Roads. The amount will be indexed to reflect the cost of the works at the time of payment.*
3. *Condition 11 to be amended to remove the words ‘for the full length of the easement’.*
4. *Condition 1 to be modified to read:
(a) revised plan nominating the access location into proposed lot 1 to be submitted and approved by Council to determine the extent of sealing works required by condition 11.*
5. *Delete reference to access easement as part of the approval given applicant’s withdrawal of this component.*

Further, that the \$313 assessment fee paid for the easement be refunded given the applicants intention to create a new easement that is not considered assessable development under the Integrated Planning Act.”

Previous staff comments made in justifying the amount is reproduced below:

“LEAD-IN ROAD / FRONTAGE ROAD

As reported to Council for DA09289 – Wordsworth (adjacent Lot), Amamoor Creek Road and Amamoor Dagon Road leading to and fronting the proposed lot is constructed to an average of 4.7 metres and 3.6 metre bitumen seal respectively. To upgrade these roads to comply to the Planning Scheme requirements of two lane bitumen, would cost be in excess of \$170,000. With the previous application, Council required a road contribution of \$17,000 in lieu of road construction.

Adjusting that figure by the Road and Bridge Index, the revised contribution amount would be \$19,584.00.

The site is not included in Council’s policy for rural residential road contributions and thus this contribution was calculated based on upgrading required in the area and potential number of new lots under the previous planning scheme. The development potential under the current scheme is markedly less in this area than under the 1997 scheme.

Amamoor-Dagon/Amamoor Creek Roads are the roads that were used in order to calculate the contribution for this development, as the lead-in road. This road does not meet the requirements for rural residential subdivision under Council’s now superseded subdivision design policy (or current policy). Upgrading is considered warranted. Unfortunately for the applicants, Council is unable to distribute this cost among a large number of subdividers (as in rural residential areas around Gympie covered by Planning Scheme Policy 12.) due to the lack of other properties being eligible for subdivision under the now superseded planning scheme.

The condition was imposed on DA09289 – Wordsworth. The applicants are correct in their assertion that the development does not seem to have proceeded, but the permit is still current until mid 2009.

To clear up the situation for the applicants in relation to the ‘unspecified road improvements to an unspecified road’ Council could consider amending the condition to reference Amamoor-Dagon Road and Amamoor Creek Road and the intended works ie. widening to the rural residential standard required by Council’s Planning Scheme.”

Recommendation: (Director of Planning and Development – M. Hartley)

Recommend that Council advise the writer that the road contribution levied on the approval is considered reasonable given the site’s location and current road standards.

Further, it is consistent with previous developments approved in the area and will not be reduced by Council.

On behalf of Keeldale Pty Ltd we confirm that our client agrees to pay a contribution of \$8,155.00 per additional lot created in the development towards the upgrading of Eel Creek Road by the Council.

The payment shall be made by Keeldale Pty Ltd prior to the sealing of the survey plan for each stage of the development.

The payment will be indexed by an annual calculation on 3 April each year in accordance with the index of the Australian Bureau of Statistics termed ANZIC 4121”.

3.0 Condition 11

Condition 11 of the approval reads:

‘The frontage and lead-in road, from the development site to Kidd Bridge, is to be upgraded in accordance with the findings of a Traffic Safety Audit prepared by an RPEQ and Council’s Infrastructure Works Code.

As an alternative to completion of this work, a contribution of \$8 155 per additional lot may be paid to Council. Such a contribution will be indexed annually to ABS ANZIC Class 4121 from the date of this decision notice.

Prior to the issue of a development permit for operational work, the applicant must enter into an infrastructure agreement with Council under Chapter 5, Part 2 of the Integrated Planning Act 1997 to secure its performance of the obligations imposed by this condition. As part of this agreement Council will allow the developer to construct part of the work in place of part the contribution.’

4.0 Planning Comments

The applicant has submitted the letter to confirm their intentions to pay a contribution in lieu of undertaking the conditioned road work, which is allowed for by the condition.

The letter is considered sufficient guarantee of the applicant’s commitment to paying the contribution and acknowledges an annual indexed increase in the amount.

Recommendation: (Director of Planning and Development – M. Hartley)

That Council endorse the letter submitted as satisfying the infrastructure agreement requirement of condition 11 of development approval DA13180.

