



MINUTES

of the

PLANNING & DEVELOPMENT COMMITTEE MEETING

CHAIRMAN: Cr Ian Petersen

**Held in the Boardroom
Town Hall
2 Caledonian Hill, Gympie Qld 4570**

**On Wednesday 1 February 2012
at 9.00 a.m.**

**Recommendation to be considered for adoption at the
General Meeting to be held on 8 February 2012**



PLANNING & DEVELOPMENT

*Cr I.T. Petersen (Chairman),
Crs R.J. Dyne, G.L. Engeman, L.J. Friske, R.A. Gâté,
D.R. Neilson, A.J. Perrett, J.A. Walker & J. Watt.*

APPOINTMENTS etc.

9.30 a.m. "In-Committee"

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The meeting opened at 9.00 a.m.

PRESENT: Crs I.T. Petersen (Chairman), R.J. Dyne, G.L. Engeman, L.J. Friske, R.A. Gâté, D.R. Neilson, A.J. Perrett & J.A. Walker.

Also in attendance were Mr B.J. Smith (Chief Executive Officer), Mr M. Hartley (Director Planning & Development) and Ms K. Sullivan (Minutes Secretary).

Mr B.J. Smith and Cr L.J. Friske were not present when the meeting commenced.

LEAVE OF ABSENCE

Nil

APOLOGIES

P01/02/12 Moved: Cr J.A. Walker

Seconded: Cr R.A. Gâté

That the apology from Cr J. Watt be accepted.

Carried.

DECLARATION OF INTERESTS BY COUNCILLORS

P05/02/12 – Cr J.A. Walker – Material Personal Interest

P07/02/12 – Cr G.L. Engeman – Conflict of Interest

CONFIRMATION OF PREVIOUS MINUTES

P02/02/12 Moved: Cr J.A. Walker

Seconded: Cr R.A. Gâté

That the Minutes of the Planning & Development Committee Meeting held on 18 January 2012 be taken as read and confirmed.

Carried.

COUNCIL IN COMMITTEE

The Chairman advised the meeting that Council was going “Into Committee” to discuss

1. “In-Committee” Appointment

P03/02/12 Moved: Cr G.L. Engeman

Seconded: Cr J.A. Walker

That pursuant to the provisions of Section 72 of the Local Government (Operations) Regulation 2010, Council resolves to close the meeting to the public and move “into committee” to consider the following matter:-

1. “In-Committee” Appointment

Further, that in relation to the provisions of Section 171 of the Local Government Act 2009, Council resolves that following the closing of the meeting to the public and the moving ‘into committee’ that all matters and all documents (whether in hard copy, electronic, optical, visual or magnetic form) discussed, raised, tabled and/or considered whilst the meeting is closed and ‘in committee’, are confidential to the Council and the Council wishes to keep them confidential.

Carried.

Appointment attendees entered the meeting at 9.01 a.m.

Cr L. J. Friske entered the meeting at 9.03 a.m.

Mr B.J. Smith entered the meeting at 9.06 a.m.

Appointment attendees left the meeting at 9.26 a.m.

COUNCIL OUT OF COMMITTEE

P04/02/12 Moved: Cr R.A. Gâté

Seconded: Cr J.A. Walker

That proceedings be resumed in Open Council.

Carried.

SECTION 1: STRATEGIC PLANNING MATTERS

Nil

Cr J.A. Walker declared a Material Personal Interest in the following item due to being the applicant and left the meeting at 9.27 a.m.

Ms T.M. Stenholm (Manager Development & Compliance) entered the meeting at 9.27 a.m.

SECTION 2: PLANNING APPLICATIONS

2/1	2008-0745 – Request to Change an Existing Approval for Material Change of Use – Food or Entertainment Venue (Golf Course & Ancillary Clubhouse) and Accommodation Premises [Four (4) Guest Cabins] in Three (3) Stages – 63 Barsby Road, Imbil – G & J Walker
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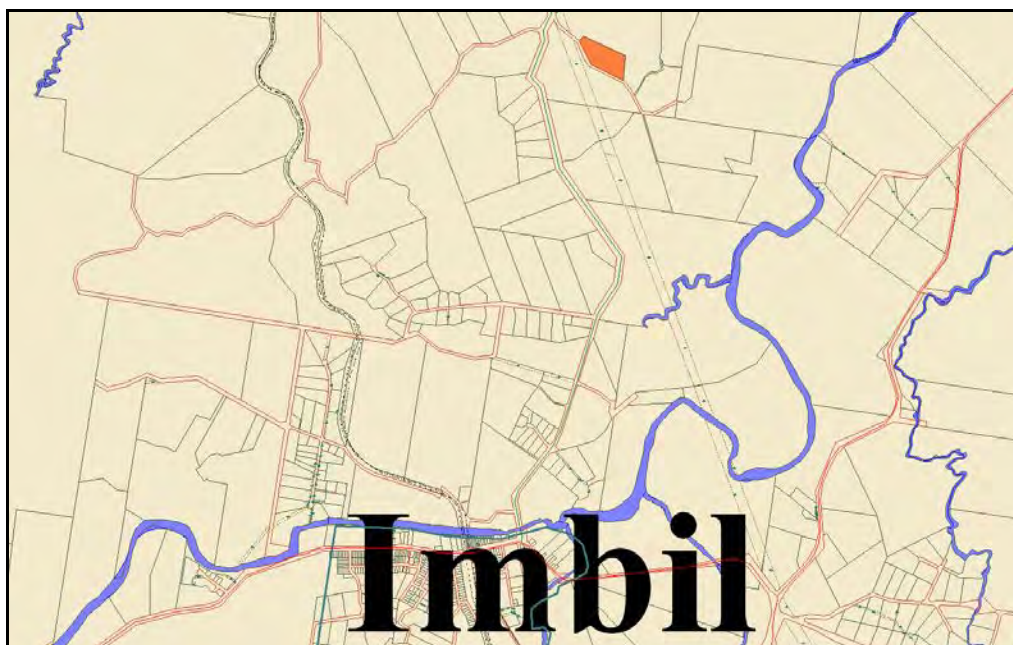
Re: **P05/02/12** Request to Change Existing Approval
– Amended Car Parking Area

From: Ironside & Associates

Approval Details: Development Permit for Material Change of Use –
Food or Entertainment Venue (Golf Course &
Ancillary Clubhouse) and Accommodation
Premises [Four (4) Guest Cabins] in Three (3)
Stages

File: 2008-0745

Date: 6 December 2012



Report: (Planning Assistant – S. A. Capell)

