



***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 11<sup>th</sup> March 2008  
at 9.00 am**



Cooloola Shire Council

## GENERAL AGENDA

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*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*

### APPOINTMENTS etc.

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## **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 4 March  
2008 be taken as read and confirmed.)**

## **SECTION 4: PETITIONS**

4/1      Petition re Tinana Road & Stephan Road

Re:      Petition re Tinana Road & Stephan Road  
From:    Sharon Beighton & 95 other signatories  
File:    WR94/00018 : WR98/00261  
Date:    3 March 2008

The following petition from Ms Sharon Beighton and 95 other signatories has been received and is reproduced below.

*“We the undersigned as rate payers, Residents and users request that something is done about our roads, Tinana Rd, & Stephan Rd, our roads are shocking, the bridge is a death trap, it is not safe, I have been in touch with council with concerns regarding the bridge as big bolts have been sticking up and have nearly gone through the tyres of our cars.*

*As has been shown in last years major accident on Tin Can Bay Rd, Traffic being diverted from Tin Can Bay rd, down Tinana rd, trucks are getting stuck on the bridge and having to reverse back as they were not able to cross the bridge safely causing chaos.*

*When it rains the road washes away and it is not good enough just getting it graded every 6 months we want a proper road, the way the roads are anyone of us could slide into a creek, it is not safe for us, our children or anyone else that may use these roads.*

*Come and see for yourself and do an inspection why the road are like they are now, as this is what we as rate payers, residents and users have to put up with.*

*CC: Will be sent to those who are running for Mayor as we are wanting someone in office that will act on behalf of the people.*

*Please take this seriously, as we need to have our roads & bridge fixed. Ideally we would like the roads bitumen.*

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

**That the petition be received.**

**Further that the petition be referred to the Director of Engineering for investigation and report to a future Works and Services Committee Meeting.**

<p><b>SECTION 5: ADOPTION OF WORKS &amp; SERVICES COMMITTEE RECOMMENDATIONS</b></p>
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**(MOTION: That the Recommendations of the Works and Services Committee Meeting held on 4 March 2008 as presented, be received.)**

**(MOTION: That the Recommendations of the Works and Services Committee Meeting held on 4 March 2008 (as amended), be adopted.)**

<p><b>SECTION 6: REPORT BY WORKS &amp; SERVICES COMMITTEE CHAIRMAN (Cr L.J Friske)</b></p>
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<b>SECTION 7: HEALTH &amp; COMMUNITY SERVICES DEPARTMENT MATTERS (M.R Grant)</b>
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7/1 Youth Development Officer's Report for the Month of February 2008
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Re: Youth Development Officer's Report for the Month of January 2008  
From: Youth Development Officer – Heather Kelly  
File: AG95/00205  
Date: 27 February 2008

**Report: (Youth Development Officer – Heather Kelly)**

**Youth Development Unit**

Hayley McMahon, our school based trainee from 2007 has left her traineeship to concentrate on her studies and music interests.

Morgan Chatman is our current school based trainee. Morgan is in year 11 at Gympie High and is working toward her certificate II in Business.

**Youth Council**

Youth Council held their first meeting on Wednesday on 13<sup>th</sup> February. At this meeting potential Office Bearers gave brief speeches and an election was held with the following results:

Youth Mayor Joseph Wright (St Patrick's College)  
Youth Deputy Mayor Kelsie Hughes (James Nash State High School)  
Secretary Anna Hanlon (St Patrick's College)  
Treasurer Ben Haylock (James Nash State High School)

**Air Force Cadets**

On Friday 14<sup>th</sup> February I attended a meeting of the 206 Squadron of the Air Force Cadets. In addition to the local cadets the meeting was attended by Ian Harding, Officer Commanding 2 Wing. Ian had driven from the RAAF base at Amberly with the intention of closing the Squadron due to a lack of "staff leaders" and insufficient Cadet numbers.

After much discussion it was decided to suspend the squadron for a period of months while work is carried out at a local level to recruit more adult leaders. Support from the parent body was minimal with no parent able to commit to becoming a leader. I have since met with the Squadron Commanding Officer, Gloria Wilson-Quinn, who informed me that the Squadron requires 3 Airforce Cadet staff leaders in order to begin operations again. I am continuing to

support the Squadron in their endeavours and am happy to put any potential leaders in touch with the Squadron.

### **Emergency Service Cadets**

The Emergency Service Cadet group has started training in the Ambulance Station on a Wednesday night. The group has had a great response and have 17 cadets enrolled and are currently interviewing adult leaders.

### **Q150**

As a part of the Q150 celebrations there are moves afoot to stage a large youth event across all areas from Strathpine to Gympie. Funded by RADF and co-ordinated by John Watson from Pine Rivers Council, it is hoped the event will be largely planned and implemented by young people. There has been a public meeting in Gympie in which young people were able to put forth ideas and views and ideas. The YDU is continuing to support this initiative and the young people wishing to work on it. At this stage our support involves circulating information to young people and services interested in being involved.

### **Meetings Attended**

Australia Day Committee  
Cooloola Youth Service Committee  
Cooloola Physical Activity Task Force  
Q150

**Recommendation: (Health and Community Services Department Manager – M.R Grant)**

**That the Youth Development Officer's Report for the month of February 2008 be received.**

7/2

Health Report for the Month of February 2007

Re: Health Report for the month of February 2008  
From: Health & Community Services Department Manager – M R Grant  
File: CG98/00141  
Date: 5 March 2008

**Report: (Health & Community Services Department Manager – M.R Grant)**

### **IMMUNISATION**

Immunisation treatment is available at the Surgery of Council's Medical Officer of Health as follows:

Gympie

Channon Street Medical Centre – Dr R Day – 12 Reef Street, Gympie

Injections: Each weekday 9.30am to 12.30pm and from 2.30pm to 4.30pm

These arrangements should ensure that residents have ready access to immunisation treatments. Immunisations were administered for the period 29 January 2008 to 22 February 2008 as follows:-

Injections 247

NOTIFIABLE DISEASES

Queensland Health has advised Council of the following cases of notifiable diseases currently being treated by local medical practitioners for the period of 27 January 2008 to 24 February 2008.

Disease	Location
Pertussis	Gympie
Ross River Virus	Gympie (4 cases)
Ross River Virus	Traveston
Campylobacter Enteritis	Gympie (2 cases)
Campylobacter Enteritis	Tin Can Bay
Barmah Forest Virus	Fishermans Pocket
Salmonella, Specified	Canina
Salmonellosis Unspecified	Gympie

WATER SAMPLES

The following water samples were forwarded to the Government Laboratory for microbiological analysis.

Location	Total
Gympie reticulated water supply	6
Imbil reticulated water supply	2
Kandanga reticulated water supply	2
Amamoor reticulated water supply	2
Rainbow Beach reticulated water supply	2
Tin Can Bay/Cooloola Cove reticulated water supply	4
Gympie Memorial Swimming Pool	2
Tin Can Bay Swimming Pool	1
Kandanga Swimming Pool	1

Gympie Reticulated Water Supply

Analysis results for all samples indicated satisfactory bacteriological quality in accordance with the National Health and Medical Research Council Australian Drinking Water Guidelines 2004.

Mary Valley Reticulated Water Supply

Analysis results for all samples indicated satisfactory bacteriological quality in accordance with the National Health and Medical Research Council Australian Drinking Water Guidelines 2004.

Rainbow Beach Reticulated Water Supply

Analysis results for all samples indicated satisfactory bacteriological quality in accordance with the National Health and Medical Research Council Australian Drinking Water Guidelines 2004.

Tin Can Bay/Cooloola Cove Reticulated Water Supply

Analysis results for all samples indicated satisfactory bacteriological quality in accordance with the National Health and Medical Research Council Australian Drinking Water Guidelines 2004.

Municipal Pools

All samples taken from municipal pools complied with the Queensland Health Swimming and Spa Pool Water Quality and Operations Guidelines 2004.

FOOD

Council's Environmental Health Officers conducted routine inspections of licensed food premises during January and continued to assist operators in achieving compliance with legislative standards specified in the Australia New Zealand Food Standards Code.

ENVIRONMENTAL HEALTH SERVICES - GENERAL

During the month of February 2008, Council provided Environmental Health Services to the Kilkivan Shire Council. Environmental Health duties conducted in Kilkivan Shire include inspections of licensable food businesses, flammable & combustible liquids storages and environmentally relevant activities, as well as conducting water sampling and investigating customer requests regarding environmental health issues.

BULK BIN SITES

Servicing of Council's remaining roadside bin sites continues to include the removal of large items from these sites.

Wolvi Bin Site (Neusavale Road, Wolvi) – 21/02/2008

Council's Health and Community Services Department received advice from the Works Department on Thursday, 21 February 2008 that asbestos sheeting had been deposited on the ground and in one (1) of the bins at the Wolvi bin site.

Photographs of the subject bin site taken by Council's Cadet Environmental Health Officer on 21 February 2008 appear below.





Council's Works Department subsequently attended the subject site and removed this material to a proper place of disposal.

Wolvi Bin Site (Neusavale Road, Wolvi) – 04/03/2008

Council's Health and Community Services Department received advice from the Works Department on Tuesday, 4 March 2008 that materials had been deposited on the ground at Council's Wolvi bin site. Photographs of the subject site taken by Council's Senior Environmental Health Officer on Tuesday, 4 March 2008 appear below.



Council's Works Department subsequently attended the subject site and removed this material to a proper place of disposal.

Tagigan Road, Goomboorian Roadside Bin Site – 04/03/2008

Council's Health and Community Services Department received advice from the Works Department on Tuesday, 4 March 2008 that materials had been deposited on the ground at Council's Tagigan Road bin site. Photographs of the subject site taken by Council's Senior Environmental Health Officer on Tuesday, 4 March 2008 appear below.



Council's Works Department subsequently attended the subject site and removed this material to a proper place of disposal.

Mothar Mountain Roadside Bin Site – 04/03/2008

Council's Health and Community Services Department received advice from the Works Department on Tuesday, 4 March 2008 that materials had been deposited on the ground at Council's Mothar Mountain bin site. Photographs of the subject site taken by Council's Local Laws Officer on Tuesday, 4 March 2008 appear below.





Council's Works Department subsequently attended the subject site and removed this material to a proper place of disposal.

#### WASTE MANAGEMENT FACILITIES

Operations at Council's Waste Management Facilities progressed satisfactorily during the period.

#### Bonnick Road Waste Management Facility

At Council's Bonnick Road and Southside Waste Management Facilities, mulch resulting from greenwaste shredding activities conducted in January 2008 was transported around these sites for use in normal landfill operations. This material is particularly useful for spreading over completed landfill cells and external batter walls to improve the aesthetics of these areas.

Road base material was also carted to the Bonnick Road, Southside, Tin Can Bay and Rainbow Beach Waste Management Facilities for use on the internal roadways at these sites.

#### Recyclable Materials

The following weights of recyclable material were collected by Council's Cleansing Contractor.

PRODUCT	DUAL BIN SYSTEM (Weight- kg)	
	01/02/08 to 29/02/08	2008
Aluminium	1418	
Glass – Clear	6720	14176
Glass – Coloured	11517	24297
HDPE	2820	5949
Plastic - Mixed	1361	2872
Paper/Cardboard – Mixed	88075	185804
P.E.T.	2703	5703
Steel	4445	9377
Glass Fines	49877	105221
Total Recoverables	168936	356390
Waste/Ceramics	39983	84349
Total including all Waste	208919	440739

### PRESENTATION TO STUDENTS

On Wednesday, 20 February 2008, Council's Senior Environmental Health Officer, Technical Officer (Environmental Health) and Local Laws Animal Control Officer participated with other Officers in a presentation to students from the Cooloola Christian College about the role and functions of Council's Health and Community Services Department.

This proved to be an enjoyable morning with questions raised by students about environmental health and local law issues.

### OVERGROWNS

Reinspection of allotments where notices had been issued were carried out on the 20 February 2008 and subsequently Council slashed 33 properties where non-compliance had been identified. In addition, 12 requests were received from property owners who received notices for Council to clear their land. Other inspections for overgrown land throughout Gympie were carried out subject to complaints being received and subsequently notices were issued for compliance.

### ANIMAL CONTROL – (dog complaint nuisance dogs)

Complaints were routinely dealt with in relation to animal control including nuisance animals and particularly barking nuisances and permits were issued for the keeping of more than two dogs.

### Animal Registration 2007/2008 Period (YTD)

Dogs 4359

Cats 1312

Council's animal control operation resulted in the impounding of the following animals: Dogs – 32, Cats – 31.

Ten (10) dogs and no cats were released to their owners, subject to payment of fees.

Eight (8) dogs and eleven (11) cats were taken by the RSPCA.

Twelve (12) dogs and seventeen (17) cats were euthanased.

Two (2) dog and three (3) cats are held in the pound from February.

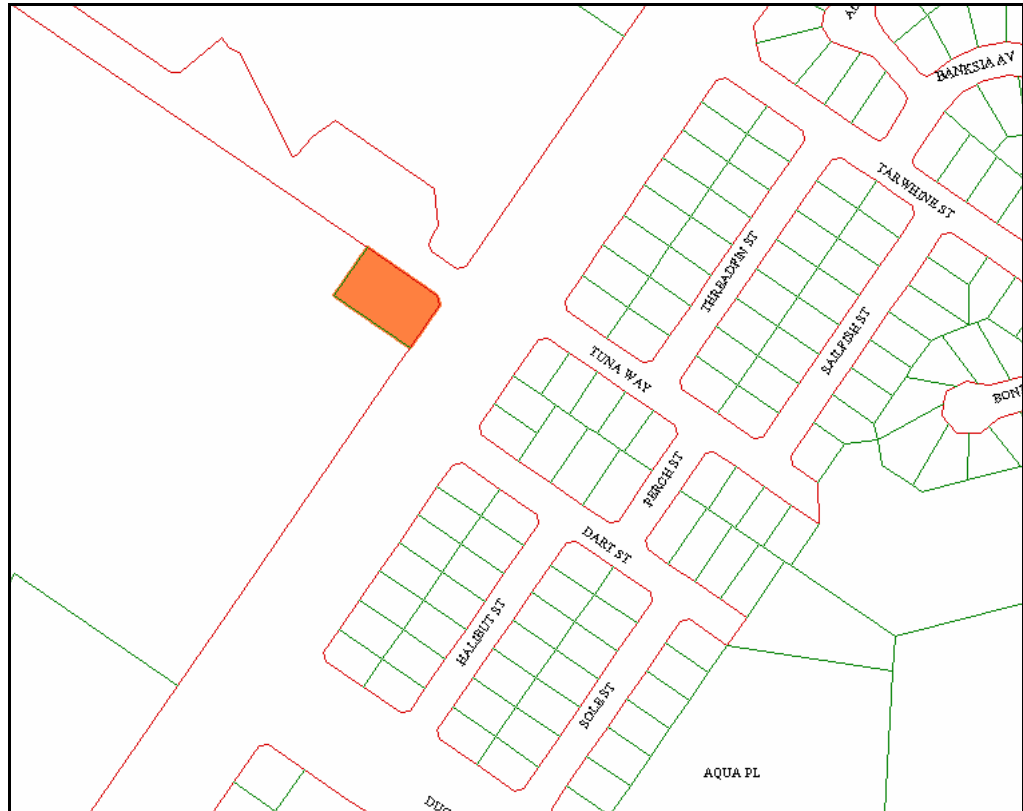
**Recommendation: (Health and Community Services Department Manager – M R Grant)**

**That the Health and Community Services Department Manager's Report for the month of February 2008 be received.**

<b>SECTION 8: PLANNING AND DEVELOPMENT DEPARTMENT MATTERS (M. Hartley)</b>
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8/1	DA17509 – Development Application for Material Change of Use – Community Services (Fire Station) – Gympie Road, Tin Can Bay – Queensland Fire & Rescue Service
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FILE NO: DA17509  
APPLICANT: Queensland Fire & Rescue Service  
LANDOWNER Department of Emergency Services  
RPD: Lot 1 SP181032  
SITE ADDRESS: Gympie Road, Tin Can Bay  
CURRENT USE OF LAND: Vacant land  
PROPOSAL: Material Change of Use – Community Services (Fire Station)  
PLANNING AREA Coast  
EXISTING ZONE: Community  
LEVEL OF ASSESSMENT: Code