8/4	Da12491 – Request to Change an Existing Approval for Material Change of Use – to Change the Land Use Entitlements from the Rural Zone to the Housing Zone and Reconfiguring a Lot – Subdivision to Create 56 additional Lots – Banks Pocket Road, Gympie – Gympie Developments
-----	--

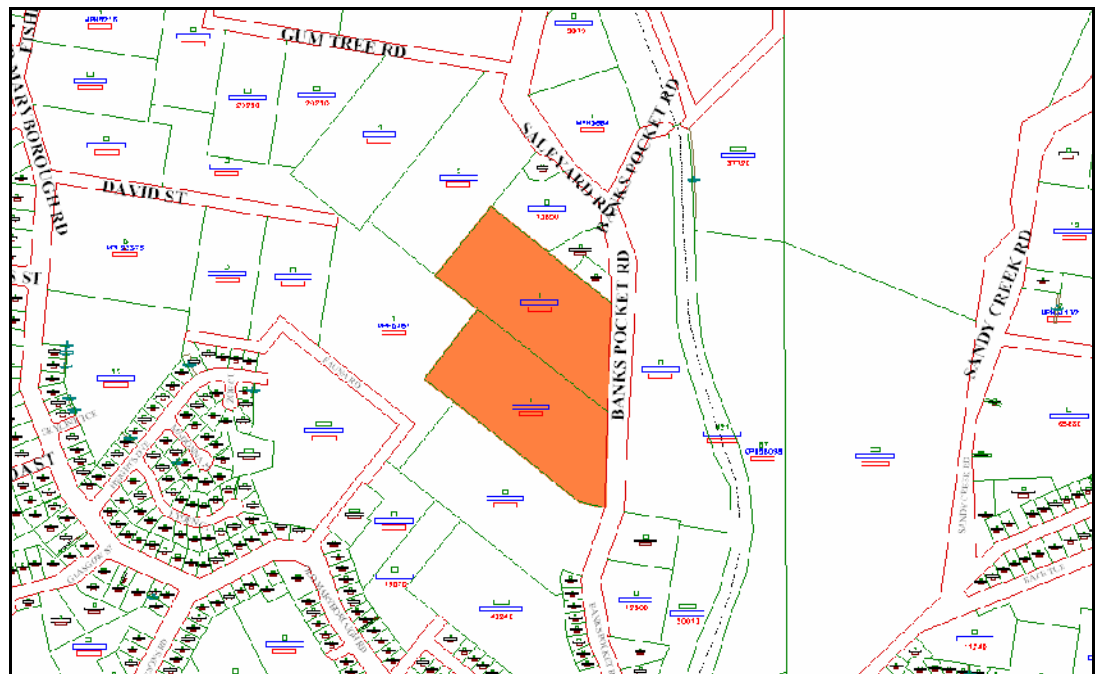
Re: Request to Change an Existing Approval for Material Change of Use – To Change the Land Use Entitlements from the Rural Zone to the Housing Zone and Reconfiguring a Lot – Subdivision to Create 56 Additional Lots