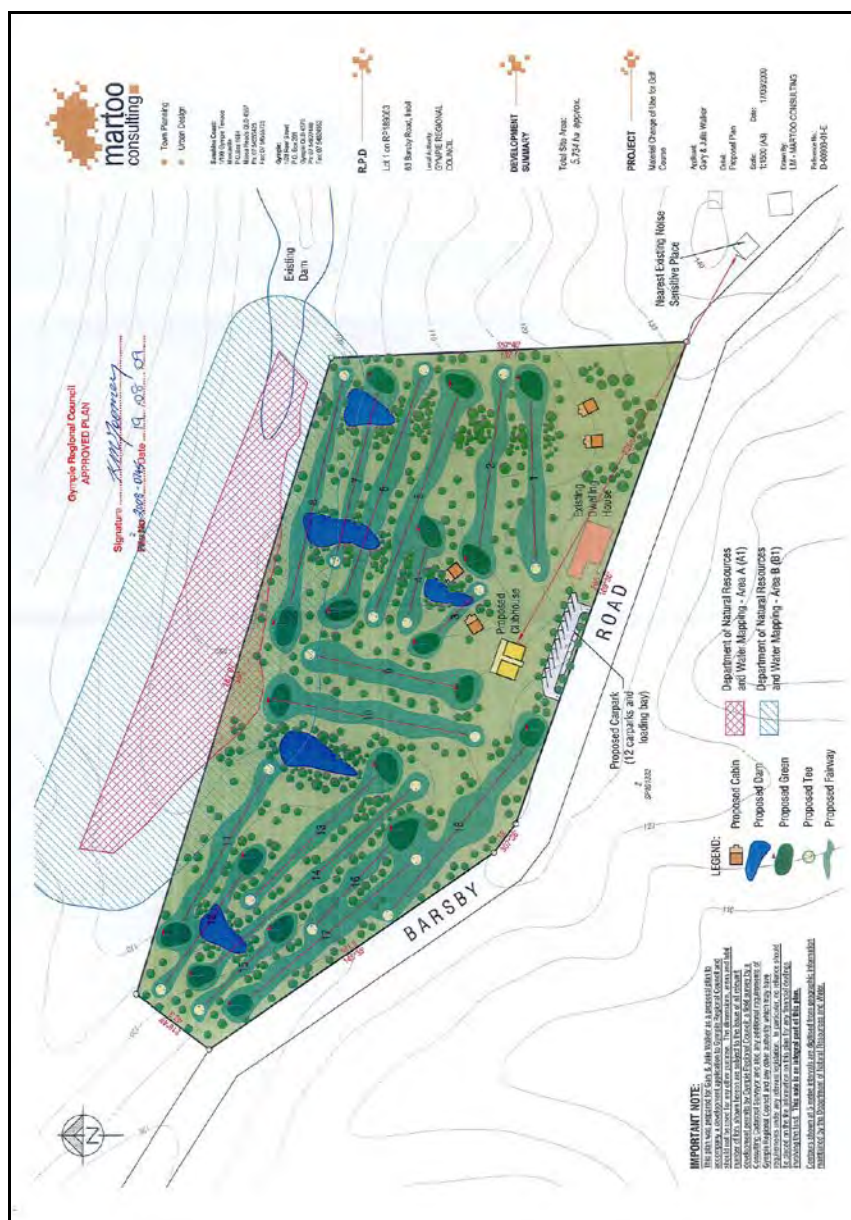
1.0 Introduction

The applicant has submitted a request to change the existing Development Permit (2008-0745) for Material Change of Use – Food or Entertainment Venue (Golf Course & Ancillary Clubhouse) and Accommodation Premises [Four (4) Guest Cabins] in Three (3) Stages.

1.1 Application History

A Negotiated Decision Notice for the development was issued by Council on 25 May 2010.

The approved plan is reproduced below:



The development is approved in three (3) stages:

Stage 1	First 9 holes of the par 3 Golf Course
Stage 2	Second 9 holes of the par 3 Golf Course PLUS Clubhouse
Stage 3	Four (4) guest cabins

The request to change the existing approval relates to the car parking location for the development.

2.0 Request to Change

A letter from the Ironside & Associates is reproduced below:

“The proposed alteration consists of moving the car parking area from that which is approved to a new location within the road reservation at the front of the property. The attached plan shows the proposed new location.

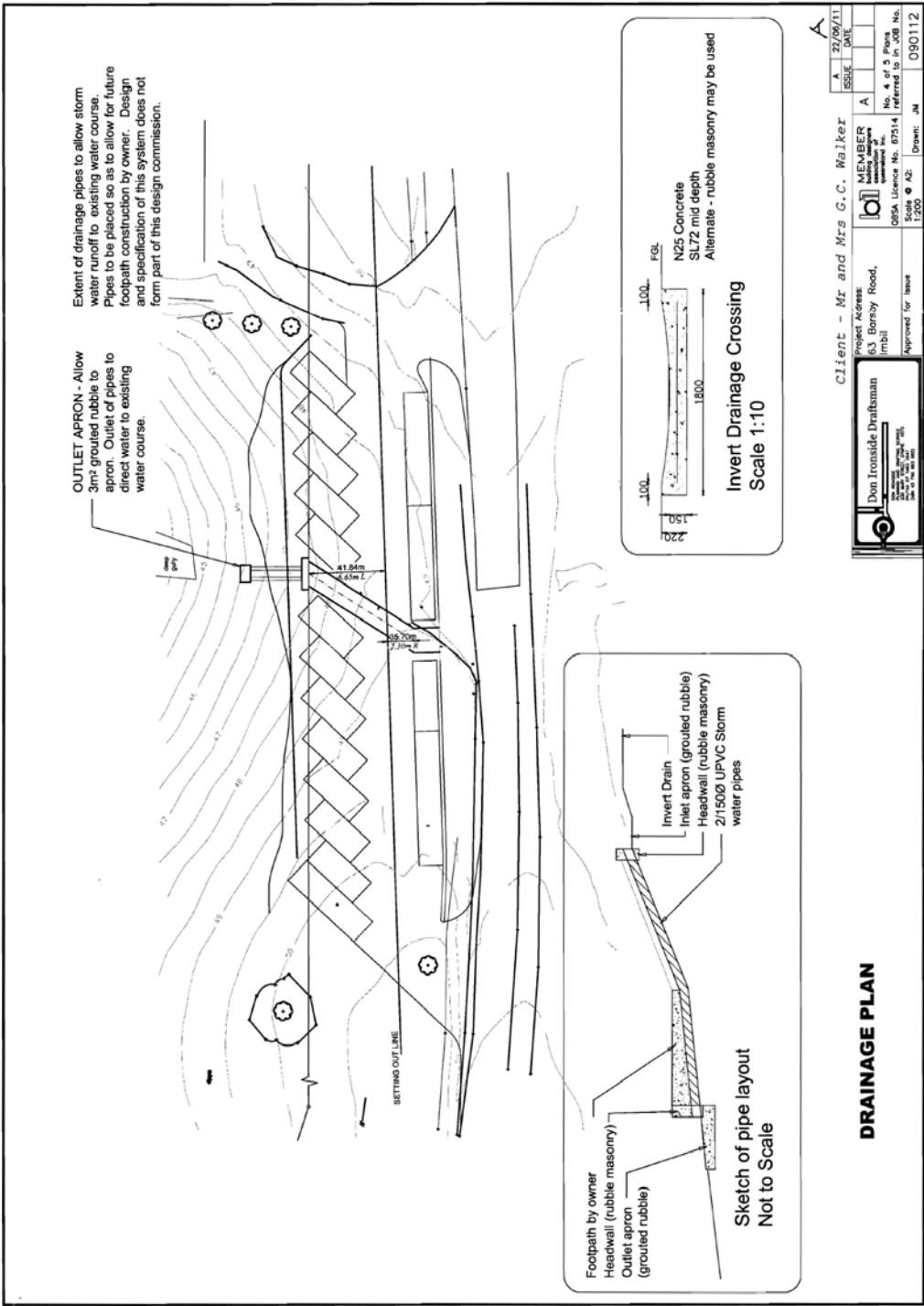
The reason for requesting the amendment is that the approved location will involve major earthworks due to the precipitous nature of the site, while the site proposed is fairly level and will require minimal earthworks.

The proposed site offers no impediment to Barsby Road through traffic. Visibility when entering and leaving the property is excellent, as is access to the clubhouse.