**Report: (Contract Planning Officer – S.J. Taylor)**

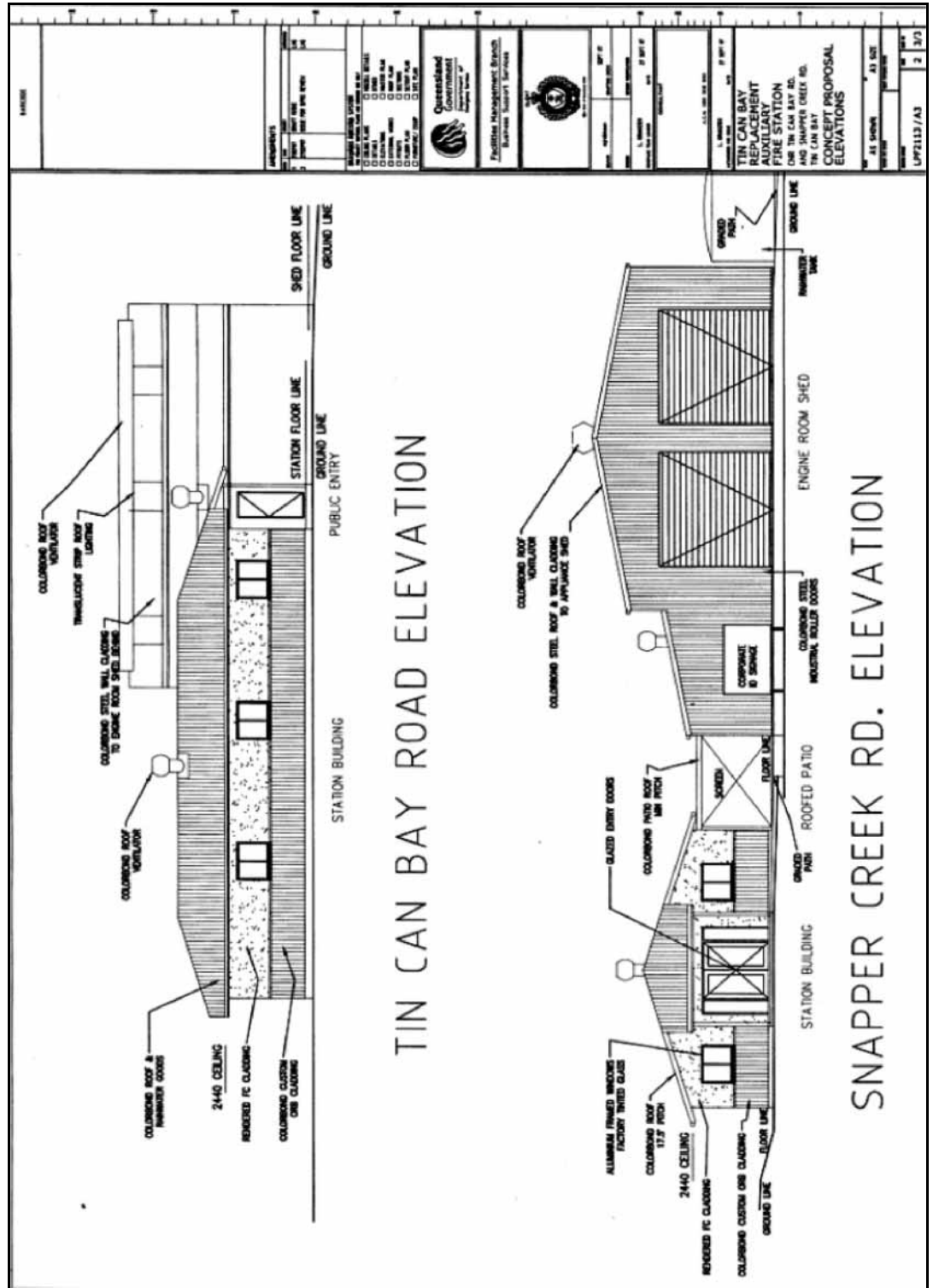
**1.0 INTRODUCTION**

**1.1 The Proposal**

The application seeks approval to establish a fire station on the land.

The fire station will house two (2) fire engines with associated fire fighter equipment storage while the other components of the station will consist of a day office, captain's office, multi-purpose/training room, kitchen, store and toilet facilities.





1.2 Site Description

The site is vacant and the land is approximately level with a significant strand of gum trees at its corner with Snapper Creek Road and Tin Can Bay Road.

### **1.3 Surrounding Land Use**

The Tin Can Bay Country Golf Club adjoins the site to the south/west and west, while the Tin Can Bay Primary School is situated opposite the site on Snapper Creek Road.

## **2.0 STATUTORY REQUIREMENTS**

### **2.1 Intent of Zone**

The intent of the community zone is to ensure

- (i) a broad range of community uses that provide essential services to maintain the wellbeing of the community including formal and informal, passive and active recreation, cultural and religious activities, communication, transport, education and emergency services predominate in the urban areas; and
- (ii) environmental protection areas and sustainable forestry uses predominate elsewhere.

The proposed development of a fire station meets the intent of the community zone.

### **2.2 Compliance with the Planning Scheme**

The subject site is contained within the community zone where a community services (fire station) is code assessable.

The following codes apply:

- *Cooloola Coast Planning Area Code*
- *Infrastructure Works Code*
- *Landscaping Code*
- *Vehicle Parking and Access Code*
- *Erosion and Sediment Control Code*

#### *Cooloola Coast Planning Area Code*

The minimum boundary setbacks for commercial buildings under the code is 10 metres. The submitted plans indicated the engine room (garage) will be setback 3 metres from Snapper Creek Road, and the office building is to be setback 9.9 metres from this road and 9.75 metres from Tin Can Bay Road. All other boundaries meet the 10 metres set back requirements.

In support of the above setbacks the applicant submitted the following information:

*“Predominantly the proposed building setbacks are only marginally short of the 10m requirement. The length of the proposed building elevations are not considerable and*

*generally range from 8.75m to 15m. The engine room will be housed in a single storey shed of approximately 14.8m in width when viewed from Snapper Creek Road. Presentation landscaping will be featured along the road frontage either side of the driveway entry to the engine room.*

*The proposed site coverage (approximately 18.52%) is relatively minimal and the proposed buildings are single storey. Hence the proposed setbacks are unlike to create undue impressions of building bulk and scale.*

*The proposed building development will be situated opposite the Tin Can Bay Primary School which also provides a local service to the community. The site adjoins the Tin Can Bay Country Club, which provides an extensive and open recreational area. Consequently, the proposed development will not constrict daylight penetration or ventilation to neighbouring properties.*

*The proposed building layout has been determined by the need to provide turning space for large vehicles on the driveways behind the Engine Room shed and the provision of car parking beside the driveway. An increase in the setback from the Snapper Creek Road alignment would result in the building platform being forced further back towards the southern boundary. This would create raised surface levels at the boundary and about the base of the trees proposed to be retained.*

*For these reasons, the proposed setbacks practically relate to site constraints and would be unlikely to adversely impact on the daylight penetration or breezes available to surrounding properties.”*

In view of the above and having regard for location and type of the proposed development together with the proposed landscaping, the proposed setbacks are considered acceptable.

All other specific outcomes of the Code have been met or can be satisfactorily controlled/managed by conditions in any approval.

#### *Infrastructure Works Code*

Adequate infrastructure is available to service the proposed development. The subject site is not within the water supply and sewerage headworks boundary however Engineering advise that connection to water and sewer is required and capable of being achieved, therefore contribution to water supply and sewerage headworks apply.

#### *Landscaping Code*

Schedule 8 – Minimum Landscaping Dimensions and Works of the Planning Scheme requires landscaping to be provided as follows:

- Along all frontages – landscaped areas a minimum 2 metres wide at any point averaging 3 metres wide; and
- Car parking areas to have one tree per 6 parking spaces and landscape area a minimum 1.5 metres wide between the car park and any building and structures.

The proposed landscaping does not meet the above requirements and the applicant has provided the following submission as a probable solution:

*“Please find attached drawing number LPF2113/A4 which provides a conceptual landscaping plan for the proposed development. Landscaping to a minimum dimension of 1.8m will be provided along the Snapper Creek frontage of the site beside vehicular driveways, car parking areas and building entries. This will ensure the attractive presentation of the proposed development. Proposed garden beds will be planted with low maintenance, native trees shrubs and ground covers. Existing gum trees on the property at its corner with Snapper Creek Toad and Tin Can Bay Road will be retained, where possible and practical. Generally existing trees and vegetation will be retained where possible and practical. Turf will be provided to all disturbed areas and battered banks.*

*The Tin Can Bay Country Club adjoins the site to the south-west and west. The Tin Can Bay Primary School is situated opposite the site on Snapper Creek Road. The proposed landscaping is unlikely to adversely impact upon the amenity of these uses and is consistent with the community and recreational use of these properties.*

*The extent of the landscaping proposed is essentially dictated by available resources given the proposed use of the site for an emergency services facility.*

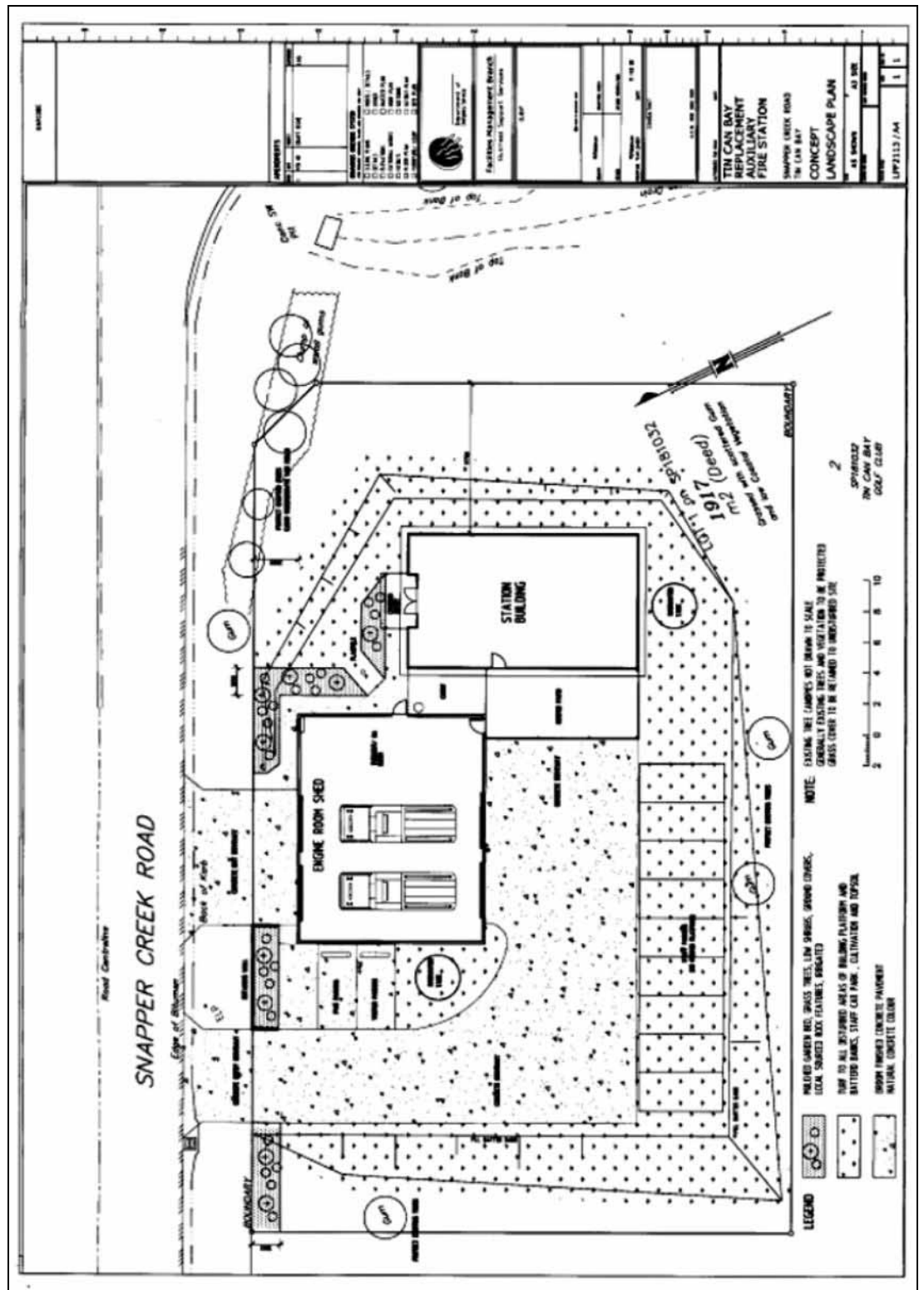
*An auxiliary fire station is only occupied on an irregular basis. It will form a hub during emergency events such as a bushfire but will generally otherwise only be occupied at time of individual and rescue call outs. The facility will be used for occasional training events.*

*Auxiliary fire officers are expected to be in attendance only on a part time basis. Grounds maintenance is performed by station staff on a semi-voluntary basis. It is not usual practice to provide extensive presentation landscaping which will become a maintenance impost. Planted beds are typically provided, in limited, strategic locations and efforts are made to ensure these are low maintenance.*

*Landscaping in accordance with the acceptable solutions of the planning scheme will result in a large landscaped area to be maintained relative to the station's size and scale, thereby resulting in adverse economic consequences.*

*For the reasons stated above, the proposed extent of landscaping would ensure the attractive presentation of the development relative to its size, scale, thereby resulting in adverse economic consequences.*

It is agreed that the 1.8 metre strip proposed along Snapper Creek Road and the frontage to the station building will assist in the break-up of harsh building lines and pavement surfaces and with the retention where practical of existing gums and other vegetation also the reduce the dominance of building elements.



*Vehicle Parking & Access Code*

Schedule 10 – Minimum Vehicle Parking Requirements of the Planning Scheme stipulates on site car parking at the rate of 3.5 spaces per 100m<sup>2</sup> of GFA.

Applying the above ratio car parking is calculated as follows:

$$\begin{array}{rcl} 3.5 \text{ spaces} \times (309\text{m}^2 \div 100) & = & 10.8 \text{ spaces} \\ \text{Parking required} & = & 11 \text{ spaces} \end{array}$$

Provision has been made for 11 spaces, 2 sealed spaces adjoining the Engine Room Shed for a visitor and assessable parking with 9 spaces on a non-turfed platform.

All parking meets the Australian Standard for layout design.

Two access points are proposed off Snapper Creek Road, one giving direct exit from the Engine room shed for emergency responses and the other to and from designated car parking.

Both access points are considered acceptable.

#### *Erosion and Sediment Control*

It is considered that any issues relating to impact on water quality and land degradation would be minor in nature and could be adequately controlled/managed by conditions at the operational/building phases of the development.

### **2.3 State Planning Policies**

The main contour running through the site on Council mapping is 17 metres, and any excavation work is not proposed to be below 5 metres AHD. State Planning Policy 2/02 is therefore not considered applicable.

## **3.0 PLANNING CONSIDERATIONS**

### **3.1 Amenity**

Having regard for the location of the proposed development and that the surrounding development consists of a golf course and adjacent to the site is a school, the proposed development will have limited impact on the existing and future amenity of the locality.

### **3.2 Land Use**

The proposed activity is considered to be an appropriate land use within the community zone and should be supported.

### **3.3 Future Needs of Locality**

The proposed activity is considered to be a much needed facility to service the expanding Tin Can Bay township and its surrounds.

### **3.4 Site Contamination**

The site is not listed in the Environmental Management Register.

### **3.5 Flooding**

The site is not impacted by flooding.

### **3.6 Bushfire**

The site is not contained within a bush fire prone area.

### **3.7 Footpaths**

Engineering in their report advise that a 1.5 metre reinforced concrete footpath is required on both road frontages. Council's Bicycle and Pedestrian Plan recommends pathway on the opposite side of the proposed site in Tin Can Bay Road. Having regard for the above it is considered reasonable to request a contribution rather than construction in this instance.

## **4.0 CONSULTATION**

### **4.1 Internal**

#### **(a) Engineering**

#### **Report: (Design Department Senior Engineer – A. Laszlo)**

This engineering report is based on information and plans submitted by the applicant and additional information.

#### **TRAFFIC**

Fire Stations do not generally meet at peak hour times and hence traffic generated is unlikely to have any impact on intersection capacity. A contribution towards intersection improvements could not be justified.

#### **FRONTAGE/ACCESS/CAR PARKING**

The proposed development has two frontages. The Gympie Road frontage is a state-controlled road, is constructed without a footpath, which Council is responsible for a 1.5metre reinforced concrete footpath should be constructed along this frontage. However a contribution of \$4,680 would be more beneficial to be used in the general area in this instance.

The Snapper Creek Road frontage is constructed without a footpath. A 1.5 metre reinforced concrete footpath should be constructed. However a contribution of \$4,200 in lieu of construction to be used in the general area would be more beneficial in this instance.

The development has two accesses on Snapper Creek Road. The western driveway will be used to gain access to the staff car parking area and the fire trucks will use the eastern driveway. The car parking area is required to be sealed and to comply with AS2890.1.

#### WATER SUPPLY

The site is outside the serviced area. There is an existing water main along Snapper Creek Road. However the existing water main to the property may require upgrading but this will be assessed at a later stage.

#### SEWERAGE

The development is outside Council's sewerage area. The development is required to connect to Council's sewer with any upgrading at the developer's costs.