Site: Lot 1 MPH23246 & Lot 1 MPH23250, Banks Pocket Road, Gympie

From: Gympie Developments Pty Ltd c/- Murray and Associates

File: DA12491

Date: 13 November 2007



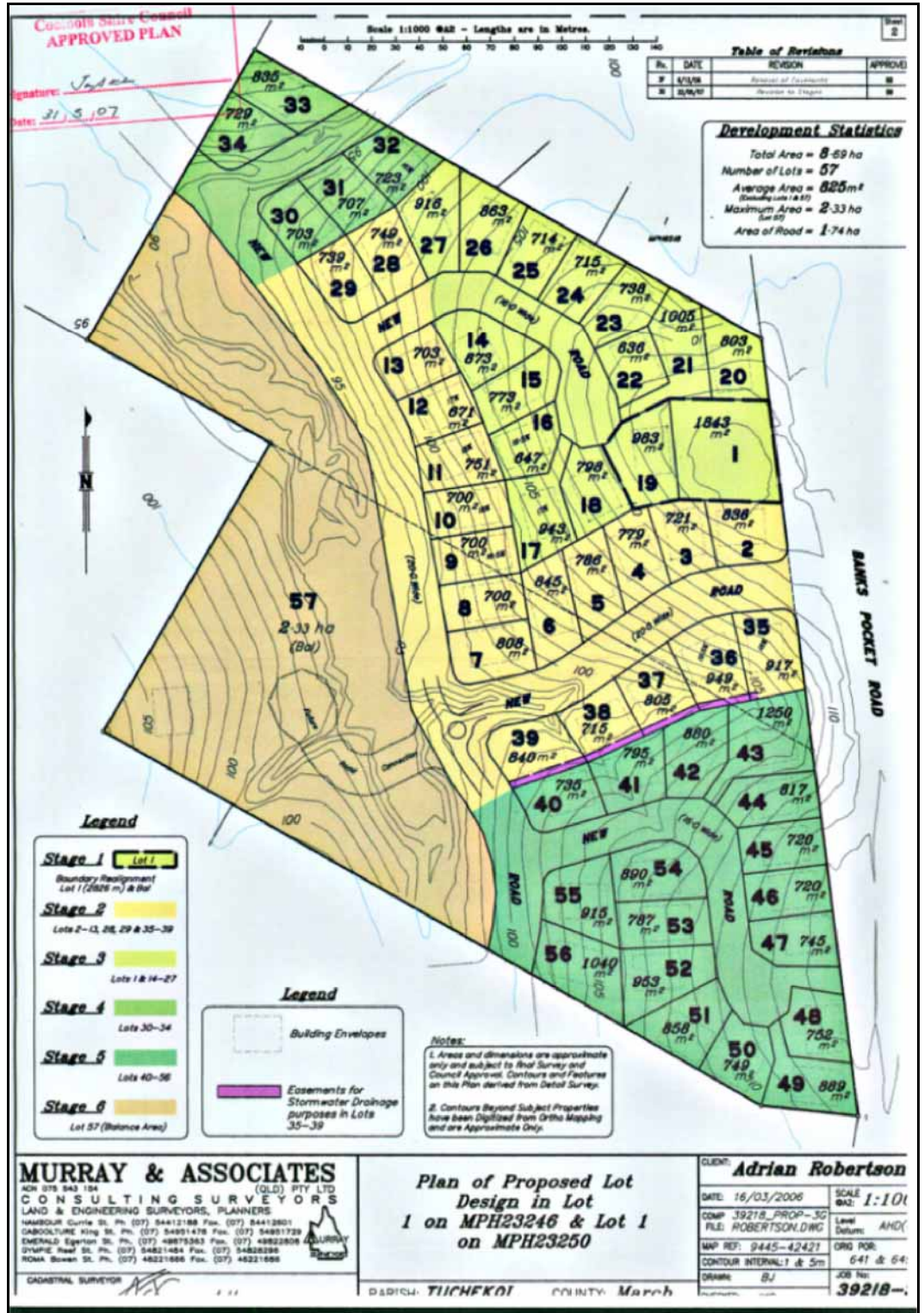
Report: (Senior Planning Officer – T.M. Stenholm)

1.0 Introduction

An application for Material Change of Use – To change the land use entitlements from the Rural Zone to the Housing Zone and Reconfiguring a Lot – Subdivision to Create 56 Additional lots was approved by Council on 16 April 2007.

The applicant lodged a request to change this approval on 13 November 2007.

A copy of the approved plan follows.



2.0 Request to Change

Amendments are requested to four (4) conditions of the approval which are reproduced below:

1.1 *The development shall be generally in accordance with the plan submitted with the application (Plan No. 39218-3G drawn by Murray and Associates and dated 16/03/06) except for the following amendments:*

- (a) Lot 20 to be redesigned to obtain access from new internal road;*
- (b) Lot 16 to be modified to result in a minimum lot size of 700m²;*
- (c) proposed drainage reserve at the rear of lots 36-39 to be incorporated into these lots and converted to easements; and*
- (d) amendments required to the layout as a result of the requirements of condition 1.18.*

Prior to lodgement of plans for Operational Works, a copy of the required amendments is to be submitted to Council for endorsement.

1.18 *A 3.6 metre high acoustic fence, as recommended by the noise report submitted with the application, is to be constructed along the full frontage of the site to Banks Pocket Road, except for the frontage of proposed lot 1.*

Tapering of this fence is required along breaks in the fence from Banks Pocket Road into the allotment from the height of 3.6 metres to a height of 1.8 metres over a distance of 30 metres as follows:

- a) along the northern boundary of proposed lot 20;*
- b) along the northern and southern boundaries of proposed lot 1;*
- c) along the southern boundary of proposed lot 2;*
- d) along the northern boundary of proposed lot 35;*
- e) along the southern boundary of proposed lot 49.*

The pedestrian link to Banks Pocket Road from between lots 47 and 48 is to be overlapped for a minimum of 5 metres prior to its entry to Banks Pocket Road, retaining a height of 3.0 metres.