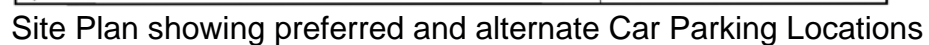
To enable the carpark construction to proceed it will be necessary to obtain a temporary road closure. This procedure is underway and in discussion with the Department of Environment and Resource Management it seems likely that approval for the closure will be given now that Council has withdrawn its objection.

In the event that the closure is not approved, or is revoked at some time in the future, an alternative site is available and is shown at the S.W corner of the property on the attached plan. This site is not as desirable as that proposed, but would never the less be feasible. When compared to the proposed site, access to Barsby Road would not be as good and access to the clubhouse would be inferior as the parking area and clubhouse are separated by the owner’s house.”

Amended plans showing the proposed car parking layout are reproduced below:



Preferred Car Parking Location within Road Reserve



Report: (Design Services Technical Officer – A.C. Walsh)

The reason submitted for requesting the proposed amendment is the approved location for the car park within the site will involve major earthworks due to the steep grade (1 in 8 approximately), while the site proposed in the road reserve is fairly level and requires minimal earthworks.

From Council's Design Division, there are no engineering constraints that would prohibit the parking within the road reserve, as the road reserve is of sufficient width (25 metres approximately) for the proposed car parking area to not impede on the existing road formation of Barsby Road. Barsby Road is a no through road with low traffic generation rates.

However, the Cooloola Shire Planning Scheme Division 20 Vehicle Parking and Access Code requires car parking to be provided on-site and any departure from the policy would create a precedent that would be difficult for Council to justify.

Any car park area within road reserve would require a temporary road closure to be approved by DERM for such use. An application has been made to DERM for this particular area, to which Council has offered no objection. Should the proposed parking area be required for roadworks at a later date, the permit for the temporary road closure could be cancelled through DERM.

Report: (Planning Assistant – S. A. Capell)

The original application was subject to impact assessment and no submissions were received during the notification period. It is unlikely that the proposed alteration to the car parking location would have resulted in any submissions being lodged with respect to the proposal, and therefore the nature of the change to the development is considered 'minor' and can be processed as a request to change the existing approval.

The current development permit requires an application for Operational Work (Roadworks and Drainage Access and Carparking), therefore the request to change the existing approval relates purely to the car parking location aspect of the proposal.

Overall Outcomes identified in the Vehicle Parking and Access Code require the provision of:

- (a) *sufficient vehicle parking for users of premises, either:*
 - (i) *on-site; or,*
 - (ii) *in appropriate areas and circumstances, off-site; and*
- (b) *on-site facilities for the loading and unloading of vehicles; and,*
- (c) *adequate circulation space for vehicles within the site; and*
- (d) *safe efficient movement of vehicles at ingress and egress points; and,*
- (e) *...*
- (f) *...*

As outlined in the Design Services Report above, Barsby Road is a rural no through road with low traffic generation. The road reserve is considered sufficiently wide to accommodate the addition of a car parking area for the development without affecting its current or expected future useability.

The applicant is currently progressing an application for Proposed Temporary Road Closure with the Department of Environment and Resource Management (DERM). Should the application not be successful, an alternative on-site location for car parking has been shown within the south eastern corner of the development site.

Furthermore, should DERM at any time in the future revoke any approval for the applicant to use the road reserve, the development permit requires the car parking area to be constructed to a dust-reduced pavement only and therefore remediation to the area of affected road reserve will be minimal.

The majority of car parking spaces for the development are required to be established by the applicant in Stage One. Whilst an engineering solution may be available to achieve car parking in the location currently approved, requiring the applicant to undertake major earthworks to establish a car parking area for the proposal may be considered an onerous imposition on the development. Furthermore, access driveways to the car parking area, if retained in its current location, are likely to have steep gradients resulting in stormwater runoff and maintenance issues to the dust-reduced construction and may detract from the useability and intended purpose of the area.

3.0 Conclusion

The applicant's proposal to establish car parking within the road reserve, is considered an appropriate practical alternative to the location currently approved within the development site. The proposed location will however require the applicant to successfully obtain Road Closure approval from DERM to use the area of Road Reserve.

Should the applicant's approach to DERM not be successful, or DERM revoke approval to use the area in the future, the proposed alternative location for car parking within the south eastern corner of the development site is supported as an alternative practical location for car parking.

It is recommended that condition 3.1 of the development permit be amended as follows:

- “3.1 (i) *The development shall be generally in accordance with the plans submitted with the application (Reference No. D-00908-01-E drawn by Martoo Consulting and dated 17/03/2009).*
- (ii) *The location of car parking within the road reserve identified by Plan No. 090112 ‘B’ drawn by Don Ironside Draftsman is supported by Council, however will require the applicant to successfully obtain the relevant Road Closure approval from the Department of Environment and Resource Management.*
Note: Should the applicant not obtain approval from the Department of Environment and Resource Management to occupy the road reserve, Council considers the ‘Proposed Alternative Carpark Location’ shown on Plan No. 090112 ‘B’ drawn by Don Ironside Draftsman as an appropriate location for car parking.”

P05/02/12 Moved: Cr A.J. Perrett

Seconded: Cr R.A. Gâté

Recommend that in relation to request to change development application 2008-0745 for Material Change of Use – Food or Entertainment Venue (Golf Course & Ancillary Clubhouse) and Accommodation Premises [Four (4) Guest Cabins] in Three (3) Stages over Lot 1 on RP189063 located at 63 Barsby Road, Imbil, Council issue an amended decision notice as follows:

(i) Condition 3.1 be amended to read:

- 3.1 (i) The development shall be generally in accordance with the plans submitted with the application (Reference No. D-00908-01-E drawn by Martoo Consulting and dated 17/03/2009).**
- (ii) The location of car parking within the road reserve identified by Plan No. 090112 ‘B’ drawn by Don Ironside Draftsman is supported by Council, however will require the applicant to successfully obtain the relevant Road Closure approval from the Department of Environment and Resource Management.**
Note: Should the applicant not obtain approval from the Department of Environment and Resource Management to occupy the road reserve, Council considers the ‘Proposed Alternative Carpark Location’ shown on Plan No. 090112 ‘B’ drawn by Don Ironside Draftsman as an appropriate location for car parking.

Carried.

Cr J.A. Walker returned to the meeting at 9.29 a.m.

SECTION 3: RECONFIGURING A LOT APPLICATIONS

3/1	2010-2058 – Development Application for Reconfiguring A Lot – Subdivision to Create 45 Additional Lots – 308 Carlo Road, Rainbow Beach – LJ, CJ, WJ & D Dickinson
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FILE NO:	P06/02/12 2010-2058
APPLICANT:	LJ, CJ, WJ & D Dickinson
RPD:	Lot 17 MCH5109
SITE ADDRESS:	Carlo Road, Rainbow Beach
CURRENT USE OF LAND:	Caravan Park
PROPOSAL:	Reconfiguring a Lot – Subdivision to Create 45 Additional Lots
EXISTING ZONE:	Housing
DRAFT WBBRP:	Urban Footprint
LEVEL OF ASSESSMENT:	Code





KEY POINT SUMMARY

- Application for subdivision to create 44 residential lots on Carlo Point, Rainbow Beach;
- Site previous subject to approval of Terms of Reference to prepare an Environmental Impact Statement for the proposed Carlo Point Marina;
- Site improved by a caravan park;

- Site has a split zoning of Housing and Community, with the subdivision proposed entirely within the Housing zoned land;
- All lots comply with design criteria;
- Credits considered to apply relevant to the previously approved land uses for which contributions were paid, resulting in no water, sewerage or road contributions being applicable;
- Contribution towards parks/open space in the locality recommended;
- New sewage pump station will be required to be installed at the developer's cost;
- Application referred to DERM who have issued conditional approval;
- Previous developer contributions paid in 1984 in conjunction with a land use approval at the time for a caravan park, accommodation and associated facilities;
- Application recommended for APPROVAL.