#### STORMWATER DRAINAGE

The stormwater run off from the sealed car parking area and buildings should be captured on-site and discharged to Council's existing stormwater pit in Snapper Creek Road.

#### FLOODING

The development site is not prone to flooding.

#### OTHER SERVICES

The developer will be required to provide electrical and communication services to the site with any upgrades to the developer's costs.

Street lighting in the surrounding area is currently adequate.

#### **(b) Department of Health and Community Services**

Relevant conditions have been provided for inclusion in an approval.

### **4.2 External**

#### **(a) Department of Main Roads**

Under the provisions of the Integrated Planning Act the application was referred to the Department of Main Roads as a concurrence agency.

That Department has advised that they have no requirements.

### **5.0 CONCLUSION**

The proposed development is considered to be an appropriate use of the land, is a much needed facility for the expanding township of Tin Can Bay and its surrounds and is unlikely to impact on existing and future amenity of the locality.

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

That Council, as Assessment Manager APPROVE development application (DA17509) for a Material Change of Use – Community Services (Fire Station) over Lot 1 SP181032 located at Gympie Road, Tin Can Bay subject to the following conditions:

*Assessment Manager's Conditions*

**Section 1 Conditions to be Satisfied Prior to the Commencement of the Approved use.**

1. The development shall be generally in accordance with the plans submitted with the application (Plan Nos. LPF2113/A1 and LPF2113/A3 drawn by Department of Emergency Services and dated 27 SEPT 07).
2. The development herein approved may not start until:
  - (i) the following development permit/s has/have been issued and complied with as required -
    - (a) Development Permit for Building Work (if required)
    - (b) Development Permit for Operational Work (Site Works, Stormwater Disposal, Access Driveways, Car Parking Area, Water Supply & Sewerage Connection); and
  - (ii) development authorised by the above permits has been completed to the satisfaction of Council's Chief Executive Officer.
3. Access to the proposed development is to be constructed in accordance with the requirements of Council's Infrastructure Works Code – Drawing No R-05.
4. 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 as part of the Operational Works approval.
5. 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.
6. No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Building Works/Operational Works.
7. Car parking and access areas shall be sealed pavement and designed drained, constructed and maintained to AS2890 parts 1 & 2, in accordance with Council's Vehicle Parking and Access Code.

- 8. On site car parking is to be provided in accordance with the Vehicle Parking and Access Code of Council's Planning Scheme and Planning Scheme Policy 8 - Infrastructure Works.**
- 9. Loading/unloading operations shall be conducted within the site and vehicles waiting to be loaded/unloaded shall stand entirely within the site.**
- 10. All operations conducted on the site shall be carried out in accordance with the Environmental Protection Act 1994 and other relevant Acts, Regulations and Local Laws**
- 11. A contribution is to be paid to Council towards the provision of footpaths in the general area. The amount is currently assessed at \$4,680 for Snapper Creek Road and \$4,200 for Gympie Road but will be based on Council's policy and the rate applicable at the time of payment.**
- 12. Contribution is to be made towards Water Supply Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at \$758, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.**
- 13. Contribution is to be made towards Sewerage Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at \$952, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.**
- 14. (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.**
  - (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.**
- 15. (i) Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems, including the provision of a back flow device, at no cost to Council. Connection shall be in accordance with a development permit for Operational Works approving the required hydraulic plans and specifications, as**

prepared by a recognised building hydraulics engineer, for such works.

(ii) The backflow prevention device is to be maintained and tested in accordance with Council's approval.

16. All cleared vegetation is to be suitably processed or removed from the site at no cost to Council. Prior to the commencement of clearing works on site the preferred means of disposal of cleared vegetation is to be approved by Council's Chief Executive Officer. The following means of disposal are acceptable, but are not limited to:

(i) Processing through a woodchipper.

(ii) Disposal for firewood.

(iii) Disposal for landscaping.

(iv) Transport to alternative site for breaking down materials.

Burning off is not an acceptable means of disposal and will not be approved.

*Note: Bulk green waste is no longer accepted at any Council landfill site.*

17. 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.

18. Roof and surface water is to be collected on site and is to be discharged through an underground drain line into existing/new drainage in stormwater pit in Snapper Creek Road to the satisfaction of Council's Chief Executive Officer.

19. The method of treatment of stormwater runoff from and through the site shall be designed and constructed in accordance with Council's Infrastructure Works Code.

20. Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed, designed and constructed in accordance with Council's Infrastructure Works Code.

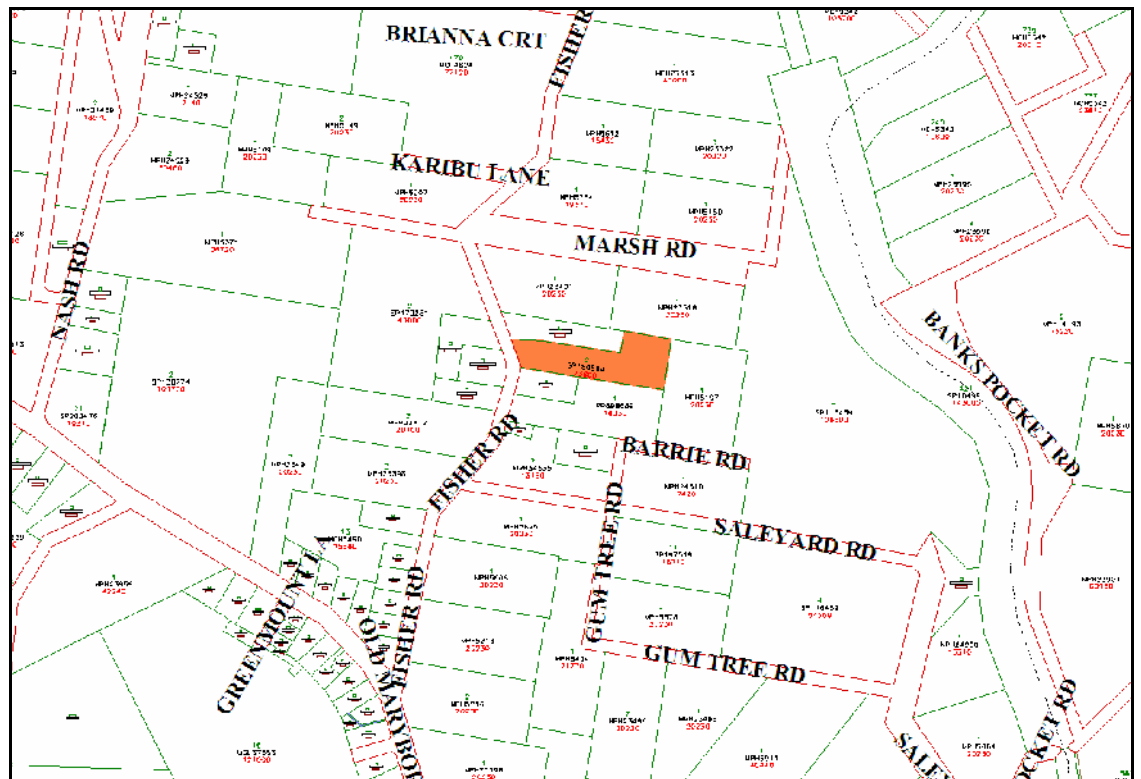
21. Approved refuse containers are to be provided and maintained in accordance with the *Environmental Protection (Waste Management) Regulation 2000* and kept in an imperviously paved area with a suitably screened enclosure to the satisfaction of Council's Chief Executive Officer.

22. 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.

- 23. All machinery and/or equipment shall be installed and/or housed so as to prevent the emission of unreasonable noise.
- 24. The number and type of refuse containers provided on site is to be determined in accordance with Council's rating policy.
- 25. Servicing of refuse containers is to be at a location approved by Council Chief Executive Officer.

8/2	DA17212 – Representations to Conditions of Approval for Material Change of Use – Commercial Premises (Massage and Well-Being Retreat) – S. Gills & A. Kendall
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Re: Representations to Conditions of Approval for Material Change of Use – Commercial Premises (Massage and Well-Being Retreat)  
From: Martoo Consulting on behalf of S. Gills & A. Kendall  
Site: Lot 2 SP189594, 58 Fisher Road, Araluen  
File: DA17212  
Date: 16 January 2007



**Report: (Director of Planning and Development – M. Hartley)****1.0 Introduction**

A development application for Material Change of Use – Commercial Premises (Massage and Well-Being retreat), was approved by Council at its General Meeting held on 11 December 2007.

The applicant has suspended the appeal period to make representations in relation to conditions 1.8 & 1.15.

**2.0 Representations****2.1.1 Condition 1.8**

*“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. Parking area is to be designed to achieve access by a single entry / exit point to the development.”*

**2.1.2 Applicant’s Representations**

The applicants provide the following representations in relation to the condition 1.8:

*“The applicant is concerned that Council has required all proposed car parking, driveway and access areas to be paved. The application proposed a dust suppressed gravel standard which the applicants consider is an appropriate standard because of a number of considerations including the following:-*

- *the existing driveway and parking spaces are constructed to a similar gravel standard;*
- *the natural surface over the site is near level and therefore does not involve any significant slopes that may otherwise require additional maintenance;*
- *there will be a very low speed environment for those vehicles using the driveway;*
- *surrounding land uses include an earthmoving contractor’s yard, auction centre and cattle sale yard which currently do not have all driveways and parking spaces constructed to a sealed standard;*
- *the nearby residential uses are of a rural residential nature where lot sizes and separation distances are greater than closer settled urban areas and it is not common for domestic driveways on rural residential lots to be sealed;*
- *the use will not involve any high numbers of service vehicles or heavy vehicles or significant number of clients visiting the site; and*

- *there would appear to no major overland flow paths across the site which would warrant special surface treatments to better manage stormwater flows.*

**Amended Condition 1.8:** *The applicant requests that Council amends the condition to allow driveways and parking spaces within the site to be constructed to a dust suppressed gravel standard as proposed in the development application.*

### **2.1.3 Planning Comment**

The use is of a commercial nature and is located in a relatively well settled rural residential area. This general area will also be subject to additional subdivision in the future given the zoning and proximity to town.

The approved car parking area is some 15 metres from the nearest dwelling and approved operating hours for the development are Monday to Friday 9am – 6pm and Saturday 9am to 12 noon.

There is some merit in the concept of permitting a dust-suppressed surface for the car parking area in lieu of a sealed surface as approved. In addition to the reasons put forward by the applicant, Council needs to consider the longer term implications of requiring a sealed surface. A dust-suppressed surface would be more in character with the area, whereas a fully sealed, formalised car parking area at the front of the building would be out of character and would immediately distinguish the premises from other development in this general area.

In turn, this “commercialisation” of the site’s frontage could lead to Council being requested to consider potentially less desirable commercial uses at this location because of the commercial appearance of the premises.

A dust-suppressed car park surface would be more in keeping with the existing and likely future character of this area and is not expected to result in any amenity concerns because of the good separation between the car park area and the nearest affected dwelling.

### **2.2.1 Condition 1.15**

*“In accordance with Planning Scheme Policy 11: Road Contributions a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is currently assessed at \$31 945, however will be subject to ABS ANZSIC Index Class 4121 annually from the date of this approval.”*

### **2.2.2 Applicant’s Representations**

*“The applicant is concerned that Council has required the payment of a road contribution to Council totalling \$31 945 towards unspecified road improvements on unspecified road/s.*

*In reporting the application to Council, the officer from Council’s Design Department advised Council that ...*

*‘Based on the figures supplied by the applicants in relation to staff and clients, it is considered the traffic generation figures for the proposed development would be in the order of 42 trips per day. Council may wish to consider applying either a road contribution as the proposed development is in the Rural residential zone or a intersection contribution as the development is in the 60km/hr speed zone which is considered to relate to urban type traffic conditions. Using the contribution about of \$9 983 for the reconfiguration a lot fronting a sealed road in the Rural Residential zone, the contribution amount for this development would be \$31 945. Using the intersection contribution figure of \$284 for urban type developments it would attract a contribution amount of \$909. These two contribution amounts are submitted for Council’s consideration.’*

*The applicant appreciated the matters raised by Council staff and note that Councillors decided to condition the development application to require the higher amount. There are numerous considerations that could challenge Council’s basis for requiring the higher amount. These conditions include, but certainly by no means limited to, the following:-*

- *The above extract from the Council staff report essentially confirms that if the identical development application was proposed in a similar size existing house located on a nearby dwelling house in the Housing Zone the road contribution would be only \$909 and Council could not seek the \$31 945 as required by Council. It is difficult to appreciate how an identical land use proposal in a house at say 23 Fisher Road, which is some 340 metres away from the subject site, would attract a road contribution which was \$31 036 less than that as currently conditioned by Council. This represents a staggering 3500% difference. The applicants consider that this does not appear to be logical or fair.*
- *The current condition/s do/does not require the applicants to undertake any specific works external to the site and the contribution of \$31 036 is for unspecified road improvements on unspecified roads. This condition would therefore appear to represent a contribution towards the general road network leading to the site. As a result it is suggested that it is appropriate to compare what would be required on a nearby Housing lot for a similar development application. Council has worded the condition in a standard format and it is noted that Council has not provided any grounds supporting the road contribution as currently conditioned by Council. The applicants are therefore of opinion that*

*Council has not justified the imposition of the payment of a contribution totalling \$31 945 in this instance.*

- *Council has used the current amount of road contribution applied on a per additional lot basis for development applicants proposing the reconfiguring a lot to establish a basis for determining road contribution for a land use application. This is understood to not be fully in compliance with the relevant provisions of the Integrated Planning Act. It is noted that Council's planners advised Council of certain considerations at the Council meeting when this particular application was decided. Council's policy for determining the amount of road contributions for development applications for reconfiguring a lot makes not reference as also being a basis for calculating contributions also obtained by Council for material change of use applications such as the above.*
- *The above extract from a report by Council staff would appear to confirm that Council's current practices could result in that Council having the option of requiring a contribution of between \$909.00 to \$31 945.00 for the above application. This would suggest that Council has no firm policy/preference for determining the amount of contribution applicable for land use applications such as proposed in this application. As such there is no apparent transparency and consistency in the method for calculating road contributions application in such an insistence. The applicants are concerned with this apparent lack of transparency and consistency in Council's decision making process.*
- *A Priority Infrastructure Plan (i.e. PIP) is a mechanism to coordinate land use planning together with infrastructure planning within IPA compliant planning schemes. A PIP considers the growth that is predicted to occur over a 10-15 year period and aligns land use and infrastructure plans to support the preferred development pattern. A PIP also provides a transparent and consistent basis for the calculation of infrastructure charges. Cooloola Council does not have an adopted Priority Infrastructure Plan (i.e. PIP). It is suggested that Council seek advice on the ramifications of not having adopted a PIP noting the IPA does include provisions should no PIP be in adopted by a local government. The applicants are concerned that Council may have determined the amount of road contribution applicable in a manner that is not fully supported by IPA.*

**Amended Condition 1.15:** *The applicant requests that Council amends this condition to require the payment of a road contribution of \$909 as nominated in the extract of a report from Council staff.*

*The applicant therefore requests that Cooloola Council issues a negotiated decision notice which amends and/or deletes those conditions in the original decision notice as detailed above”.*

### **2.2.3 Planning Comment**

Two options were provided to Council in relation to a road contribution for the proposal.

Given the proximity of the development site to the urban area, an urban contribution was discussed in the report. The site is included within the rural residential zone and the recommended road contribution was based on the trip generation figures nominated by the applicant and using a comparative rate to that charged for a subdivision, which is based on \$9 983 equalling 10 trips per day. Credit has been given for the existing dwelling on the site (ie 10 trips).

A further option available to Council is to recognise the proximity of the site to the urban area and apply the contribution rate to be reflected in the soon to be adopted urban roads contributions policy. Allowing credit for the existing lot, a contribution using this approach would equate to \$9,000. This amount is considered to be a more realistic contribution having regard to the nature of the use and its location, and has been recommended accordingly.