1.20 *A statutory covenant is to be registered on the title of lots 2, 20, 35 and 43 – 47 in relation to noise impacts on the development. The covenant is to:*

- require preparation of a noise assessment for a proposed dwelling on the site;*
- require a copy of the noise assessment to be submitted to and approved by Council prior to the issue of a development permit for building work for the relevant dwelling; and*
- require implementation of the recommended noise attenuation measures to achieve satisfactory internal noise criterion into the dwelling prior to the issue of a Certificate of Classification for the building.*

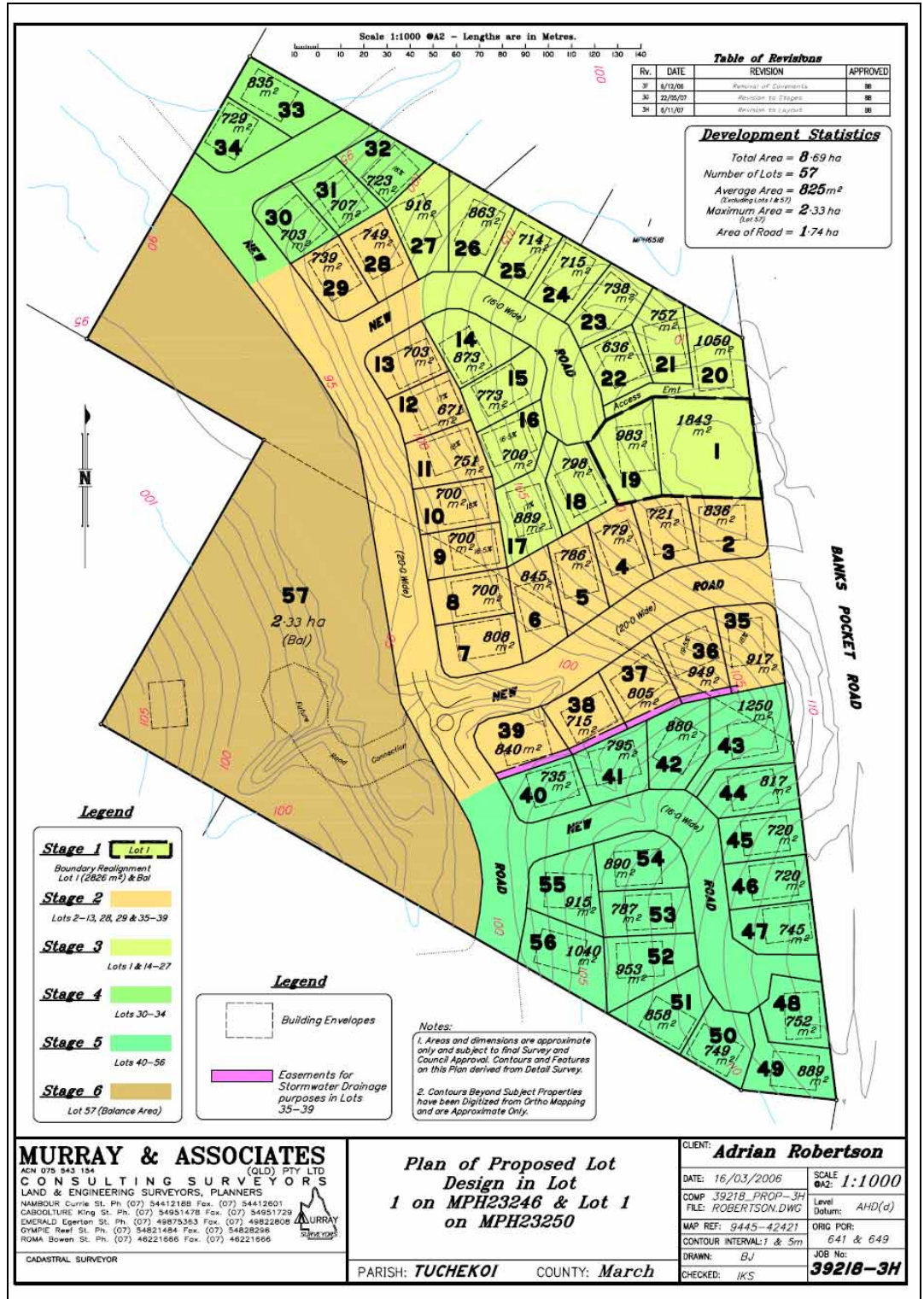
A copy of the covenant is to be submitted to and approved by Council prior to release of the plan of survey.