Report: (Manager Development and Compliance – T.M. Stenholm)

1.0 INTRODUCTION

1.1 Proposal

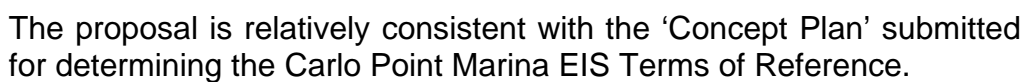
This application seeks approval to subdivide to create 44 residential lots and a balance area around the existing caravan park at Carlo Point, Rainbow Beach.

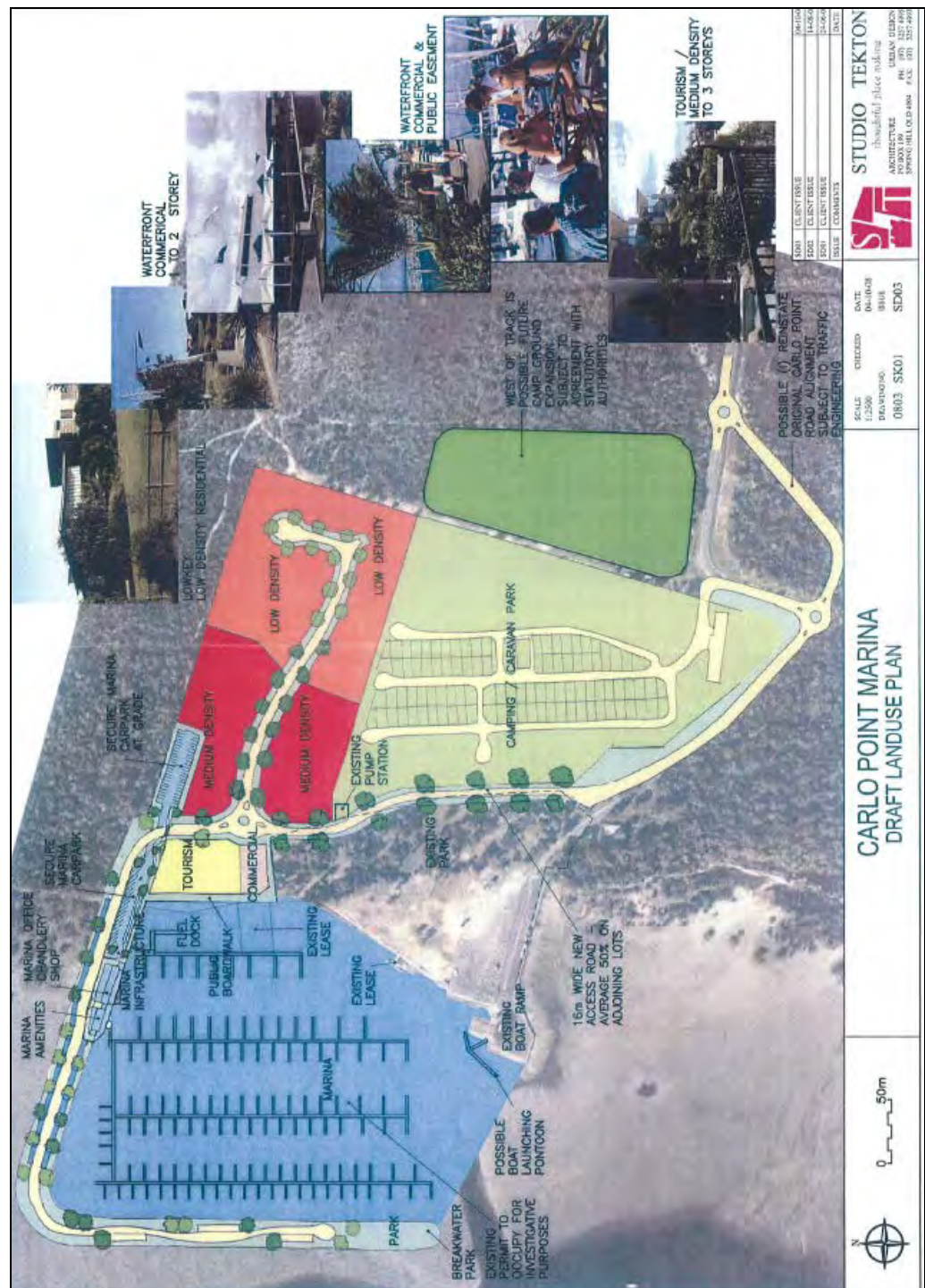
The 44 residential lots range in size from 600m² to 852m² and are proposed to be developed in three (3) stages.

New road is to be opened along the eastern and northern boundaries of the the lot, in addition to an internal circuit.

The development proposes to retain the existing caravan park on one (1) parcel of 3.74 hectares and a balance area (Lot 46) of 1.22 hectares.

Provision of all expected urban services is indicated.





1.2 Site History

Council records indicate the site was subject to previous approvals for rezoning, subdivision and consent from the mid 1980s to mid 1990s for the purposes of caravan park, commercial facilities, units, a service station and outdoor entertainment, with a maximum equivalent population for the residential component of 685 persons.

2.0 STATUTORY REQUIREMENTS

2.1 State Planning Policies

There are no State Planning Policies applicable to the proposal, not adequately reflected in Council's Planning Scheme.

2.2 Planning Scheme Provisions

The lot is in the Cooloola Coast Planning Area and has a split zoning, with the area subject to the application zoned Housing as shown below.



An application for reconfiguring a lot within the Cooloola Coast Planning Scheme's Housing zoning, is code assessable in accordance with the following codes:

- Cooloola Coast Planning Area (excluding Rainbow Shores Precinct) Code
- Reconfiguring a Lot Code
- Infrastructure Works Code
- Landscaping Code

The property is also affected by the following overlay mapping in Council's planning scheme:

- (i) State ecosystem value area
- (ii) RE wetland and wetland protection area
- (iii) Potential acid sulfate soils

which results in the following additional codes being applicable to the development:

- Acid Sulfate Soils Code
- Natural Waterways and Wetland Areas Code
- Conservation Significant Areas Code.

Cooloola Coast Planning Area (Excluding Rainbow Shores Precinct) Code

The Code addresses uses more than subdivision development.

The lot layout proposed will enable compliance with the Code provisions addressing building setbacks.

Reconfiguring a Lot Code

The proposal complies with provisions of the Code relating to lot sizes and road frontage.

The layout also facilitates compliance with minimum boundary setbacks for future dwellings on the lots.

Infrastructure Works Code

The development proposed is capable of being serviced by expected infrastructure standards for urban development.

Landscaping Code

Provisions of the Code are not considered applicable considering Council no longer requires street trees for new residential subdivisions.