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

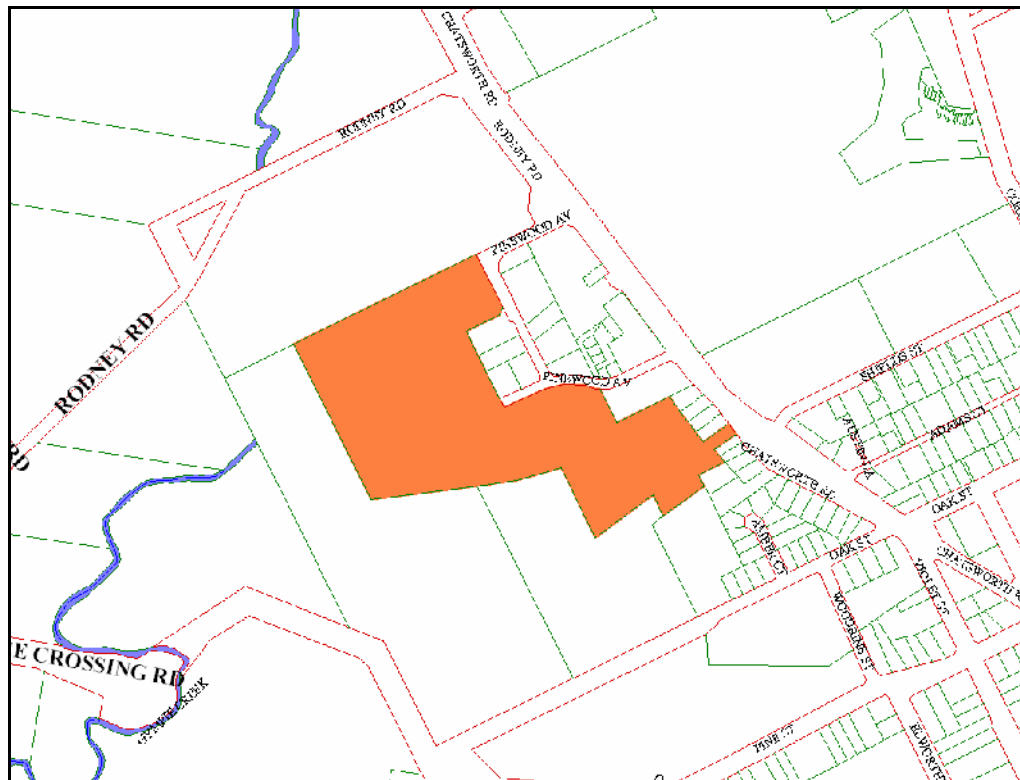
**That in relation to development approval (DA17212) for Material Change of Use of Premises for Commercial Premises (Massage and Well Being Retreat), Council issue a negotiated decision notice incorporating amended conditions 1.8 and 1.15 as follows:**

**1.8 Car parking and access areas shall incorporate a dust-suppressed surface and be designed, drained, constructed and maintained in accordance with Council’s Vehicle Parking and Access Code. Parking area is to be designed to achieve access by a single entry / exit point to the development.”**

**1.15 In accordance with Planning Scheme Policy 11: Road Contributions a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is current assessed at \$9,000, however will be subject to ABS ANZSIC Index Class 4121 annually from the date of this approval.**

8/3 DA18024 - Development Application for Material Change of Use – Shop (Supermarket) and DA13801 - Request to Change an Existing Approval for Material Change of Use – Shops, Showroom, Display Yard & Reconfiguring a Lot - Subdivision to Create Three (3) Additional Lots - 46 Chatsworth Road, Gympie, R.H Hodges Constructions Pty Ltd

FILE NO:	DA18024 and DA13801
APPLICANT:	R.H Hodges Constructions Pty Ltd
LANDOWNER:	R. H Hodges Constructions Pty Ltd
RPD:	Lot 1 SP124314
SITE ADDRESS:	46 Chatsworth Road, Gympie
CURRENT USE OF LAND:	Disused Sawmill
PROPOSAL:	Material Change of Use – Shop (Conversion of 3800m <sup>2</sup> from showroom to shop and an additional 177m <sup>2</sup> of shop) and Request to Change an Existing Approval - MCU & Reconfig – Shops, Showroom, Display Yard & Subdivision to Create Three (3) Additional Lots.
PLANNING AREA:	Gympie
EXISTING ZONE:	Industry
LEVEL OF ASSESSMENT:	Code



**Report:** (Contract Planning Officer – S.J. Taylor)

## 1.0 INTRODUCTION

### 1.1 The Proposal

This application seeks Council's approval for a Material Change of Use of premises for a shop (Supermarket) and Request to Change an Existing Approval to modify floor areas of certain buildings.

In essence the applicant proposes changes the previous development approval 13801 for Shops, Showrooms and ancillary display yards (Homemaker Centre) on the site. This development permit also incorporates a reconfiguring of a lot subdivision, however the current development application does not seek amendment for this component. The plans submitted with the application indicate an increase of 177m<sup>2</sup> of the combined total gross floor area of land uses approved in DA13801.

The table below identifies the gross floor area and land use changes forming this application.

BUILDING NUMBER AS SHOWN ON APPROVED SITE PLAN & DEVELOPMENT PERMIT	LAND USE DEFINITION FROM 2005 COOLOOLA SHIRE PLANNING SCHEME IN ORIGINAL PROPOSAL	THE APPROVED GFA AND LAND USE AREA WHERE APPLICABLE	LAND USE DEFINITION FROM 2005 COOLOOLA SHIRE PLANNING SCHEME IN AMENDED PROPOSAL	THE GFA AND LAND USE AREA PROPOSED IN THIS SUBMISSION
Building No 1	Showroom (and display yard)	GFA of showroom of 4056 sq.m plus nursery of 530 sq.m and storage yard of 2941 sq.m.	Showroom (and display yard)	GFA of showroom of 4056 sq.m plus nursery of 530 sq.m and storage yard of 2941 sq.m
Building No 2	Showroom	GFA of Showroom of 742 sq.m and storage yard of 2660 sq.m	Showrooms	GFA of Showroom of 697 sq.m and storage yard of 2660 sq.m
Building No 3	Showrooms	GFA of Showrooms of 2423 sq.m	Showrooms	GFA of Showrooms of 2423 sq.m
Building No 4	Shops/showrooms (depending and floor space)	GFA of Showrooms of 2011 sq.m	Shops/Showrooms (depending and floor space)	GFA of Showrooms of 2011 sq.m
Building No 5	Shops/Showrooms (depending and floor space)	GFA of Showrooms/shops of 2150 sq.m	Shops/showrooms (depending and floor space)	GFA of Showrooms/Shops of 1651 sq.m *
Building No 6	Showrooms	GFA of showrooms of 1220 sq.m	Showrooms	GFA of Showrooms of 1749 sq.m *
Building No 7	Showrooms	GFA of Showrooms of 1630 sq.m	Showrooms	GFA of Showrooms of 1630 sq.m
Building No 8	Showrooms	GFA of Showrooms of 4000 sq.m	Showrooms	GFA of Showrooms of 2573 sq.m *
Building No 9	Showrooms	GFA of Showrooms of 2600 sq.m	Shop (Supermarket)	GFA of Shop (supermarket) of 3900 sq.m *
Building No 10	Shops	GFA of Shops of 4191 sq.m	Shops	GFA of Shops of 3944 sq.m *
Building No 11	Shops	GFA of Shops of 1470 sq.m plus outdoor dining of 450	Shops	GFA of Shops of 1666 sq.m plus outdoor dining of 450

		sq.m		sq.m *
Building No 12	Showrooms	GFA of Showrooms of 2535 sq.m	Showrooms	GFA of Showrooms of 2577 sq.m *

\* - Denotes Changes

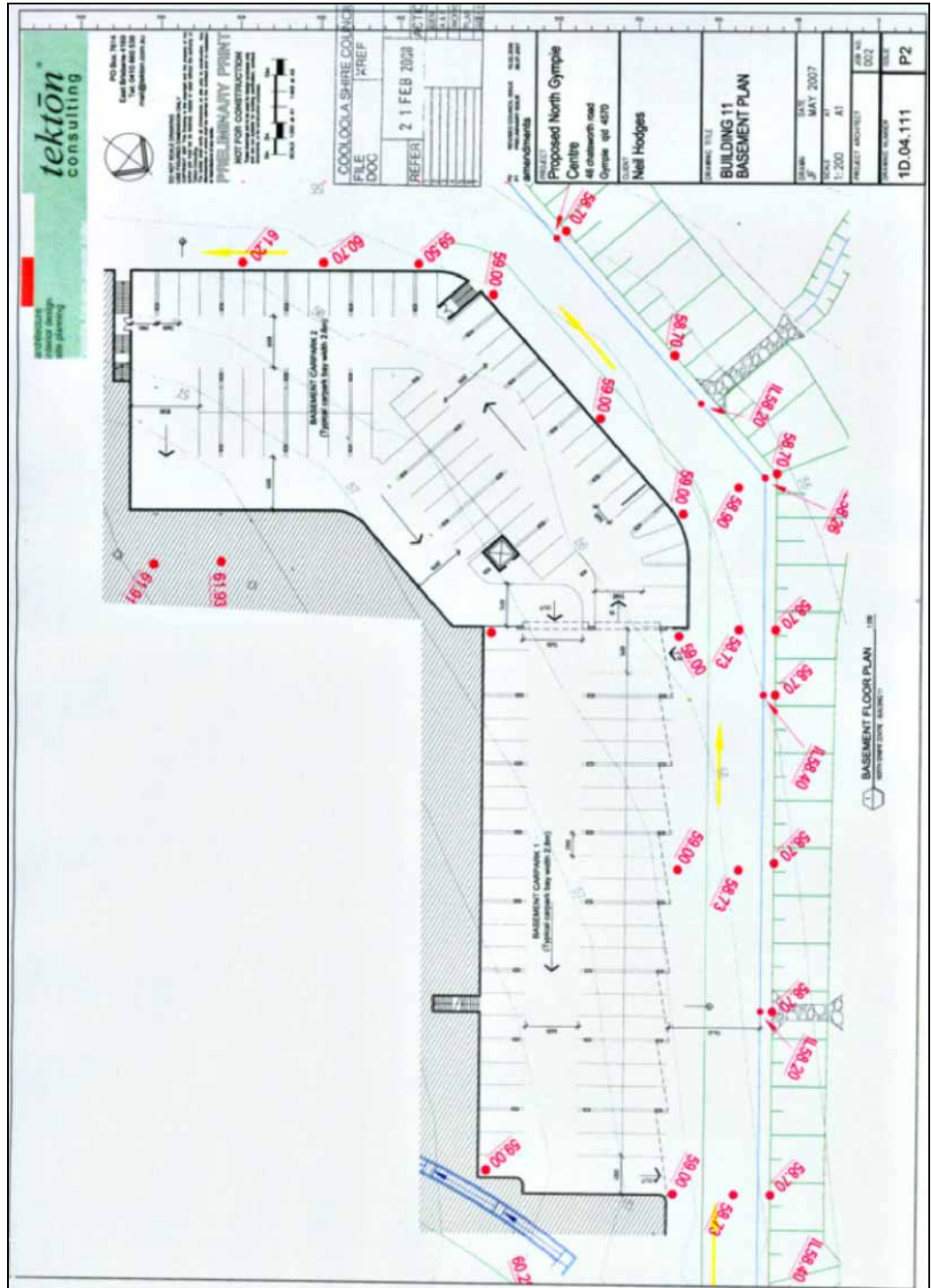
In summary the change of floor space and land use to what was approved is listed below:

GFA'S & LAND USE AREAS (sq.m)			
	Approved Site Plan	Site Plan As Amended in This Submission	Change
Total Showrooms	22723	18921	- 3802
Total Shops (including food court but not outdoor dining)	5661	9640	+ 3979
Total Display Yards (including storage yards and nursery)	6131	6131	Nil
<b>TOTAL</b>	<b>34515</b>	<b>34692</b>	<b>+ 177</b>

The revised site plan also shows the following design elements:

Car Parking Bays	966 Bays (including 27 PWD bays)
Taxi Bays	5 Bays
Unloading Bays	4 Bays
Motorbike Bays	10 Bays
Bike Racks	3 x 10 Racks





**1.2 The Site**

The site is currently occupied by a disused sawmill. Some large trees exist on the land and the site slopes generally from the south-east to north-west.

### **1.3 Previous Approvals**

A Negotiated Decision Notice DA13801 was issued on the 4 September 2007 giving approval to establish a Home Maker Centre (Shops, Showrooms and Ancillary Display yards and Reconfiguring a Lot & Subdivision to create Three (3) additional lots and new Road opening on the subject land.

Condition 3.1 of the above approval in part required “A further Material Change of Use application will be required prior to the establishment of a supermarket on the site.”



## **2.0 STATUTORY REQUIREMENTS**

### **2.1 State Planning Provisions**

No state planning provisions are applicable.

### **2.2 Specific Outcomes – Industry Zone**

Shops, showrooms and display yards are all consistent uses within the Industry zone.

The Planning Scheme does not allow for a separate definition for a supermarket which is defined also as a shop, making such use also a consistent use. The principal issue with the proposed supermarket development is its economic impact on the existing retail establishments. The proposed supermarket has a gross floor area of around 3800m<sup>2</sup> and its primary retail catchment would service the northern residential sector of Gympie. Its secondary retail catchment would be the southern end of Tiaro Shire. No similar facilities are within this catchment.

Having regard for the above, and that the size of the facility is more likely to provide retail shopping at a local level rather than a district level, economic impact on existing facilities would be acceptable.

### **2.3 Planning Scheme Provisions**

The site is zoned Industry in the Planning Scheme where Showrooms, Shops and Display Yards are all subject to Code Assessment (Consistent Use).

The following codes apply.

- Gympie Planning Area Code
- Erosion and Sediment Control Code
- Infrastructure Works Code
- Landscaping Code
- Vehicle Parking and access Code

#### **Gympie Planning Area Code**

The proposed development generally meets the provisions of the Gympie Planning Area Code and can be controlled/managed by the imposition of appropriate conditions in any approval.

#### **Erosion and Sediment Control Code**

Appropriate conditions can be included at the operational works/building works stages to adequately control any impacts.

**Infrastructure Works Code**

The proposed development does not raise any further infrastructural requirements to what was conditioned in previous DA13801 approval.

**Landscaping Code**

The proposed development does not raise any additional landscaping requirements to what was conditioned in previous DA13801 approval.

**Vehicle Parking and Access Code**

The amendments proposed and land use change to incorporate a supermarket attracts carparking in accordance with the scheme at the following rates:

Land Use	Calculation	Car parking Reduction Requirement	Car parking Requirement
Showroom	1 Space per 40m <sup>2</sup> GFA 3802m <sup>2</sup> divide by 40m <sup>2</sup>	95.05	
Shops	6 per 100m <sup>2</sup> GFA 6 X (4001m <sup>2</sup> divided by 100m <sup>2</sup> )		240.06

Parking Requirements per DA13801 = 833 spaces  
 Additional Parking Required = 146 spaces  
 Required Parking = 977 spaces

The applicant has addressed a request for further information in respect to a shortfall in car parking by providing revised plans and grounds for accepting minor shortfall of car parking

The revised plans indicate car parking provisions as follows:

Car parking Bays	974 bay (including 27 PWD bays)
Taxi Bays	5 bays
Unloading bays	4 bays
Motorbike bays	10 bays
Bike racks	3 x 10 racks

These plans indicate a shortfall of 3 spaces. The applicant has also addressed a shortfall of car parking provisions as follows;

- (a) *the applicant is providing public transport and taxi parking facilities and it is expected that a reasonable number of visitors to the centre will rely on these forms of transport.*
- (b) *the applicant is also providing considerable bike facilities and pedestrian pathways leading to the site and again it is reasonable to assume that these will*

- be well utilized if Council and the Department of Transport are both specifically including conditions for these to be provided.*
- (c) *it is widely acknowledged that there is shared of car parking spaces on mixed use sites because, among other things, visitors to showrooms will also visit shops, and the like. In fact recent research suggests weekday trip generation rates for bulky goods retail developments show a similar trend to that exhibited by traditional developments, and the current master plan has provided separate areas for staff and visitors and this can assist in the efficiency of the visitor parking area.*
  - (d) *the current master plan has provided separate areas for staff and visitors and this can assist in the efficiency of the visitor parking area*
  - (e) *the Cooloola planning scheme has defined a storage yard for the showroom and a premises hiring equipment as a 'display yard' which is a wide definition which may also include other uses that generate higher parking requirements. The 2005 Cooloola Planning Scheme confirms that 'space used for the storing or displaying of vehicles and machinery of the proposed displays will be used for areas used for the storing plant and equipment (as well as vehicle parking and movements) for that premises hiring of such items to the public. It is suggested the proposed 'display yard' does not generate the need for many additional carparking spaces and in fact most customers to these yards will drive into these yards to collect bulky items and not rely heavily on visitor parking spaces , and*
  - (f) *The application of a standard carparking rate per g.f.a or land use areas does not apply to larger mixed use retail centres(e.g shops, showrooms and display yards) as previously explained to Council by the applicant's engineering consultants. Council has previously agreed to such a principle when exercising considerable discretion on several larger retail related development approvals where some of the above considerations have existed. The Gympie Centro development is a good example where considerable discretion has been applied.'*

Based on the argument of multi-purpose trips for a large mixed use development as previously approved, the proposed modifications and minor shortfall in parking is considered acceptable.

### **3.0 PLANNING CONSIDERATIONS**

#### **3.1 Future needs of locality**

As previously indicated the proposed modification to include a supermarket at this locality will service the northern sector of Gympie and southern end of Tiaro Shire.

#### **3.2 Headworks**

Headworks should be conditioned as per previous approval.