2.17 Provision is to be made for a bus turnaround area at the proposed internal roundabout.

2.1 Applicant's Submission

Condition 1.1

With respect to the requested amendments listed above please find attached Amended Proposal Plan 39218-3H which incorporates all of the above requirements. (Refer to Appendix 1)



Condition 1.18

With respect to the above condition, please find attached in Appendix 2 an amended acoustic report prepared by David Moore & Associates Pty Ltd that recommends a reduce barrier height and noise control options for the proposed subdivision (Refer to Appendix 2). From a planning perspective, a 3.6 metre high fence will be visually obtrusive and will result in a unattractive

streetscape for the development. Accordingly, we recommend Council endorse the recommendations provided by David Moore and amend the above condition accordingly.

Condition 1.20

With respect to the above condition, Lots 48 and 49 have been incorrectly omitted from the above condition, and should also have a statutory registered covenant registered on the title in relation to noise impacts. Accordingly, we recommend Council amend the above condition to include Lots 48 & 49.

Condition 2.17

With respect to the above condition, it is not anticipated that a public bus route will be established throughout the development. In this regard, advice from Queensland Transport confirms that the existing bus service may extend up Banks Pocket Road but not into the development site. Accordingly, it is not necessary to upgrade the internal roundabout to facilitate a bus turnaround area and this condition should be deleted from the Development Permit.

2.2 Planning Comments

Condition 1.1

Lot 20 is now proposed to gain access over the handle for lot 21 and is approximately 40 metres long. This is still in compliance with the probable solution of Council's Reconfiguring a Lot Code but should be conditioned to be constructed to a 3.0 metre wide concrete standard for the full length of the handle.

The amended plan complies with all other requested changes and can be endorsed as the approved plan for the development.

Condition 1.18

The amended noise report submitted by David Moore indicates that acceptable noise limits are exceeded at night in the bedrooms of all lots adjacent to Banks Pocket Road, even with the installation of a 3.6 metre high acoustic barrier as conditioned.

The report recommends Council amend the condition to require only a 2.0 metre fence for the full length of the Banks Pocket Road boundary with some tapered returns as conditioned below.

Covenants required to be prepared by condition 1.20 which require a noise assessment for each of the effected houses are likely to result in air conditioning and/or mechanical ventilation and standard glazing being installed on all bedroom windows in these houses.

Condition 1.20

No objection to adding lots 48 and 49 to this condition.

Condition 2.17

Engineering advice confirm no objection is offered to deletion of this condition.

Recommendation: (Director of Planning and Development – M. Hartley)

That Council approve in part the Request to Change an existing approval for DA12491 - Material Change of Use – the change the land use entitlements from the Rural Zone to the Housing Zone and Reconfiguring a Lot – Subdivision to Create 56 additional lots over Lot 1 MPH23250 & Lot 1 MPH23246 Council issue an amended decision notice that incorporates the following amendments:

- (i) **Condition 1.1 to read:**
'The development shall be generally in accordance with the plan submitted with the application (Plan No.32918-3H drawn by Murray and Associates and dated 6 November 2007)';
- (ii) **New condition 2.20;**
'The entrance and driveway for Lots 20 and 21 is to be constructed to a 3.0 metre wide concrete standard from the kerb and channel for the full length of the access strip.';
- (iii) **New condition 1.22**
'A duly executed grant of easement for access and services is to be submitted to Council for approval, together with any necessary Plan Registry Authority forms requiring Council's endorsement, prior to the release of the Plan of Survey. A solicitor's undertaking (or alternative suitable to Council) shall also be submitted confirming the easement documents will be submitted with the Plan Registry Authority in conjunction with the Plan of Survey.';
- (iv) **Condition 1.18 replaced with:**
'A 2.0 metre high acoustic fence, as recommended by the noise report submitted with the application, is to be constructed along the full frontage of the site to Banks Pocket Road, except for the frontage of proposed lot 1.