Acid Sulfate Soils Code

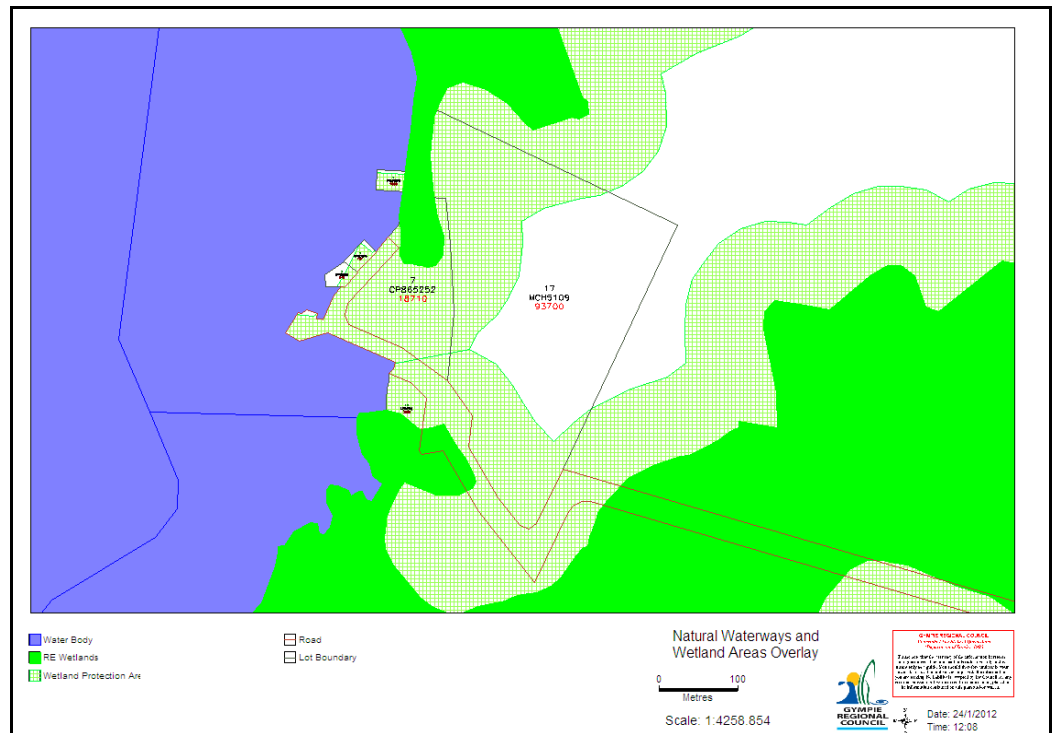
Specific outcomes of the Code requires works that cause the disturbance and exposure to air of acid sulfate soils to be avoided, or treatment/management of such soils to ensure no adverse effects to the natural or built environment.

The Department of Environment and Management has included a condition requiring this to occur.

The subsequent operational works application will need to be accompanied by a report demonstrating how acid sulfate soils will be managed in accordance with State Planning Policy 2/02 Guidelines.

Natural Waterways and Wetland Areas Code

The site is affected by RE Wetland and a wetland protection area as indicated on the map below.



Specific outcomes of the Code require development within these areas to be avoided, but essentially aiming to ensure stormwater quality and velocities have no detrimental impact on the sensitive areas.

Recommended conditions of approval require the stormwater management system to be designed to achieve compliance with State Planning Policy 4/10 – *Healthy Waters* which should satisfy the intent of the Code.

DERM have also included a condition of approval requiring the preparation of a Wetland Buffer Management Plan prior to commencement of work.

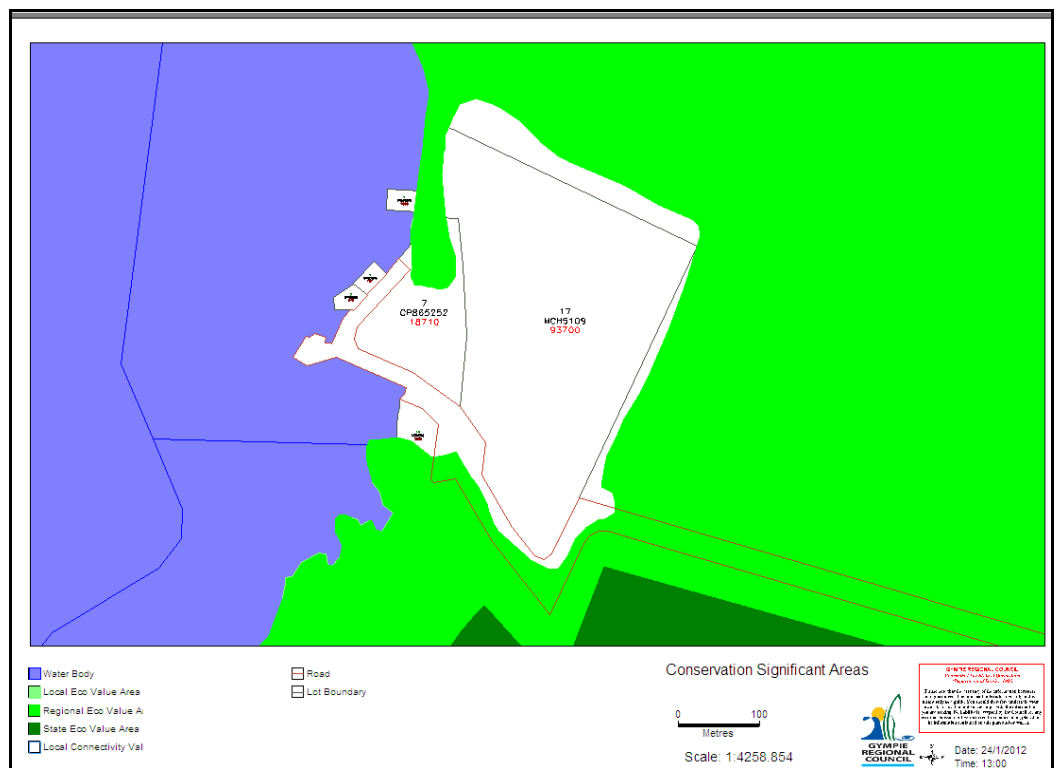
Conservation Significant Areas Code.

The development site is surrounded by and includes a small area of Regional Ecosystem Value as shown below.

The area within the development site is fully contained within Lot 46, being the balance area.

The Code requires:

- development within regional ecosystem value areas to be avoided;
- development within 200 metre of a regional ecosystem value area to cause no adverse environmental impacts on the area from light emissions;
- stormwater to have no adverse impacts on the area; and
- avoidance of disconnecting vegetated corridors between regional ecosystem value areas and adjoining or neighbouring remnant vegetation.



In this regard, the proposal of a road around the perimeter of the development site is considered beneficial for capturing and treating all overland stormwater and also ensuring no new lots back directly onto the sensitive areas.

DERM included the following advice to Council in its Concurrence Agency response in regards to the adjacent environmentally significant area.

Biodiversity

The adjacent Unallocated State Land (USL) is proposed to be included within the Cooloola Section of the Great Sandy National Park. The reconfiguration is likely to have management implications for the extended National Park. The implications of the development include access, fire, weed (e.g. green waste disposal) and animal management (e.g. domestic pets). The applicant should consider how the impacts on the adjacent USL are to be managed. This may require appropriate conditions to deal with construction/maintenance of fire breaks, restrictions on domestic animals (pet ownership), use of plants in landscaping and the disposal of rubbish (green waste).

The exclusion of domestic pets (cats and dogs) is considered an appropriate condition in this instance in the context of the landscape and its values. Landscaping plants should be limited to the use of locally endemic native species only.

Again, the inclusion of a perimeter road is considered to adequately address fire risk and spread of weeds. The imposition of pet ownership restrictions by Council would not be conventional and has not been recommended.

No landscaping (ie street trees) is proposed by the development, however should they be included on operational works plans assessment against Planning Scheme Policy 4 would apply which requires endemic species.

3.0 PLANNING CONSIDERATIONS

3.1 Park / Open Space

No park land is proposed to be dedicated within the development.

Contributions to park and open space on a per lot basis would therefore be a condition of any approval issued.