### **4.0 Consultation**

#### **4.1 Internal**

(a) Department of Engineering

**Report: (Design Department Manager - R. Chapman)**

**INTRODUCTION**

The site is already subject to an approval DA13801. It is understood that this application seeks to increase the approved site use with the Shopping Centre of 3979m<sup>2</sup> in lieu of 3802m<sup>2</sup> of showroom. All previous comment and conditions should still apply but because of the increased use all conditions relating to parking and contributions that are based on site use should increase commensurately.

**TRAFFIC**

The application does not address this issue but it is worth noting the Department of Main Roads comment on the original application that traffic volumes forecast of 925 vehicles per hour (vph) could be 50-100% low. Using the rates nominated in the original application, estimated traffic volumes for the total development is now 1268 vph, ie an increase of 343 vph. This relates to an increased contribution of \$48,706 based on the current rate of \$284 per vehicle discounted by 50% for direct access to a major declared road.

The Department of Main Roads as a referral agency has imposed its own conditions relating to the development.

**WATER and SEWERAGE**

The increased use will result in increased headworks charges. Final designs for the site will need to adopt the additional demands for both services and should also take in to account any other such possible increased usages envisaged by the developer.

**MISCELLANEOUS**

As previously reported, this site has no capacity for overflow parking. Therefore no reductions to Town Planning Parking requirements should be permitted. This includes claims for reduction in car parks due to provision of cycle racks. Whilst claims by the consultant and conditions required by Qld Transport for cycle paths to the site are well intentioned, Gympie just does not offer opportunities for safe cycling and until there is proof from the community that support the increased use of cycles, these claims and conditions should be ignored.

The underground car parks do not clearly show the impact of the entry and exits on the external car parks which may also result in lost spaces. The design of the car park will need to comply with AS2890.1:2004. Mechanical ventilation, water pump out facilities, lighting and fire fighting will all be required to meet those various codes.

The concerns raised in the above report can be adequately addressed at the operational/building permit stages.

#### 4.2 External

- (a) Department of Main Roads

The application was referred to the Department of Main Roads as Concurrence agency under the terms of the *Intergrated Planning Act 1997*.

Advice has been received from Main Roads requesting Council to include conditions in any approval granted.

#### 5.0 CONCLUSION

The proposed modifications to original plans approved under amended decision notice DA13801 and change of land use from showroom to Shop (supermarket for building 9) is considered acceptable from a planning view for reasons outlined in this report and should be supported.

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

- (A) That Council, as Assessment Manager APPROVE development application (DA18024) for a Material Change of Use – Homemaker Centre (Showrooms, Shops including a Supermarket and Ancillary Display Yards) over Lot 1 SP124314, located at 46 Chatsworth Road, Gympie subject to the following conditions:

#### *Assessment Manager's Conditions*

#### Section 1 Conditions to be Satisfied Prior to the Commencement of the Approved use.

1. All conditions imposed for the Material Change of Use component of Negotiated Decision Notice DA13801 except where modified by this approval.
2. The development shall be generally in accordance with plans submitted with the application (Dwg, No ID .01.001 Issue P3, ID.01.111 Issue P3 drawn by Tekton Consulting and dated May 2007)

In this respect the following mix of uses is approved:

Showrooms	18 921m <sup>2</sup> GFA
Shops (including Supermarket)	9 640m <sup>2</sup> GFA
Display Yards	6 131m <sup>2</sup> Total Use Area
<b>TOTAL</b>	<b>34 692m<sup>2</sup></b>

**This approval does not include a Medical Centre or Service Station. Further development applications for Material Change of Use will be required for these uses and any other use not included in the application or approval.**

- 3 Provide at least 974 off street car parking spaces, of which (27) spaces are to be accessible parking bays located in the vicinity of buildings 01, 07, 09 & 10. The accessible parking bays are to be located on a continuous accessible path of travel between the car parking facilities and the main entrance to each building. Other modes of parking facilities are to be provided as follows:**

<b>Taxi Bays</b>	<b>5 bays</b>
<b>Unloading Bays</b>	<b>4 bays</b>
<b>Motor bike Bays</b>	<b>10 bays</b>
<b>Bicycle Bays</b>	<b>3 x 10 Racks</b>

**All the above provisions are to be designed in accordance with relevant Australian standards.**

**Concurrence Agency Conditions**

**Department of Main Roads**

**The application was referred to the Department of Main Road, as a Concurrence Agency. That department had the following requirements:**

- 1. Prior to opening any part of the development, the applicant must:**
  - 1. Upgrade the Bruce Highway to four lanes from Pine Street to 200 metres north of Pinewood Avenue, in accordance with Main Roads' Planning and standards.**
  - 2. Install traffic signals at the Bruce Highway/Oak St, and Bruce Highway/Pinewood Avenue intersection and upgrade both intersections with additional lanes to meet Main Roads' standards for the projected traffic flow ten years after the completion of the development.**

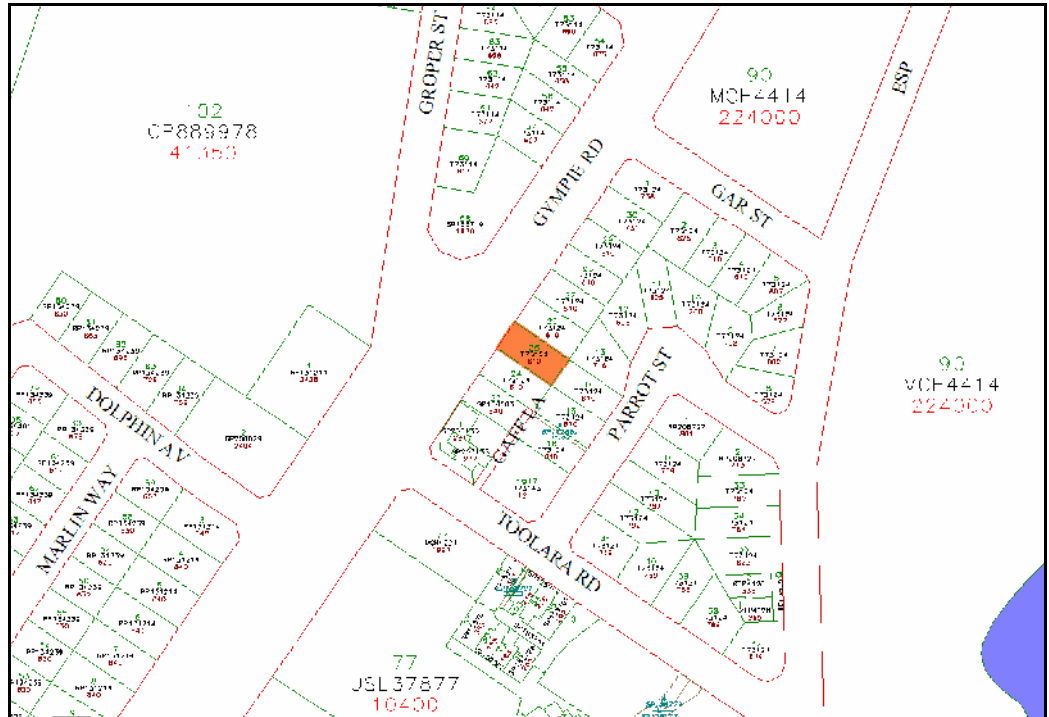
**Prior to commencing any works on the Bruce Highway, the applicant must arrange for detailed engineering plans and specifications for the proposed works to be submitted to Main Roads for assessment and approval. The plans and specifications must be certified by a qualified Registered Professional Engineer of Queensland.**

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

2. All works associated with this proposal must be carried out at no cost to Main Roads.
  3. 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.
- (B) That Council approve Request to Change Existing Approval DA13801 for Material Change of Use – Shops, Showroom, Display Yard & Reconfiguring a Lot - Subdivision to Create Three (3) Additional Lots and issue an amended decision notice incorporating the following:
- (i) reference to new approved plans;
  - (ii) new condition:
- ‘All conditions of DA18024 are to be satisfied.’;*
- and any other changes considered necessary by the Director of Planning and Development.

8/4	DA16989 – Material Change of Use of Premises – Shop – 63 Gympie Road, Tin Can Bay – M. Dufty
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FILE NO:	DA16989
APPLICANT:	M. Dufty
LANDOWNER:	M. C. Dufty
RPD:	Lot 25 T73124
SITE ADDRESS:	63 Gympie Road, Tin Can Bay
CURRENT USE OF LAND:	Shop
PROPOSAL:	Material Change of Use – Shop
EXISTING ZONE:	Housing
LEVEL OF ASSESSMENT:	Code (Inconsistent)



**Report: (Planning Officer – M.K. Matthews)**

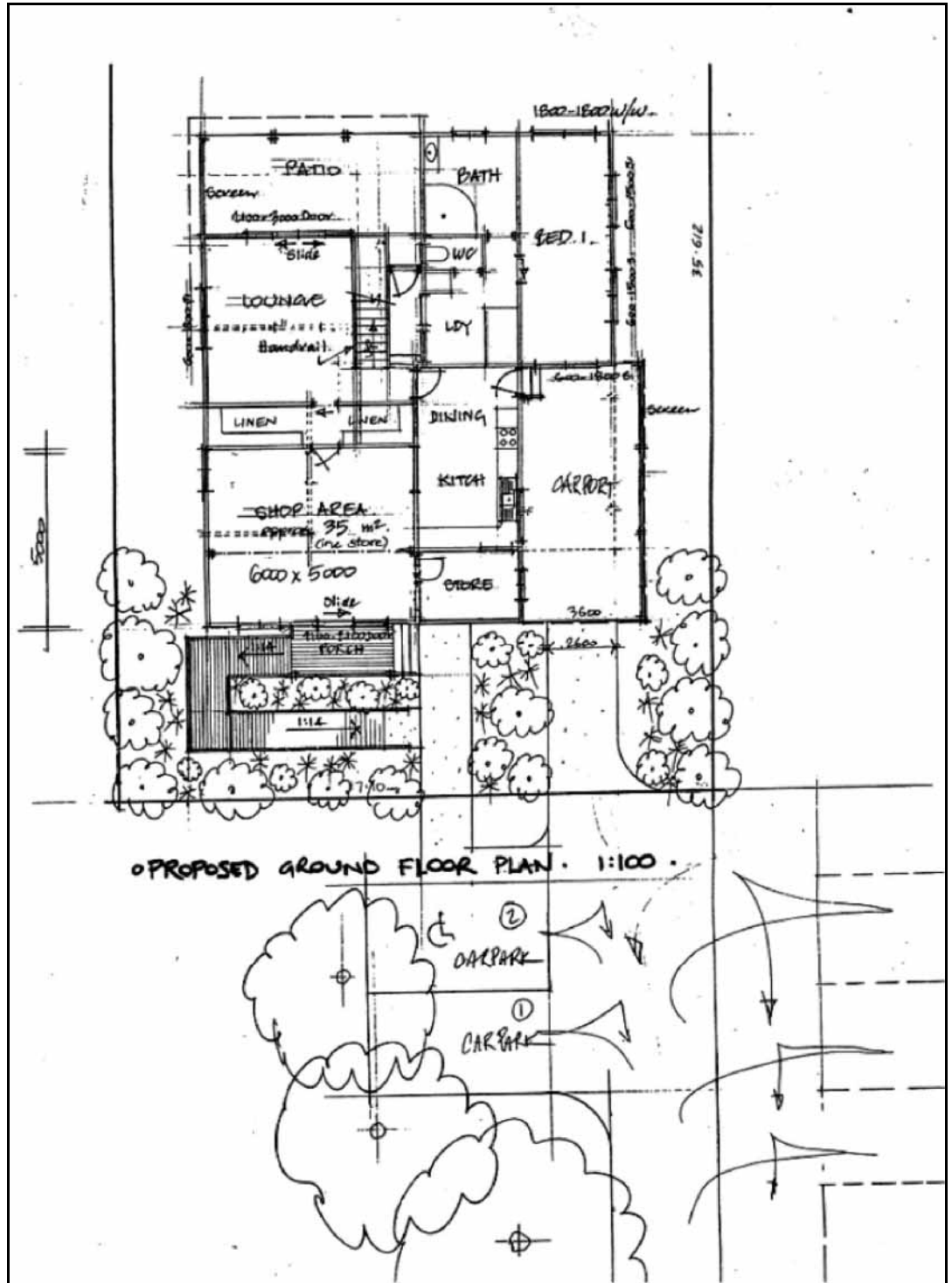
**1.0 The Proposal**

This application seeks Council's approval for the use of part of an existing dwelling for the purpose of a shop.

The report submitted with the application describes the proposed use as '*a gift shop offering small scale home ware gifts including candles, ornaments, wall hangings, pictures, crystals, wind chimes, figurines, photo frames and books as well as personal gift products and souvenirs including magnets, bath salts, incense, soft toys, clothing and inexpensive jewellery*'.

It is proposed to utilise 35m<sup>2</sup> of the front part of the dwelling at ground level.

Proposed hours of operation are 8am to 5pm 7 days a week.



**1.1 Site Description**

The site has a total area of 610m<sup>2</sup> and currently contains a single two storey dwelling house.

**1.2 Surrounding Land Uses**

Three parcels of land directly to the south are utilised as a real estate agent, further along Gympie Road are a set of shops including a video shop and take away. To the north are existing dwellings. Across Gympie Road to the north west is the Tin Can Bay IGA supermarket.

### **1.3 Site History**

There has been an approval issued over this site for a dwelling and a carport.

A recent proposal (DA14864) applied for use of the site as a home business. As this proposal was inconsistent with the proposed scale of activities, it was more appropriately lodged as an application for a Shop on 10 August 2007.

## **2.0 Planning Considerations**

### **2.1 Planning Scheme Requirements**

The site is zoned Housing, and any Material Change of Use applications in this zone are Code Assessable development.

Applicable codes to the proposal include:

- \* Cooloola Coast Planning Area Code;
- \* Erosion and Sediment Control Code;
- \* Infrastructure Works Code;
- \* Landscaping Code; and
- \* Vehicle Parking and Access Code.

#### *Cooloola Coast Planning Area Code*

The proposal for a Shop is listed as an 'inconsistent use' within the Housing Zone.

The applicant submits in relation to this:

*“The proposed development is an inconsistent use. Notwithstanding this, the proposed development represents the most appropriate form of development when taking into consideration the number and mixture of commercial uses and premises existing in the immediate proximity of the site.*

*It is noted that the neighbouring property to the southwest of the site encompasses a real estate office and is also located within the housing zone.*

*It is noted that the road reserve at the frontage of the site is regularly utilised for informal car parking by customers of the adjoining real estate office and shopping complex.*

*This site is located in the commercial centre of Tin Can Bay”.*

No adverse impacts on the amenity of the area are anticipated by the proposal given its scale and location.

*Erosion and Sediment Control Code*

Only minor building work is proposed to facilitate the proposed use and as such erosion and sediment control measures can be appropriately conditioned on a development permit for building work.

*Infrastructure Works Code*

Provisions of this code are not considered applicable given no on-site or external works are proposed or recommended to be conditioned.

*Landscaping Code*

Conceptual frontage landscaping works are shown on the proposal plans and should be conditioned on any approval issued.

*Vehicle Parking and Access Code*

Car parking requirements for the proposed development can be calculated as follows:

<i>Use</i>	<i>Parking Calculation</i>	<i>Requirement</i>
Dwelling	1 covered space per dwelling	= 1
Shop	6 spaces per 100m <sup>2</sup> 6 x 0.34	= 2

Total Parking Required = 3 spaces

On site car parking (covered) has been provided for 1 space to be utilised for the dwelling. The two (2) spaces required for the shop component cannot be provided within the site boundaries given the location of the existing buildings but are offered to be provided within the road reserve fronting the lot.

Car parking within the road reserve was constructed for commercial uses on the corner of Toolara and Tin Can Bay Roads following negotiations between the applicant, Council and Department of Main Roads in the late 1990s. In correspondence about this issue Council indicated an intention to ensure future developments in the area were carried out sequentially to the car parking area to ensure independent access points direct to Tin Can Bay Road were avoided and encourage a logical extension of this area.

A real estate office is operating adjacent to the development site and Council records indicate no approval has been granted for the activity. Car parking for the real estate occurs informally on a gravel area within the road reserve fronting the site. Further investigation of the lawfulness of this activity should be undertaken.

This application was required to be referred to the Department of Main Roads, given the site's frontage to Tin Can Bay Road.

The Department has provided conditions to be imposed on any approval requiring access to Tin Can Bay Road, to be limited to one point only. Construction is to be in accordance with Council's standards which would require sealing of the access from the formed section of Tin Can Bay Road to the property alignment. In addition, should formal car parking be provided within the State-controlled road reserve, assessment and approval would be required from the Department subject to detailed engineering plans and specifications submitted by an appropriate Registered Professional Engineer of Queensland.