Tapering of this fence is required along breaks in the fence from Banks Pocket Road into the allotment from the height of 2.0 metres to a height of 1.8 metres over a distance of 20 metres as follows:

- a) *along the northern boundary of proposed lot 20;*
- b) *along the northern and southern boundaries of proposed lot 1;*
- c) *along the southern boundary of proposed lot 2;*
- d) *along the northern boundary of proposed lot 35;*
- e) *along the southern boundary of proposed lot 49.*

The pedestrian link to Banks Pocket Road from between lots 47 and 48 is to be overlapped for a minimum of 5 metres prior to its entry to Banks Pocket Road, retaining a height of 2.0 metres.’;

- (v) **Condition 1.20 to include lots 48 and 49;**
- (vi) **Condition 2.17 deleted.**

SECTION 9: CORPORATE SERVICES MATTERS (Cr M.J Venardos OAM, C. Manson, B. Hayes)

9/1	Call for Voters to Turn Out in Council Elections
-----	--

Re: Call for Voters to Turn Out in Council Elections
 From: Cr Paul Bell AM, President, LGAQ, Local Government Online
 File: AG07/01044
 Date: 27 February 2008

“Local government elections on March 15 would give voters a one-off opportunity to put their stamp on the future of their regions, Local Government Association of Queensland president, Cr Paul Bell, said today.

Cr Bell said postal ballots from the Electoral Commission Queensland were likely to be landing in voters’ letterboxes from today.

“For many who have fought long and hard against the state government, showed conclusively that the Beattie government-driven forced amalgamations were unpopular across the state,” he said.

“However, the new councils are a legislative reality. Now is the time to put the past behind us and focus on the future.

“It’s Vital that – however devastating the state government’s decision has been for some – voters in communities state-wide don’t give up their opportunities to exercise their democratic rights.

“The new councils need their mandates and legitimacies to be encouraged by local communities. The only way this will happen is if we have a large turn-out of voters determined to put their marks on the future of their communities,” Cr Bell said.”

Recommendation: (Acting Chief Executive Officer – C. Manson)

For Council’s information.

9/2

Circular # 2008-030 – State Government Shifts All Local Government Employees Into the State Industrial Relations System

Re: Circular # 2008-030 – State Government Shifts All Local Government Employees Into the State Industrial Relations System
From: Greg Hallam PSM, Executive Director, Local Government Association of Queensland Inc
File:
Date: 13 February 2008

“State Government shifts all local government employees into the state industrial relations system.

Further to that foreshadowed to Councils in various editions of the Reform Report, the State Government has introduced a bill into the Queensland parliament, the effect of which is to regulate industrial relations for all Queensland Local Government (other than Brisbane City Council) in the State jurisdiction.

This effectively means that from its date of effect post the March elections, all Councils other than BCC will be governed by state industrial laws and all employees will be covered by state awards.

This move was heralded by the State Government in its opposition to the application of WorkChoices and has been progressed because of its commitments to various parties to do so prior to the announcement of the amalgamations. Note: The perceived need for this action by the state and unions has vindicated local government’s interpretations of the legal applications of WorkChoices for local government.

In recent weeks, LGAQ has been intensively involved in negotiations with the State Government over the legislative action to achieve a single state jurisdiction to ensure that no harm is or will be done to Queensland Local Government or to former federal workers moving to the system.

Clearly the introduction of amendments to the industrial relations legislation and regulation of all Queensland Local Government industrial relations in the state system is both a significant and complex matter. Accordingly, LGAQ will be presenting briefing sessions to councils in the very near future as to the details, meaning and impact that these legislative amendments will have on local government.

In the interim, the Association wished to emphasise that no direct action as a result of these reforms I needed at this time by any Council.

For further information please contact Gabrielle Walsh, Manager Workplace Relations on telephone (07) 3000 2267 or email Gabrielle_walsh@lgaq.asn.au

Recommendation: (Acting Chief Executive Officer – C. Manson)

For Council's information.

SECTION 10: LATE ITEMS

SECTION 11: GENERAL BUSINESS

SECTION 12: IN COMMITTEE MATTERS

12/1 Meredith Road property ref 31070, Invoice No 299 9/06/93

Re: Meredith Road property ref 31070, Invoice No 299 9/06/93
From: Alan A Meredith, 29a Myall Street
File: FG94/00033 / Doc ID 881797
Date: 26 February 2008