Council's current Open Space and Recreation Plan recommends upgrading the Carlo Point recreation area to a District Park.

3.2 Adjoining Subdivision Potential

Adjoining lots are currently zoned community and owned by the State, so carry limited prospects for residential development.

3.3 Flooding/Storm Surge

The development is positioned on land between 3.0m and 4.0m AHD. The accepted storm surge level is 2.5 metres, with Council's Planning Scheme requiring minimum habitable floor levels to be 2.75m AHD in the Rainbow Beach Township. A condition should be placed on any approval requiring habitable floor levels to be constructed above 2.75m AHD.

3.4 Water Supply & Sewerage

The developer will be required to provide reticulated water and sewer mains for the development at no cost to Council.

In addition to these works, Council's resolution to levy infrastructure charges under State Planning Regulatory Provision (Infrastructure Charges) applies.

In calculating the relevant amounts consideration is given to the previous land use history of the site and most particularly a letter from Widgee Shire Council to the developer dated 18 June 1990 which confirmed:

‘ . . .

Condition 6 of the 1981 approval required contributions towards road, water mains and sewerage to be increased by Cost of Living Indexation from December, 1980, until finance was provided to Council. The total contribution of \$124 545 was paid on 18 June 1984. This amount was the total contributions for road, water and sewerage for the development application approved on 2nd April, 1981.

Note: That the extent of development was limited to the following:-

Uses approved in original submission by council letter of 2nd April, 1981.

- (1) Caravan Park (176 sites)
- (2) Camping Area (1Ha minimum area)
- (3) Village Centre including:-
 - (a) Shops (345 sqm floor area)
 - (b) Restaurant (210 persons, 330 sqm floor area)
 - (c) Bar/Lounge (300 sqm floor area)
 - (d) Child Minding Centre, Squash and Gym (230 sqm)
- (4) Self-contained Units (128 units)
- (5) Dormitories (40 persons)
- (6) Service Station
- (7) Outdoor Entertainments
- (8) On-site Car Parking

Note that also the residential uses provide for a maximum equivalent population of 685 persons.

...'

The caravan park and camping area uses have commenced, however the number of sites operating is not known.

Previous planning reports on a Widgee Town Planning Consent file indicate the proposed commercial uses to be '*allied and compatible with and supplementary to the use of caravan park*'. This being the case, full credits for the commercial components based on them being stand alone uses is not considered justified.

Credits are recommended for the units and dormitories. The specific nature of the outdoor entertainments approved is not known so no credits are recommended for this use.

Water Supply	Current charge 44 residential lots (600-999m ²) = 2.8ep x 44 = 123.2ep Credits Self-contained units (128) = 1.2ep/unit = 153.6ep Dormitories (40) = 1.0ep/person = 40ep TOTAL CREDIT = 193.6ep (\$281 775)
Sewerage	Current Charge 44 residential lots (600-999m ²) = 2.8ep x 44 = 123.2ep Credits Self-contained units (128) = 1.3ep/unit = 166.4ep Dormitories (40) = 1.2ep/person = 52ep TOTAL CREDIT = 218.4ep (\$399 429)
Urban Roads	Current Charge 44 residential lots = 10vte x 44 = 440vte Credits Self-contained units (128) = 4vte/unit = 512vte Dormitories (40) = 2.5vte/bed = 100vte TOTAL CREDIT = 612vte (\$225 858)
Parks	44 residential lots = 44 x \$2 350 = \$103 400

The equivalent credits recommended to be allocated to the subdivision equate to a current dollar value of \$907 062, which well exceeds the \$124 545 previously paid by the developer in 1984 and the amounts for water, sewerage and roads applicable to the proposal.

This being the case, it is recommended that only a contribution equivalent to parks being included.

4.0 CONSULTATION

4.1 Internal

(a) Engineering

Report: (Engineer Design Services – B. Garrad)

This report is based on information provided in the Planning Assessment Report provided by JFP Urban Consultants dated December 2011 and information given as a result of a Council Request for Further Information dated 11 February 2011.

LEAD-IN ROAD / FRONTAGE ROAD

The proposed development will gain access via Carlo Road, classified a sub-arterial road. Carlo Road is constructed to a 6 metre sealed width and currently provides access to the existing Carlo Point Marina and the existing caravan park.

The applicant proposes that a four leg roundabout be constructed on Carlo Road to provide access to the caravan park, marina and the proposed subdivision. A preliminary roundabout design has been submitted however the design falls below the required design standard and will need amendment to meet Austroads standards.

There have been public requests for widening of Carlo Road for cyclists but the proposed design doesn't include widening for cyclists.

ROAD TRAFFIC CONTRIBUTION

Traffic volumes will be increased as a result of the development. As such an urban road contribution under Planning Scheme Policy 13 is applicable. However, a road contribution for a previous development application over the subject lot was paid 18/06/1984.

INTERNAL ROADS

From the proposed roundabout on Carlo Road, 895 metres of internal road will provide access to the subdivision. The internal roads will follow the south-east and north-east boundaries of the subdivision with a loop within the north-east section to provide access to lots 19 to 40. Traffic calming devices are proposed for the longest section of the internal road.

There is potential for lot 46 (balance area) to be developed as a marina in the future. A continuation of the proposed internal road into lot 46 would be the logical choice for access to the proposed marina and is shown on previous concept plans for the development site.

For future access to the marina the internal road will need to be redesigned to allow a 19 metre articulated vehicle to negotiate the internal road as the proposed design does not allow for these vehicles. A 20 metre road reserve width with two 3.5 metre lanes with provision for 2.5 metre parallel on-road parking for the roads leading to the future marina should be incorporated into the design. The on-road parking should be on the side of the road fronting the lots. All internal roads to have kerb and channel both sides of the road. The road reserve width for other internal roads not leading to the marina is to be designed to Urban Local standard in accordance with Council's Infrastructure Works Policy.

STORMWATER MANAGEMENT

The site is located in close proximity to the coast and therefore the stormwater management must be assessed with respect to the State Coastal Management Plan. The Department of Environment and Resource Management (DERM) has requested further information regarding stormwater management and as such will provide concurrent conditions for the design of the stormwater systems. A stormwater discharge point has been proposed at the inlet frontage to proposed lot 46 just south of the southern boundary to Lot 1 CP895628. An easement is required over this drainage line for maintenance purposes.

SEWERAGE AND WATER RETICULATION

The proposed sewerage system consists of a new gravity sewer line to be connected to the existing privately owned pump station within the caravan park which is in poor condition. Council does not have the right to connect to this pump station.

In line with similar developments requiring a pump station, Council should require that a separate Council owned lot with road access be created within the development for the pump station. The pump station and associated infrastructure would be designed with capacity for the residential development and any future marina.

The sewerage rising main from the pump station to Rainbow Beach may have inadequate capacity and may need to be upgraded to service the full development potential of the residential area, caravan park and marina facilities.

Currently a 100mm water main services the development site. The applicant proposes that the adequacy of the existing water main be assessed at the operational works stage, though the applicant expects that upgrades to the existing water supply infrastructure will not be required. Any review of capacity would need to take into account the full development capacity of the residential development, the caravan park and marina facilities. The point of connection would be near Karoonda Road, Rainbow Beach.

FLOODING

The 1 in 100 storm surge line is located at 2.5 metres AHD and the proposed residential development is sited higher than this line. Flooding should not be an issue according to Council's current flood height estimates.

MISCELLANEOUS

Power and communication services are connected to the site.

Street lighting is not part of the development proposal but should be provided in accordance with Council's Infrastructure Works Policy.