The advice received from Main Roads therefore allows for the shortfall of two (2) car parking spaces to be provided within the road reserve.

The adjoining development to the south at this stage cannot be required to provide for a sequential extension of the existing car parking within the road reserve. As the proposed parking is for only two (2) vehicles and sealed access within the road reserve is a requirement of Main Roads it is considered reasonable to condition car parking for this development to also be provided within the road reserve. Approval of such is not considered to jeopardise any future intention by Council or other parties to extend the existing formal car park as previously indicated.

## **2.2 Other Planning Considerations**

### ***Headworks***

The proposal involves an intensification of the existing dwelling use and headworks charges should be levied accordingly (ie based on gross floor area). These are calculated as:

#### Water Supply

$$\begin{array}{r} 35\text{m}^2 \div 100\text{m}^2 \times 0.8\text{EP} \times \$1,262 \\ \text{Contribution Required} \end{array} \qquad \begin{array}{r} = \$353.36 \\ \$354 \end{array}$$

#### Sewerage

$$\begin{array}{r} 35\text{m}^2 \div 100\text{m}^2 \times 1.2\text{EP} \times \$1,586 \\ \text{Contribution Required} \end{array} \qquad \begin{array}{r} = \$666.12 \\ \$667 \end{array}$$

## **3.0 Consultation**

### **3.1 Internal**

#### **(a) Department of Engineering**

**Report: (Design Department Technical Officer – A.C. Walsh)****TRAFFIC**

As the proposed development has frontage to Gympie Road (Tin Can Bay Road), the application was referred to the Department of Main Roads as a Concurrence agency. The Department responded limiting the access to one point only, but have indicated car parking would be allowed in the State-controlled road reserve, subject to the Department's assessment and approval.

The traffic generation figures of twenty (20) customers per day submitted by the consultant seem to be adequate for the proposed business. Considering the development fronts a State-controlled road, a reduction of 50% of the contribution is justified therefore a contribution of \$558 is required.

**FRONTAGE**

Gympie Road is fully constructed except for a concrete footpath. Council's Planning Scheme requires a concrete footpath to be provided to the frontage of the development. However, should Council approve the parking area on the road reserve a contribution of \$1296 equivalent to the cost of construction should be sought for future footpaths in the general area.

**WATER AND SEWERAGE**

Both water and sewerage are connected to the site. It is considered no additional load would be placed on these facilities. Headworks charges to be assessed by the Planning Department.

**PARKING**

The consultants report indicates parking is to be provided on the road reserve in front of the development. The Department of Main Roads stated in its Concurrence agency response, any provision of parking on the road reserve will require to be submitted to the Department for assessment and approval.

Council's Planning Scheme requires all parking to be provided on-site and any relaxation of this requirement will need Council approval. The parking area should be designed and sealed to allow for future extensions to the existing on-street parking to the South.

**STORMWATER DRAINAGE**

Stormwater drainage should not be an issue considering the proposed development. Run-off from the parking area will be required to be designed to meet the relevant standards of the Department of Main Roads.

**OTHER SERVICES**

Power and communication services are provided to the site. As street lighting is inadequate at this location, a contribution of \$850 towards lighting should be required.

### **3.2 External**

#### **(a) Department of Main Roads**

The application required referral to the Department of Main Roads, given the site's frontage to Tin Can Bay Road.

Department of Main Roads have issued conditional approval in regards to the proposal.

Conditions are fully outlined in the recommendation.

### **4.0 Conclusion**

The application proposes a Shop within a Housing Zone and is an Inconsistent Use.

Given the scale of the proposal and its location on a State-controlled road and adjacent to existing Commercial development it is recommended for approval.

#### **Recommendation: (Director of Planning & Development – M. Hartley)**

- (A) That Council, as Assessment Manager, APPROVE development application DA16989 for Material Change of Use – Shop over Lot 25 T73124 located at 63 Gympie Road, Tin Can Bay, subject to the following conditions:**

#### *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 permit/s has/have been issued and complied with as required -**
    - (a) Development Permit for Building Work (Reclassification of area for Shop); and**
    - (b) Development Permit for Operational Work (Car Parking) and;**
  - (ii) development authorised by the above permit has been completed to the satisfaction of Council's Chief Executive Officer.**
- 1.2 Access to the proposed development is to be constructed in accordance with the requirements of Council's Infrastructure Works Code – Drawing No R-05.**

- 1.3 All necessary permits from the Department of Main Roads are to be obtained for the purpose of constructing an access onto Gympie Road.
- 1.4 The development herein approved may not start until written confirmation is provided to Council that access to Gympie Road is constructed in accordance with the requirements of the Department of Main Roads.
- 1.5 Landscaping is to be undertaken along the frontage of the site as indicated in the approved plans.
- 1.6
  - (i) A properly prepared Landscape Plan in accordance with Council's Planning Scheme Policy 4: *Landscaping* and the requirements of condition 1.2 is to be submitted to and approved by Council's Chief Executive Officer prior to undertaking the required landscaping. The landscape plan is to denote areas of existing vegetation and/or existing trees proposed to be retained.
  - (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.
- 1.7 The number and type of refuse containers provided on site is to be determined in accordance with Council's Rating Policy.
- 1.8 Servicing of refuse containers is to be at a location approved by Council's Chief Executive Officer.
- 1.9 All appliances and equipment including air conditioner units shall be installed and/or housed so as to prevent the emission of unreasonable noise.
- 1.10 Two (2) off-street car parking spaces are to be provided within the Tin Can Bay road reserve fronting the development site.
- 1.11 Car parking and access areas shall be "sealed" pavement and designed to facilitate a future extension of the existing car parking area to the south.
- 1.12 Off-street car parking is to be provided in accordance with the Vehicle Parking and Access Code of Council's Planning Scheme and Planning Scheme Policy 8 - Infrastructure Works.
- 1.13 Contribution is to be made towards Water Supply Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works*

***Internal.*** The contribution is currently assessed at \$354, however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.

- 1.14** Contribution is to be made towards Sewerage Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at \$667, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- 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** A contribution is to be paid to Council towards the provision of a footpath along the frontage of the site. The amount is currently assessed at \$1 296, however will be indexed every 12 months from the date of this decision notice in accordance with ABS ANZSIC Index Class 4121.
- 1.17** 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.
- 1.18** In accordance with Planning Scheme Policy 10: *Intersection Contributions* a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is currently assessed at \$558, however will be in accordance with Council's Policy and the amount applicable at the time of payment.
- 1.19** A contribution of \$850 is to be paid to Council towards the provision of street lighting in the vicinity of the site.
- 1.20** Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed, designed and constructed in accordance with Council's Infrastructure Works Code.

## **Section 2.0 General Conditions**

- 2.1** The development shall be generally in accordance with the plans and supporting information submitted with the application (Proposed Ground Floor Plan unauthored and undated).

**In this regard the approved development is to have:**

- a maximum gross floor area of 35m<sup>2</sup> for the display of items for sale;
- no employees other than those residing on the premises; and
- a maximum of three (3) courier van deliveries per week.

**2.2 Approved hours of operation are:  
Monday to Sunday 8:00am to 5:00pm.**

***Concurrence Agency Conditions***

**(a) Department of Main Roads**

**The application required referral to the Department of Main Roads as a Concurrence Agency, under the requirements of the Integrated Planning Act. That Department has the following requirements.**

**(i) Access to Tin Can Bay Road is to be limited to one point of access only.**

**The road access to lot 25 T73124 must be constructed in accordance with council's standard requirements and as specified in the Institute of Municipal Engineer's Australia (Qld) standard drawings.**

***Note: Further approvals will be required for construction of any works within the State-controlled road reserve, in accordance with the requirements of section 33 of the Transport Infrastructure Act 1994.***

**(ii) Any proposal to provide formal car parking within the State-controlled road reserve is to be submitted to Main Roads for assessment and approval. Detailed engineering plans and specifications for any proposed works are required.**

**The engineering design plans and specification submitted must be certified by an appropriate Registered Professional Engineer Qld (RPEQ).**

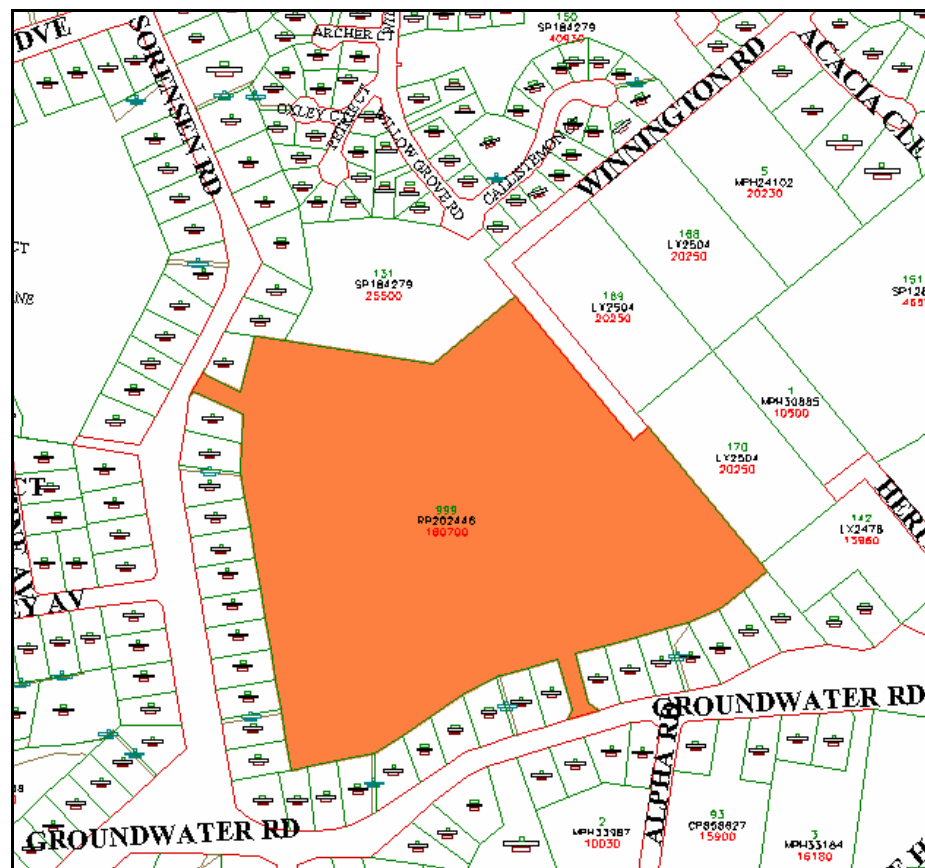
***Note: Further approvals will be required for construction in accordance with the requirements of section 33 of the Transport Infrastructure Act 1994.***

**(iii) All works associated with this proposal, including relocation of services, lighting, etc. must be carried out at no cost to Main Roads.**

- (B) The matter of the lawfulness of the existing Real Estate Office on 65 Gympie Road, Tin Can Bay be referred to the compliance section of Council's Planning and Development Department for further investigation and appropriate action.

8/5 DA17818 – Reconfiguring a Lot – Subdivision to Create 137 Additional Lots – Groundwater & Sorensen Roads, Gympie – Stateland Pty Ltd

FILE:	DA17818
APPLICANT:	Stateland Pty Ltd
LANDOWNER:	Garum Pty. Ltd.
RPD:	Lot 999 RP202446
SITE:	Groundwater & Sorensen Roads, Gympie
PROPOSAL:	Reconfiguring a Lot – Subdivision to Create 137 additional lots
ZONE:	Housing
LEVEL OF ASSESSMENT:	Code
PLANNING AREA:	Gympie



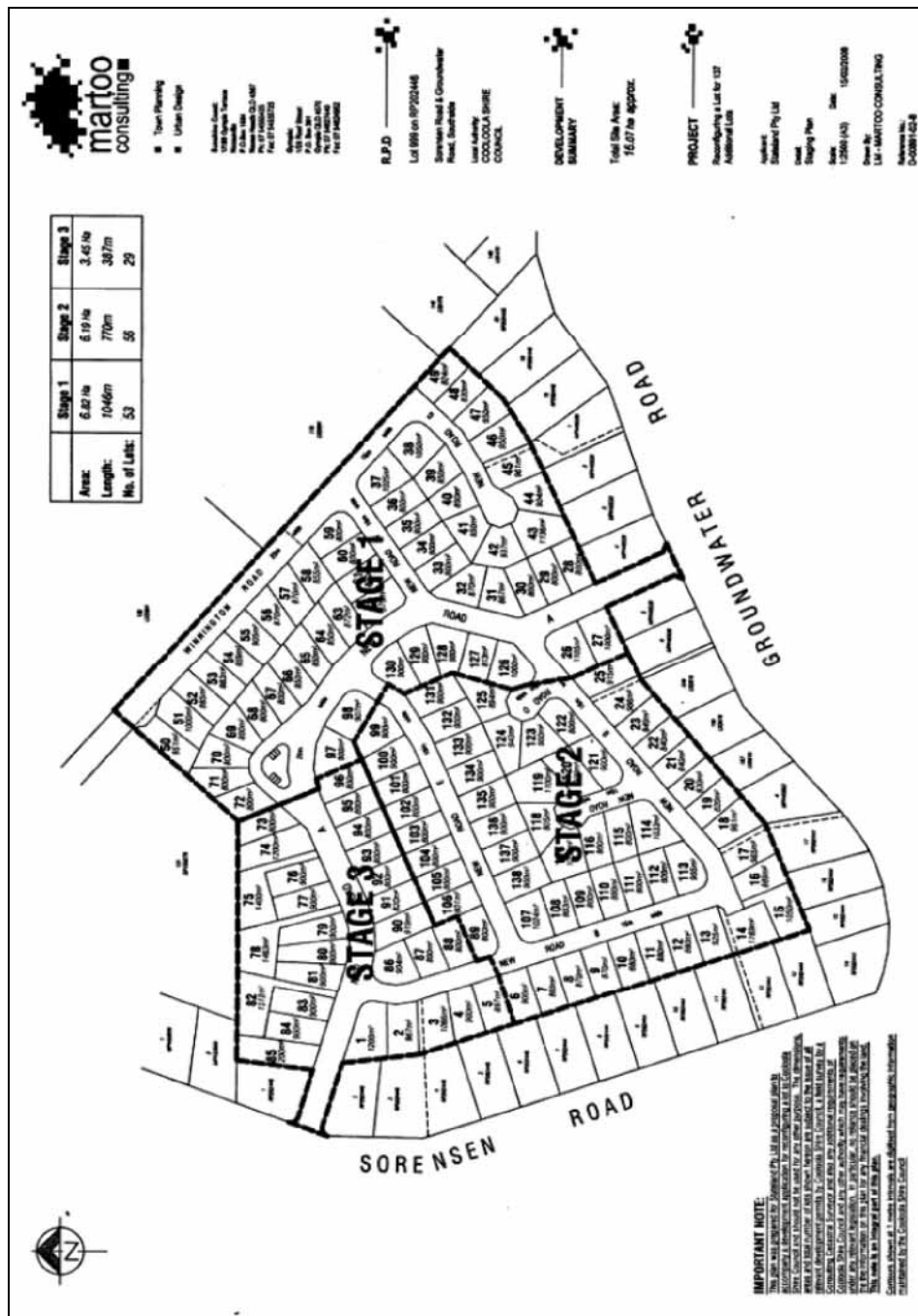
**Report: (Environmental Planning Officer – K.M. Toomey)**

**1.0 INTRODUCTION**

This application seeks Council’s approval for subdivision of an allotment in the Housing Zone into 137 additional lots.

**1.1 The Proposal**

The applicant intends to subdivide the land in 3 stages as outlined below:



## **1.2 Site Description**

The development site is located on the Southside with frontages on Groundwater Road and Sorensen Road, approximately 1.2 kilometres from its intersection with the Mary Valley Road and approximately 5 kilometres by road to the Gympie central business district.

It is positioned within the existing urban developed area on the Southside and is currently vacant. There are no easements currently registered or benefiting the site although five existing drainage easements from surrounding allotments, direct stormwater towards the subject site. These easements do not legally benefit or burden the subject site. A drainage line, which forms part of a natural waterway under Council's Planning Scheme mapping, also traverses the site.

The majority of the site has been previously cleared for grazing purposes and the remaining vegetation is not mapped as being of significance for conservation purposes.

The topography is undulating with varying slopes of up to 13%.

An unformed road reserve borders part of the north-eastern boundary of the site.

## **1.3 Surrounding Land Uses**

Land surrounding the development site is of a residential nature with approximate lot sizes ranging from 2 000m<sup>2</sup> to the west and south and up to 2.55 hectares to the north and east.

## **2.0 STATUTORY REQUIREMENTS**

### **2.1 Intent of the Zone**

The intent of the housing zone is for residential purposes and the proposal, which is to be fully serviced at the developer's cost, represents efficient consolidation of the existing urban area.

### **2.2 State Planning Policies**

As the site is located in the Housing Zone, there are no state planning policies applicable to the application.

### **2.2 Planning Scheme Provisions**

The application is assessable against the following codes:

*Gympie Planning Area Code*

The proposal is consistent with the overall and specific outcomes of the code.

*Reconfiguring a Lot Code*

Provisions for residential allotments include:

- Minimum 600m<sup>2</sup> lot size;
- Minimum rectangle of 20 x 15 metre
- Minimum road frontage of 20m per allotment;
- House sites on slopes no greater than 16%.

All lots meet the minimum lot size requirements, ranging in size from 800m<sup>2</sup> to 1512m<sup>2</sup>.

Road frontages for all proposed lots meet the minimum requirement of 20 metres, with the exception of lot 14 and those in cul-de-sac heads, where a lesser standard is considered acceptable given the lot shapes. Lot 14 is considered able to provide a suitable house site despite not meeting the minimum requirement for road frontage.

Hatchet shaped lots are proposed for lots 15, 75, 78 and 82. All of these lots exceed the 800m<sup>2</sup> minimum for hatchet allotments and comply with the maximum of 50 metres for handle length.

As all lots are above the minimum lot size they are considered to provide reasonable ability for a variety of house sites to be constructed, but given the topography, stormwater management should be given due consideration.

*Infrastructure Works Code*

The proposal does not meet all of the requirements of the infrastructure works code for development in the Housing Zone.

Reticulated water does service this area of Southside, however, extended water mains will be required to service this development.

Water and sewerage headworks charges are applicable in addition to the developer being required to provide the water main and sewers to service the proposed lots.

A water headworks credit exists for one lot over 1000m<sup>2</sup>. No sewerage headworks credits are applicable as the site is outside the sewered area.

Kerb and channel and street lighting to an urban standard will be required as part of the development. A new access road onto both Groundwater and Sorensen Roads will also be required.

Inter-allotment drainage is required for lots 27, 39-42, 50-58, 87-89, 108-112 and 120.

#### *Landscaping Code*

The landscaping code requires street trees at the rate of one (1) tree per lot or 20 metres of road frontage (whichever is the lesser).

Appropriate conditions have been included in this regard.

#### *Natural Waterways and Wetland Areas Code*

The proposal does not meet all of the requirements of the natural waterways and wetland areas code, however appropriate conditions have been prepared in order to preserve the function and value of the waterway on site.

### **2.3 Council's Local Laws and Policies**

There are no local laws or policies applicable to this application.

## **3.0 PLANNING CONSIDERATIONS**

### **3.1 Appropriateness of the Proposal**

The site is zoned for Housing development and considered appropriate.

### **3.2 Amenity**

No amenity concerns are raised by the proposal given the adjoining residential development and likely community expectation for development of this allotment.

### **3.3 Park**

A small park is proposed of 512m<sup>2</sup>.

Adjoining sites have been identified in Council's Open Space and Recreation Plan as being suitable for a local park.

The proposed park does not meet the requirements nominated in Council's plan for a local park. The size is below the preferred minimum of 0.5 hectares. It does however meet the requirements in relation to service radius, minimum road frontage, slope and topography. The requirements of the park area to be free of hazards, have adequate car access and good visibility are also met.

Given the size of the proposed park and therefore its limited ability to be functional, it is recommended that the area be redesigned to form a landscaped traffic island, providing additional car parking for surrounding residents.

A monetary contribution of \$1 700 is therefore applicable to all lots towards park and recreation facilities.

### **3.4 Adjoining Subdivision Potential**

All adjoining sites are zoned housing and have the potential to be subdivided with the provision of sewerage to the allotments.

The subdivision layout proposed assists in the orderly subdivision of adjoining sites.

### **3.5 Future Needs of Locality**

Queensland Transport, acting as Concurrence Agency to this application, has conditioned a bus route to be provided along the primary internal road.

### **3.6 Site Contamination**

The site is not listed on the Environmental Management Register.

### **3.7 Flooding**

The site is not subject to flooding.

### **3.8 Traffic/Road Design**

The infrastructure works policy nominates road width of 16 metres for roads servicing less than 75 lots. This is the required road width for the three cul-de-sacs proposed.

The primary internal road is required to be 20 metres as it services in excess of 76 lots.

A contribution towards intersection improvements is applicable and is currently assessed at the rate of \$284 per additional allotment.

### **3.9 Utilities and Services**

The site is located within the defined water service area, however it is outside of the defined sewerage reticulation area. Headworks charges are therefore applicable for each allotment with no credits available.

Arrangements to connect the development externally to sewerage and water should be finalised prior to the issue of a development permit for operational work for stage 1 and include implementation of an infrastructure agreement.

### **3.10 Bushfire**

The site is not mapped as being located in a bushfire prone area.

### **3.11 Pathways**

A 1.2 metre wide concrete footpath is required in the Housing Zone. A combined cycleway and pedestrian pathway is recommended to be constructed by the developer along Road A, which is the primary internal road and a 1.2 metre wide pedestrian pathway along Road B.

The standard contribution towards footpaths, which is currently assessed at the rate of \$284 per allotment, is applicable to all lots not fronting a constructed footpath.

### **3.12 Stormwater**

The head of a well defined natural watercourse is contained within the site, which the applicant proposes to pipe and fill as part of this development. As further detailed in the engineering report following, stormwater management will be a key consideration during the detailed design phase of the development.

As adequate stormwater measures will need to be implemented at the operational works stage and as there are several issues still to be resolved with the drainage of the site, a master stormwater drainage plan needs to be prepared and approved prior to lodgement of any operational works applications. A detailed erosion and sediment control plan will also need to be submitted as part of any subsequent operational works application in order to minimise adverse impacts from stormwater discharge into the natural waterway.

## **4.0 CONSULTATION**

### **4.1 Internal**

#### **(a) Department of Engineering**

#### **Report: (Design Department Manager - R. Chapman)**

This engineering report is based on the submissions made by Martoo Consulting supported with engineering plans submitted by Opus Qantec McWilliam.

#### **TRAFFIC / ACCESS**

The site has access to Sorensen and Groundwater Roads at two points only where provided for in previous "frontage only" developments. Both access points have adequate site distances and road widths available. Contributions to external roads will apply and be subject to the rate applicable at the time of payment.

#### **LOT LAYOUT**

Modifications have been made to the original lot layout during the information request phase to suit stormwater design. However, a suitable solution to

overcome runoff through proposed lot 17 has not been put forward to date and this lot may have to be sacrificed or reshaped to achieve a solution. Proposed lots 32, 33, 62, 89, 107 and 126 may require modification to suit intersection designs.

#### ROADS

Frontage road works are only required at the intersections to Sorensen and Groundwater Roads. All internal roads will be to Council's published standards with the proposed road widths allowed meeting those requirements. As stated above, intersections at those lot locations require detailed design to confirm configuration. Queensland Transport require road A through the site to be suitable for a future bus route which will require an extra metre of carriageway width. Road names are required to be lodged for roads A, B, C, D, E and G. Road F should be an extension of Winnington Road to commence at road A.

#### STORMWATER DRAINAGE, FLOODING

The site is at the head of a well defined water course which has five piped drains and thirty-two existing larger than normal size lots discharging onto the land. The piped drains will all require extensions and easements in new lots with provision for overland flows. As stated above this is not possible through proposed lot 17 at this stage of design. All adjoining new lots downstream of the existing lots will require covenants to ensure buildings will be designed to accept run-off from upstream lots. Numerous other internal lots will also require covenants. Future piped stormwater off adjoining Lot 131 SP184279 will need to be allowed for in the downstream drainage designs. Road F will need to be designed as the main overland flow path which may necessitate the carriageway being widened accordingly.

The preliminary stormwater layout has not adequately addressed how the increased discharge off the site is to be dealt with. Lot 59 may be required as a temporary detention basin. It would not be unreasonable to require the developer to provide a contribution towards the cost of a pipeline to transport this additional flow through the downstream lands to negate any additional overland flow that will be created by this development. The site is not subject to flooding in a 1 in 100 year event in the Mary River.

As there are several issues yet to be resolved with the drainage of the site, a master drainage plan needs to be prepared and approved prior to lodgement of any Operational Works applications.

#### WATER AND SEWERAGE

The site is included in the Water Service Area but not within the Sewer Service Area. An adequate water supply can be provided with 150 mains required along road A, B, F and Winnington Road. Works external will be required to connect the land to the sewer recently extended to the Winnington Road Sewage Pump Station through private lands for which the developer will be required to obtain the approval of the relevant land owners. The adjoining

Sorensen and Groundwater Road properties will be able to be seweraged in accordance with Council Policy in cooperation with extensions to the developer's sewers.

Headworks charges will apply for both services.

#### MISCELLANEOUS

Electricity and communication services including street lighting will have to be provided by the developer. Underground services should be required. The developer should not be permitted to build an internal fence around the site as was done at Glen Eden estate as this may lead to concentrations of stormwater flows with responsibility for same passed onto unsuspecting purchasers.

#### **4.2 Public Notification**

The application is not required to be publicly notified as the site is zoned for housing purposes.

#### **4.3 Queensland Transport**

The application required referral to Queensland Transport as a concurrence agency, given the number of new residential lots proposed. The department has conditioned the approval to design and construct proposed Road A to be suitable to accommodate a 12 metre long bus.

The reason noted for this condition is *“to minimise reliance on private car based transport and provide alternative transport options it is necessary to ensure that the development can be adequately serviced by Public Passenger Transport once demand for the service is generated”*.

The development proposes a road reserve width of 20 metres for new Road A and is therefore considered able to meet this requirement.

#### **5.0 CONCLUSION**

The application proposes efficient consolidation of existing urban development within the Southside area.

The development complies with the relevant provisions for reconfiguring a lot within the Housing Zone.

It should be approved, subject to conditions detailed in the recommendation and as explained in the report.

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

**That Council, as Assessment Manager, APPROVE development application DA17818 for Reconfiguring a Lot – Subdivision to Create 137**

**Additional Lots over Lot 999 RP202446 located at Groundwater & Sorensen Roads, Southside, subject to the following conditions:**

*Assessment Manager's Conditions*

**Conditions Applicable to All Stages of the Approved Development**

**Section 1 Conditions to be Satisfied Prior to the Release of the Plan of Survey**

- 1.1 The development shall be generally in accordance with the plan/s submitted with the application (Plan No/s. D-00891-01-B drawn by Martoo Consulting and dated 14 February 2008) except for the following amendment:**
- (i) proposed park area is not accepted and is to be converted to a traffic island incorporating off street parking.**
- 1.2 The development herein approved may not start until:**
- (i) the following development permit has been issued and complied with as required -**
    - (a) Operational Work (Civil Works and Landscaping); and**
  - (ii) development authorised by the above permit has been completed to the satisfaction of Council's Chief Executive Officer.**
- 1.3 Contribution is to be made towards Water Supply Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at:**
- \$2 952 for lots between 600m<sup>2</sup> and 999m<sup>2</sup>; and  
\$3 691 for lots over 1 000m<sup>2</sup>,**
- however, the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.**
- 1.4 Contribution is to be made towards Sewerage Headworks in accordance with Council's Planning Scheme Policy 7: *Water Supply and Sewerage Headworks Contributions, Works External and Works Internal*. The contribution is currently assessed at:**
- \$4 614 for lots between 600m<sup>2</sup> and 999m<sup>2</sup>; and  
\$4 944 for lots over 1 000m<sup>2</sup>,**
- however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.**

- 1.5 A contribution is to be paid to Council towards the provision of footpaths in the general area. The amount is currently assessed at \$284 per lot without frontage to a constructed footpath, but will be based on Council's policy and the rate applicable at the time of payment.
- 1.6 In accordance with Planning Scheme Policy 11: *Roadworks Contributions* a contribution is to be paid toward road improvements as a result of the increased traffic generated by this development. The amount is currently assessed at \$284 per lot, however will be in accordance with Council's Policy and the amount applicable at the time of payment.
- 1.7 In accordance with Council's Planning Scheme Policy 6: *Park Contributions*, a contribution is to be paid to Council for the improvement of existing public park or recreation spaces in the general area. The contribution is currently assessed at \$1 700 per new lot created, however the actual amount payable will be based on Council's policy and the rate applicable, at the time of payment.
- 1.8 All outstanding rates or charges levied by Council or expenses that are a charge over the subject land under any Act are to be paid.
- 1.9 An agreement is to be entered into with Energex to provide underground electricity to all approved lots without any financial encumbrance on future owners of these lots.
- 1.10 The applicant shall make suitable arrangements for the provision of an underground telephone service to the proposed new allotments within the subdivision. Documentary evidence shall be submitted that an agreement has been reached with an authorised supplier for telephone services, prior to the Plan of Survey being sealed by Council.
- 1.11 Three (3) alternative road names are to be submitted for Council's consideration for each new road to be opened in accordance with Policy No. PR-D-004.
- 1.12 The whole of the subject land including all approved lots is to be treated for declared plants and cleared of scrap to the satisfaction of Council's Chief Executive Officer. On completion of the treatment and clearing the enclosed Notification of Compliance Form is to be completed and lodged with Council.
- 1.13 Easements or reserves for drainage purposes are to be surveyed and registered in favour of Council/the downstream/upstream property at no cost to Council / the downstream/upstream property owner. 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.

- 1.14 (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.

**Section 2 Conditions to be Satisfied Prior to the Lodgement of a Development Application for Operational Work (Civil Works)**

- 2.1 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.
- 2.2 Lot boundaries are to be approved by Council's Chief Executive Officer prior to cadastral survey and at completion of engineering design approval process to ensure that engineering design standards are not compromised.

**Section 3 Conditions Relevant to the Issue of a Development Permit for Operational Work (Civil Works)**

*Roadworks*

- 3.1 New roads are to be opened and constructed to bitumen seal standard in accordance with Council's Road Design Standard.
- 3.2 Prior to design of all new roads the following actions are required:
  - (i) Lodgement of a plan of the proposed centreline;
  - (ii) The proposed centreline is to be pegged by the Consultant Surveyor to facilitate an inspection; and
  - (iii) Inspection by Council's Engineer to ensure the new road is suitably located.A Certificate of Acceptance will be issued following inspection, if the proposed road location is acceptable.
- 3.3 All lots are to be permanently numbered with reflective numbers on kerbs to the satisfaction of Council's Chief Executive Officer.

- 3.4 Street lighting is to be provided to new roads in accordance with current Australian Standards/New Zealand Standards for Street Lighting and Equipment Design and Council's Infrastructure Works Code. The developer is responsible for payment for the first 12 months electricity for the lighting system.**
- 3.5 (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 review prior to the pre-start meeting 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.**

*Access Driveways*

- 3.6 The entrance and driveway for any rear access lot is to be constructed to a 2.7 metre wide concrete standard from the kerb for the full length of the access strip.**

*Water and Sewerage Reticulation*

- 3.7 Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems at no cost to Council in accordance with a development permit for Operational Works approving the required plans and specifications for such works.**
- 3.8 Water mains complete with associated fittings are to be provided along areas of new road.**
- 3.9 Water meters and services shall be installed to all lots approved by this Development Permit.**
- 3.10 Sewer mains are to be extended to provide connection points to all proposed lots and / or connection points provided in existing sewers where appropriate.**
- 3.11 Works external are required for extending sewerage to the land at no cost to Council. The developer shall require the consent of landowner/s so impacted by the extension which shall be in accordance with Council approval for such works.**

*Stormwater*

- 3.12 The method of treatment of stormwater runoff from and through the site shall be designed and constructed in accordance with Council's**

**Infrastructure Works Code and the approved Stormwater Management Plan for the overall development.**

- 3.13** Surface water is to be collected on site and is to be discharged through an underground drain line into new drainage to the satisfaction of Council's Chief Executive Officer.
- 3.14** 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.
- 3.15** 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.
- 3.16** A contribution shall be made towards the cost of downstream piped stormwater drainage equivalent to the cost of piping the increased runoff from the development to a suitable point of discharge into the natural drainage, such that it will have no impact on the overland flow through that natural drainage path. The exact amount is to be determined through lodgement and acceptance of the master stormwater drainage plan and as agreed to by Council and the developer.

*Landscaping*

- 3.17** (i) Street tree planting is required at the rate of one tree per allotment on both sides of the new road and shall be provided in accordance with an approved landscape plan.
- (ii) Prior to the commencement of works on site a properly prepared Landscape Plan in accordance with Council's Planning Scheme Policy 4 - Landscaping that shows the proposed locations of the street trees and other landscaping work is to be submitted to and approved by Council's Chief Executive Officer.
- (iii) Trees are to be advanced, predominantly natives (in accordance with Council's Planning Scheme), of a minimum height of one metre and be mulched and staked.
- (iv) The street tree planting shall be subject to a maintenance period commensurate with any other Council infrastructure works also constructed.
- 3.18** A plan of any proposed entry statements, including any landscaping works, is to be submitted and approved by Council. The entry statement is to be fully contained within a freehold lot and be low maintenance.