4.2 External

(a) Department of Environment and Resource Management

The application required referral to DERM as a Concurrence Agency due to being within a coastal management district, and also as an Advice Agency, due to being within the 100 metre buffer of a Conservation Estate and within the trigger area of a Wetland Management Area.

The Department initially stopped the IDAS process, under provisions available to it, to consider imposing a voluntary land surrender as a condition of any approval. Council's views were subsequently requested by DERM to considering accepting trusteeship of such land, which would be dedicated as an environmental reserve. Council advised DERM vide minute P36/09/11 that it is not prepared to accept trusteeship of a new reserve and the Department later issued its decision not to impose a land surrender as a condition of approval.

Following resolution of this issue, the Department issued conditional approval of the development subject to the following:

1. An Erosion and Sediment Control Plan must be developed and activated prior to the commencement of land disturbance on the site.
2. Best practice erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.
3. Prior to commencement of work you must develop an Acid Sulfate Soil Environmental Management Plan (ASS EM Plan) consistent with Appendix 4 of the SPP 2/02 Guideline and the Management Principles of the latest version of the *Queensland Acid Sulfate Soil Technical Manual, Soil Management Guidelines*.
4. The development must comply with the ASS EM Plan required in condition 3.
5. Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any land or waters.
6. Contaminants must not be released from the site to any waters or the bed and banks of any waters (including groundwater unless otherwise authorised).
7. Prior to commencement of work you must develop and implement a Stormwater Management Plan that meets best practice standards during the permanent (operational) phase. The Plan must aim to achieve no net increase in stormwater runoff from the pre-development site. The plan should include stormwater storage, re-use and quality improvement devices in line with Water Sensitive Urban Design (WSUD). WSUD measures also include, but are not limited to, gross pollutant traps, sediment basins, vegetated swales or buffer strips, infiltration devices, porous paving and bio-retention systems. The plan should include ongoing maintenance programs and nomination of responsible persons to maintain and monitor structures.
8. The Stormwater Management Plan must demonstrate how stormwater management measures implemented will meet scheduled Water Quality Objectives as prescribed under the *Environmental Protection (Water) Policy 2009*.
9. The development must not result in a change in water chemistry that will impact on ecological values on or off site.
10. The development must maintain local and regional drainage and hydrological systems, other than to the extent provided for under the approved plans.
11. Any changes to drainage or hydrology must not impact on the habitat values for rare, endangered and vulnerable species listed in the Nature Conservation Act.
12. Prior to commencement of work you must develop a Wetland Buffer Management Plan. The buffer management plan must demonstrate that development adjacent to coastal wetlands is compatible with the maintenance of the area's values in accordance with State Coastal Management Plan policies 2.8.1 Areas of State Significance (natural resources), 2.8.2 Coastal Wetlands and 2.8.3 Biodiversity. In developing the plan appropriate consideration must be given to the Queensland Buffer Planning Guideline available at <http://www.epa.qld.gov.au/wetlandinfo/site/ManagementTools/Guidelines/bufferguidelines.html>.
13. There must be no drains constructed through the coastal management district (erosion prone area) to coastal wetlands without further approval.
14. There must be no construction or building works undertaken within the Coastal Management District.
15. No sand is to be removed from the coastal dune system or active beach system within the erosion prone area or coastal management district.
16. The development will cause no net loss of threatened species or their habitat, both in its extent and integrity.
17. A site specific plan for the management and maintenance of threatened species and their habitat on the site must be prepared by a suitably qualified expert. The plan must be supplied to the Department of Environment and Resource Management and complied with.
18. The environmental management plan in condition 17 must be consistent with the Site Survey – Terrestrial Ecology contained within section 2.5.1 of Cardno's "Carlo Point Reconfiguration Application – Request for Further Information-Coastal Management", dated 23 June 2011.

6.0 **CONCLUSION**

The proposal is recommended for approval subject to normal urban subdivision standards.

P06/02/12 Moved: Cr L.J. Friske Seconded: Cr G.L. Engeman

Recommend that Council, as Assessment Manager, APPROVE Development Application 2010-2058 for Reconfiguring A Lot – Subdivision to Create 44 Residential Lots over Lot 17 MCH5109 located at Carlo Road, Rainbow Beach 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 submitted with the application (Project M2385 Plan 01 Issue E drawn by JFP Consultants and dated 9th November 2011) subject to amendments required by the following conditions:

- (a) 3.1;**
- (b) 3.3;**
- (c) 1.2 (Stage 1); and**
- (d) 2.1 (Stage 1).**

1.2 A Development Permit for Operational Work (Civil Works) is to be obtained and complied with as required.

1.3 Infrastructure charges are payable as follows:

Infrastructure Item	Equivalent Units	Current Amount
Parks	44 lots	\$103 400
TOTAL		\$103 400

but will be subject to indexation annually on 1 July.

1.4 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.

- 1.5 An agreement is to be entered into with Energex to provide electricity to all approved lots without any financial encumbrance on future owners of these lots.**
- 1.6 Three (3) alternative road names are to be submitted for Council's consideration for the new roads to be opened.**
- 1.7 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.**
- 1.8 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.**
- 1.9 All lots are to be permanently numbered with reflective numbers on kerbs.**
- 1.10 Water meters and services are to be installed to all lots approved by this Development Permit.**
- 1.11 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 and Council's standard easement documentation must be used for this purpose. A solicitor's undertaking (or alternative suitable to Council) shall also be submitted confirming the easement documents will be submitted with the Plan Registry Authority in conjunction with the Plan of Survey.**
- 1.12 The Plan/s of Subdivision must show existing road names as well as road names approved by Council for any relevant new road opening.**

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 The internal road design is to incorporate a 20 metre wide reserve width with two (2) 3.5 metre lanes and provision for 2.5 metres of on-road parking along the roads leading to lot 46 (balance area). The on-road parking is to be along the side of the road fronting lots. All other internal roads are to be designed to Urban Local standard as defined in Council's Infrastructure Works Policy.**
- 3.2 Kerb and channel is to be provided to both sides of all new roads within the development.**
- 3.3 A design is to be submitted for the internal road such that a 19 metre articulated vehicle can access any future development on proposed lot 46 (balance area).**
- 3.4 Prior to construction of all new roads the following actions are required:**
 - (i) Lodgement of a plan of the proposed centreline; and**
 - (ii) The proposed centreline is to be pegged by the Consultant Surveyor to facilitate an inspection.**

- 3.5 Street lighting is to be provided to proposed new roads in accordance with current Australian Standards/New Zealand Standards for Street Lighting and Equipment Design and Council's Infrastructure Works Code. The subject roads are classified as a Urban Local streets for the purposes of designing the system/category of lighting required. The developer is responsible for payment for the first 12 months electricity for the lighting system.**

Water and Sewerage

- 3.6 Connection is to be made to Council's existing Water Supply and Sewerage reticulation systems at no cost to Council.**
- 3.7 Sewer mains are to be extended to provide connection points to all proposed lots and / or connection points provided in existing sewers where appropriate.**
- 3.8 Water mains complete with associated fittings are to be provided along areas of new road.**
- 3.9 A new sewage pump station, associated infrastructure and rising main with capacity to provide for the residential development, caravan park and any future development of lot 46 (balance area) is to be provided. *Note: The point of connection would be to pump station number 3 at Rainbow Beach.***

Stormwater

- 3.10 A Stormwater Management Report is to be submitted for Council's approval prior to the commencement of works on the site. The report is to include a design for the proposed bio-retention basins to comply with the provisions of State Planning Policy 4/10 *Healthy Waters*.**
- 3.11 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.**
- 3.12 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.**

Landscaping

- 3.13 Any street trees / landscaping proposed is to comply with Council's Planning Scheme Policy 4 and include locally endemic species.**

Miscellaneous

- 3.14 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.