*Miscellaneous*

- 3.19** All cleared vegetation is to be suitably processed or removed from the site at no cost to Council. Prior to the commencement of clearing works on site the preferred means of disposal of cleared vegetation is to be approved by Council's Chief Executive Officer. The following means of disposal are acceptable, but are not limited to:
- (i) Processing through a woodchipper.
  - (ii) Disposal for firewood.
  - (iii) Disposal for landscaping.
  - (iv) Transport to alternative site for breaking down materials.
- Burning off is not an acceptable means of disposal and will not be approved.
- Note: Bulk green waste is no longer accepted at any Council landfill site.*
- 3.20** 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.
- 3.21** Any plans for operational works, water supply and sewerage works, drainage works and street lighting required by this development permit, are to be surveyed, designed and constructed in accordance with Council's Infrastructure Works Code.
- 3.22** Underground utility services are to be provided if practicable. If provided an "as constructed" plan of all utility services is to be provided to Council upon completion of the approved development.
- 3.23** In carrying out your activity you must take all reasonable and practicable measures to ensure that it does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). You will comply with the cultural heritage duty of care if you are acting in accordance with the gazetted cultural heritage duty of care guidelines. An assessment of your proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from the Department of Natural Resources and Water ~ phone (07) 3238 3838 or website [www.nrw.qld.gov.au](http://www.nrw.qld.gov.au).
- 3.24** 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.

3.25 No perimeter fencing around the site shall be erected without the written approval of Council.

**Section 4 Notes**

4.1 Any future dwelling house is not to be erected within the access handle of a hatchet shaped allotment.

4.2 No earthworks or filling works are to be undertaken prior to the issue of a Development Permit for Operational Work.

**Additional Conditions Applicable to Particular Stages**

**Stage 1 Lots 26-72, 97, 98 and 126-130 (54 lots)**

**Section 1 Conditions to be Satisfied Prior to the Release of the Plan of Survey**

1.1 One (1) PSM is to be provided and levelled to Australian Height Datum to the satisfaction of Council's Chief Executive Officer. A copy of any Permanent Survey Sketch is to be submitted to Council.

**Section 2 Conditions to be Satisfied Prior to the Lodgement of a Development Application for Operational Work (Civil Works and Landscaping)**

2.1 The developer is to enter into an infrastructure agreement with Council to connect the development to Council's sewerage system. The agreement shall be signed by Council and the developer and clearly outline the developer's responsibilities and intended timing of works.

**Section 3 Conditions Relevant to the Issue of a Development Permit for Operational Work (Civil Works)**

***Roadworks***

3.1 A two (2) metre wide sealed, designated cycleway/pathway is to be constructed along the eastern side of the new road A to be dedicated as the bus route link between Groundwater Road and Sorensen 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*.

- 3.2 A 1.2 metre wide sealed, designated pathway is to be constructed along the western side of new road B 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*.
- 3.3 The following road name has been approved for new roads in this development:  
(a) Winnington Road for Road F.

*Stormwater*

- 3.4 A master stormwater drainage plan 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.
- 3.5 Interallotment drainage and/or statutory covenants are to be provided/registered as the lay of the land dictates such that no property is adversely affected from flows onto or discharges to any new proposed or existing residential lot.

Stage 2 Lots 6-25, 89, 99-125 and 131-138 (56 lots)

Section 1 Conditions to be Satisfied Prior to the Release of the Plan of Survey

- 1.1 One (1) PSM is to be provided and levelled to Australian Height Datum to the satisfaction of Council's Chief Executive Officer. A copy of any Permanent Survey Sketch is to be submitted to Council.

Section 2 Conditions Relevant to the Issue of a Development Permit for Operational Work (Civil Works)

*Roadworks*

- 2.1 A 1.2 metre wide sealed, designated pathway is to be constructed along the western and southern side of new road B 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*.

*Stormwater*

- 2.2 Interallotment drainage and/or statutory covenants are to be provided/registered as the lay of the land dictates such that no property is adversely affected from flows onto or discharges to any new proposed or existing residential lot.

**Stage 3 Lots 1-5, 73-88 and 90-96 (28 lots)**

**Section 1 Conditions to be Satisfied Prior to the Release of the Plan of Survey**

- 1.1 One (1) PSM is to be provided and levelled to Australian Height Datum to the satisfaction of Council's Chief Executive Officer. A copy of any Permanent Survey Sketch is to be submitted to Council.

**Section 2 Conditions Relevant to the Issue of a Development Permit for Operational Work (Civil Works)**

*Roadworks*

- 2.1 A two (2) metre wide sealed, designated cycleway/pathway is to be constructed along the northern side of the new road A to be dedicated as the bus route link between Groundwater Road and Sorensen 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*.
- 2.2 A 1.2 metre wide sealed, designated pathway is to be constructed along the western side of new road B 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*.
- 2.3 A bus stop and bus shelter is to be provided within the constructed road along the dedicated bus route in accordance with Australian Standards and complying with requirements for access for people with a disability.

*Stormwater*

- 2.4 Interallotment drainage and/or statutory covenants are to be provided/registered as the lay of the land dictates such that no property is adversely affected from flows onto or discharges to any new proposed or existing residential lot.

*Concurrence Agency Conditions*

(a) **Queensland Transport**

The application was referred to Queensland Transport under the requirements of the *Integrated Planning Act*. That department has imposed the following conditions on this approval.

- (i) **New Road A, as shown on drawing D-00891-03A – Proposal Plan dated 01/11/2007 and drawn by LM – Martoo Consulting, is to be designed and constructed to comply with the Transport Planning and Coordination Regulation 2005, Schedule 1”.**

**SECTION 9: CORPORATE SERVICES DEPARTMENT  
MATTERS (MJ Venardos OAM, C Manson, B. Hayes)**

9/1 Floodplain Management Authorities (FMA). Will there be a Commonwealth Flood Mitigation Program?

Re: Floodplain Management Authorities (FMA). Will there be a Commonwealth Flood Mitigation Program?  
 From: Cr Allan Ezzy APM, Chairperson, Floodplain Management Authorities of New South Wales  
 File: WG94/00049 : Doc ID 870169  
 Date: 21 February 2008

*“In November 2007, we wrote to you on behalf of the Floodplain Management Authorities (FMA) to seek your Council’s support for a new and improved Commonwealth Flood Mitigation Program and to extend an invitation to the 48<sup>th</sup> Annual Conference of the FMA being held in Woolongong, NSW in February 2008.*

*We are now writing to you to seek your help in ensuring the continuation of a Commonwealth Flood Mitigation Program.*

*We wish to alert you to alert your Council to the FMA’s concerns regarding the Commonwealth’s Flood Mitigation Program. We seek your Council’s support in making appropriate representations to Members of Parliament in both the House of Representatives and the Senate and any other representations which you will deem appropriate.*

*Since 1963, the Commonwealth has funded an identifiable Flood Mitigation Program. Currently the Commonwealth Flood Mitigation Program is an identifiable part of the Natural Disaster Mitigation Program (NDMP). The Commonwealth reviews its programs and their funding at the end of each funding cycle. The current Commonwealth funding of the NDMP finishes in June 2008.*

*The Commonwealth Department has completed a review of the Natural Disasters Mitigation Program (NDMP), the results of the review are not known.*

*In previous years, the following “changes” to the then existing Commonwealth Flood Mitigation Program(s) “happened” on “review” without consultation:*

- i. In 1999 the joint funding arrangement was arbitrarily changed from \$2 Commonwealth: \$2 State: \$1 Local to \$1 Federal: \$1 State: \$1 Local Government This change occurred despite the fact that from 1963 to 1999 the Commonwealth funded a specific Flood Mitigation Program based upon a joint funding arrangement of \$2 Federal: \$2 State: \$1 Local Government. At the same time, the Commonwealth announced a new name, the “Regional Flood Mitigation Program” (RFMP) and a whole raft of restrictions on funding eligibility. Following persistent representations by the FMA, some of the more draconian restrictions were removed.*
- ii. In 2005 the Commonwealth abandoned their Flood Mitigation Program (the RFMP) altogether and “rolled” flood mitigation into the Natural Disaster Mitigation Program (NDMP). Following persistent representations by the FMA, the previous Federal Minister agreed to “isolate” flood mitigation funding within the NDMP and “returned” over \$3 million of funds “lost” due to “administrative error” in the amalgamation of the two funding programs. In the context of the Commonwealth’s attitude to Flood Mitigation, it is also of interest that the “equivalent” commonwealth Bushfire Mitigation Program was extended in time and funding and not “rolled” into the NDMP when it was reviewed for funding in 2007.*

*Additionally, the FMA has raised several matters of administration of the Commonwealth’s NDMP and Flood Mitigation Programs with the previous Federal Minister, made recommendations for an increased funding commitment by the Commonwealth and recommendations regarding the funding ratios between the three levels of government. As Flood Mitigation will now be sited within the Federal Attorney General’s portfolio, the FMA has forwarded a submission to the Federal Attorney General regarding the situation with respect to the retention of the existing Flood Mitigation funding within the NDMP.*

*The FMA raises the following concerns with you:*

- 1. The Commonwealth has not announced any commitment to a continuation of funding of the NDMP in 2008/08 and beyond.*
- 2. The Commonwealth has not announced any joint Flood Mitigation Program for 2008/09 and beyond.*
- 3. There are partially completed “on going” projects jointly funded under the NDMP (and RFMP?)*
- 4. Essential flood mitigation projects will be left incomplete.*

5. *Given the lateness of “offers” of funding in 2007/08, if there is no “carry over” of funding into 2008/09, some Councils may be forced to fully fund projects partially completed.*

*The FMA requests that your Council make representations in support of the retention of:*

- a) a joint funded Commonwealth Flood Mitigation Program (CFMP)*
- b) a CFMP funded to a level that will meaningfully address the problems of Flood Management and Mitigation*
- c) a CFMP funded to a level that is maintained in real terms.*

*The FMA made a submission to a Federal Attorney General in January 2008 setting out several matters regarding a reintroduced Commonwealth Flood Mitigation Program and the currently existing Natural Disaster Mitigation Program. I have attached a copy of the submission for your information.*

*We look forward to your support and representations to appropriate members.*

*Please feel free to contact the Chairperson (mob 0408 864 283) should you require further information. ”*







**Recommendation: (Mayor – M.J Venardos)**

**For Council's information.**

9/2

## Water Fluoridation Bill 2008

Re: Water Fluoridation Bill 2008  
From: Hon Stephen Robertson MP, GPO Box 48, BRISBANE QLD 4001  
File: CG97/00127 / Doc ID 881155  
Date: 22 February 2008

At the Works and Services Committee Meeting held on the 4 March 2008 a Local Government Circular # 2008-031 regarding the Water Fluoridation Bill 2008 was presented to Council. Minute W31/03/08 received this item for information.

The following correspondence from Hon Stephen Robertson MP provides further information on the Bill.

*"I write to advise you that on 12 February 2008, I introduced the Water Fluoridation Bill 2008 into State Parliament.*

*This legislation will replace the Fluoridation of Public Water Supplies Act 1963, and requires all public potable water suppliers supplying water to populations of at least 1,000 people to add specified concentrations of fluoride to the water supply within a prescribed period. I have previously written to you regarding the timetable for implementation of this program. The Bill provides an exemption where the water supply already contains an appropriate concentration of naturally occurring fluoride, the natural water chemistry of the water makes it unsuitable for the addition of fluoride or fluoridation is unlikely to result in a substantial ongoing oral health benefit to the community.*

*The Bill also provides the legislative head of power enabling potable water suppliers supplying water to populations of less than 1,000 to fluoridate the water supply at specified concentrations.*

*Further, the Bill establishes the Queensland Fluoridation Committee, an expert committee responsible for advising the Minister on the implementation of the fluoridation program and any applications for exemptions. This Committee will include a representative from the Local Government Association of Queensland to ensure the views and requirements of local governments are properly recognised and addressed through the program.*

*The full text of the Bill, as well as its Explanatory Notes, can be found at [www.legislation.qld.gov.au/Bill\\_Pages/Bill\\_52\\_08.htm](http://www.legislation.qld.gov.au/Bill_Pages/Bill_52_08.htm). For your information, please find enclosed copies of speeches on the fluoridation program which the Premier and I delivered to Parliament on 12 February, as well as a copy of my Second Reading Speech from the introduction of the Bill.*

*My Department is currently establishing a Fluoride Implementation Team, which will lead the implementation of the fluoridation program. I have asked that the Team work closely with local governments throughout the program's*

*implementation, and I would encourage you to bring any concerns or issues to my attention, or to the attention of the Team, as early as possible. I have also asked that members of the Team be available to travel to communities throughout Queensland to discuss the program and respond to any community concerns.*

*Fluoridation of our drinking water supplies is one of the Queensland Government's most significant public health initiatives. That is why we have committed \$35 million over four years to cover 100% of the capital cost of the fluoridation program, and why we will make ongoing operational subsidies available to minimise the program's impact on residents in those communities.*

*Should you have any enquiries regarding my advice to you, Dr Greg Jackson, Manager of Water Quality in the Environment Health unit of my Department will be pleased to assist and be contacted on telephone 3234 0938 or at email [ehu@health.qld.gov.au](mailto:ehu@health.qld.gov.au)."*

A copy of the Water Fluoridation Bill 2008 will be available at the meeting upon request.

**Recommendation: (Mayor – M.J Venardos)**

**For Council's information.**

9/3	2008 Suncorp Queenslander and Young Queenslander of the Year Awards 2008 Queensland Greats Awards
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Re: 2008 Suncorp Queenslander and Young Queenslander of the Year Awards 2008 Queensland Greats Awards  
 From: Anna Bligh MP, Premier of Queensland, PO Box 15185, City East QLD 4002  
 File: AG95/00166  
 Date: 29 February 2008

*"I am delighted to announce the launch of the 2008 Suncorp Queensland and Young Queenslander of the Year Awards and the 2008 Queensland Greats Awards. These prestigious award programs both play a significant role in the 2008 Queensland Week program of events and I invite you to nominate a high achiever for these awards.*

*The 2008 Suncorp Queensland and Young Queenslander of the Year award nominees do not have to be well known, or known to you personally, but they do not need to have made a significant contribution to our State.*

*Many Queenslanders contribute to the growth and value of our State, and these awards acknowledge those outstanding Queenslanders and their work.*

*For all enquiries or to obtain additional nomination forms for the award programs, please contact [queenslandweek@premiers.qld.gov.au](mailto:queenslandweek@premiers.qld.gov.au) or telephone Events Coordination, Department of the Premier and Cabinet on (07) 3405 5215. Nominations for the awards close on 28 March 2008.*

*I thank you for your support of these Queensland Week awards.”*

**Recommendation: (Mayor –M.J Venardos)**

**For Council’s information.**

## **SECTION 10: FOR YOUR INFORMATION**

- Connect Free – connecting the disability community in Queensland, Summer 2007-08, Issue 14 – QLD Government Disability Services Queensland
- Smart Office Guide – A Government News Supplement – 2008
- Government News, Volume 28, Issue 1, February 2008

**Recommendation: Acting Chief Executive Officer – C. Manson**

**That the information be received.**

## **SECTION 11: LATE ITEMS**

## **SECTION 12: GENERAL BUSINESS**

12/1 Natures Marvels at Inskip Point

Cr Maree Prior submitted the following report from Ms Jill Dening, for Council’s information.

*On Monday evening we witnessed one of nature's marvels at Inskip Point. At least 30,000 migratory terns (estimate) flew through the passage at Inskip Point to their night roost on a sandbank just inside the spit. The vast majority*

*of them were Common Terns. Migratory terns are not well understood by ornithologists in this country, but we have now established that the Sunshine Coast has recorded the highest numbers of migratory terns seen anywhere on mainland Australia (>42,000 birds). Three species, the Common Tern, the White-winged Black Tern and the Little Tern, breed during the northern hemisphere summer and over-winter in Australia (it being the Australian summer). Caloundra and Noosa Councils have seized this information for their conservations strategies, as the species are all listed in bilateral conservation treaties, along with well-known species like the Eastern Curlew. These birds also fall under the auspices of the federal EPBC Act (Environment Protection and Biodiversity Conservation Act).*

*The presence of more than 20,000 listed migratory birds such as this on a regular basis qualifies an area as being of international importance.*

*I have known for some time that large congregations of migratory terns gather at Inskip Point, but have not understood the timing, so as to be there for the big flocks. There has been no one in the area who could identify the birds or quantify them, and it was too far away from where I live. During the past year or so we have been training Dorothy Pashniak to fulfill this surveying role in the future.*

*I would expect the birds to come and go from their Inskip Point roost for the next month or so, until they migrate to their northern hemisphere breeding grounds.*

**Recommendation: (Division 5 Councillor – M. Prior)**

**For Councillor's information.**

## **SECTION 13: IN COMMITTEE MATTERS**