- 3.15 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.**

- 3.16 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.**

- 3.17 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.**

- 3.18 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.**

3.19 Identification markers are to be placed within 1 metre of survey pegs at corner posts of the property. Markers are to be painted white and be at least 100 millimetres in diameter, 1.2 m high above ground and set at least 450 millimetres into the ground. On completion of placement the enclosed Notification of Compliance Form is to be completed and lodged with Council.

3.20 The method of treatment of any acid sulfate soils likely to be encountered during construction of the works is to be in accordance with State Planning Policy 2/02 Guidelines and incorporated into the Operational Works plans submitted. A report demonstrating compliance with this requirement is to be submitted with the development application for operational work.

Additional Conditions Applicable to Particular Stages

Stage 1 (Lots 1-17)

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.**
- 1.2 An area sufficient to contain the sewage pump station with direct access to a road is to be transferred to Council's ownership.**
- 1.3 Easements are to be provided over the bio-retention basins on lots 45 and 46 in favour of Council with maintenance of the bio-retention basins to be the lot owners' responsibility.**
- 1.4 An easement is to be provided over the proposed drainage line on lots 45 and 46 in favour of Council with maintenance of the easement to be the lot owners' responsibility.**

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

Roadworks

- 2.1 The roundabout to be constructed at the intersection of Carlo Road is to be designed to confirm to standards of Austroads Guide to Road Design Part 4B to allow for a 19 metre articulated vehicle. A 1 in 10 taper is to be constructed to join the existing road.**

General Conditions Applicable to Future Use of the Approved Lots

- 1. Future residential buildings on the approved lots are to have a minimum habitable floor level of 2.75m AHD and Council's rates records will be noted accordingly.**

Notes

- (i) 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.***

Carried.

In accordance with Section 173 of the Local Government Act 2009; Cr G.L. Engeman declared a Conflict of Interest in Recommendation P07/02/12 for application 2011/1797 due to being a member of the Weeroona Association Inc Management Committee. There could be no financial benefit to the Committee from Council's decision on this matter. Cr G.L. Engeman remained in the meeting while the matter was discussed and voted on and abstained from voting.

SECTION 4: PLANNING APPLICATIONS PENDING

4/1 Planning Applications Pending

NOTE: New Applications are in BOLD AND ITALICS

Abbreviations:

AN	<i>Acknowledgment Notice</i>
AL	<i>Acknowledgement Letter</i>
RFI	<i>Request for Further Information</i>
DMS	<i>Decision Making Stage</i>
DN	<i>Decision Notice</i>
ADN	<i>Amended Decision Notice</i>
NDN	<i>Negotiated Decision Notice</i>
ALOD	<i>Adjoining Land Owners Details</i>
PN	<i>Public Notification</i>
PNS	<i>Public Notification Stage</i>
SP	<i>Survey Plan</i>

File Number & Applicant	Location	Nature of Application	Status
MATERIAL CHANGE OF USE – IMPACT ASSESSMENT			
DA17897 Morris (MKM)	7-9 Power Road, Southside	Education or Health Premises (School Age Facility)	RFI sent 03/03/08. Awaiting applicant's response. Proposal plan received 13/10/08. (In conjunction with DA13664)
DA253 Allen & Dray (MKM)	Dray Road, Widgee	Extractive Industry (Rock Quarry) & ERA # 20	DMS. Application on hold pending applicant's advice.
2009-1859 Christensen (MKM)	14 Glastonbury Road, Southside	2 x Two (2) Storey Town Houses & 2 x Two (2) Unit Apartments	DMS. Report to P&D Committee Meeting. (1) Submission. Letter sent 21/11/11 requesting applicant's intentions.
2010-0891 Roberts Bros Pty Ltd (TMS)	600 Bruce Highway, Chatsworth	Preliminary Approval to Effect the Local Planning Scheme	Application on hold till 30/12/11. DTMR rfi issued 15/07/10 & DLGP extended time to respond to RFI until 30/12/11.
2010-1030 White (LF)	28 Smyth Street, Gympie	Multi-Residential Four (4) Units	RFI response due 09/02/12. Waiting applicant's response. DTMR response received 16/09/11.

File Number & Applicant	Location	Nature of Application	Status
2010-1348 Newman (TMS)	149 Tagigan Road, Goomboorian	Food or Entertainment Venue (Restaurant)	Amended Proposal received 23/11/11 for Restaurant. ALOD issued 05/1/12. Submissions due by 31/01/12. (11) Submissions. One (1) Petition received during first public notification period.
2010-1870 Canty (TMS)	Bella Creek Road, Bella Creek	Accommodation Premises (Camping & Cabins) Food or Entertainment Venue (Multi Sports Park & Kiosk) and ERA #63 Sewage Treatment (2) (a) 21ep to 100ep Premises)	DMS. Report to P&D Committee Meeting. Submissions and Petitions have been received. DTMR response received 16/03/11. DIP response received 10/08/11. DERM response received 28/11/11.
2010-2019 G & G Securities (TMS)	Cootharaba Road, Gympie	Seeking a Preliminary Approval Varying the Effect of the Local Planning Instrument	DMS on hold till 30/06/12 at applicant's request.
2011-0745 Delgos (LF)	8 Crown Road, Gympie	COMBINED - Multi-Residential (4 Units) & Building Work Assessable against the Planning Scheme (Removal of Character Building)	DN issued 03/11/11. Five (5) Submissions. Appeal period due to expire 02/12/11.
2011-0878 Curra Country Sandstone Supplies (LF)	Gardners Lane, Curra	Extractive Industry (Sandstone Quarry) & ERA #20 (Extracting rock, sand, clay, gravel, loan or other material <5000t per annum)	PNS. ALOD issued 02/12/11. Notice of Commencement received 15/12/11.
2011-1206 Hotondo Gympie P/L (SAC)	94 Kirsten Drive, Curra	Residential Premises (Duplex Dwelling house)	DMS. Report to P&D Committee Meeting.
2011-1316 Optus Mobile (PKM)	Hall Street, Kilkivan	Major Utility (Telecommunications Facility)	DMS. DN due.

File Number & Applicant	Location	Nature of Application	Status
2011-1679 River Junction Qld Pty Ltd (KMF)	64 Traveston Crossing Rd, Kybong	General Industry – Servicing and Repairs of Heavy Vehicles (rural farming/mining plant and equipment) & ERA#21 Motor Vehicle Workshop	RFI issued 24/01/12. Awaiting Applicants Response.. Concurrence Agency DTMR response received 16/01/12. DERM Advice Agency response received 19/01/12. Energex Advice Agency response received 16/01/12.
2011-1590 Sutherland (KMF)	Kinbombi Road, Kinbombi	Dwelling House	PNS. ALOD issued 19/01/12.
2011-1798 Kilkivan Bush Camping P/L (MKM)	504 Rossmore Road, Kilkivan	Caravan Park (Extension to Caravan Park - Bush Camping Area)	AN issued 06/01/12. RFI due.
MATERIAL CHANGE OF USE – CODE ASSESSMENT			
DA17123 Wilson (MKM)	26 Burns Road, Ross Creek	Accommodation Premises (Farm Cabins)	DMS. Letter sent 19/10/09 advising decision withheld pending receipt of amended plans. Letter sent 07/10/11 requesting intentions to finalise.
2009-0893 The Clayton Family Superannuation Fund (TMS)	Chapple Street, Gympie	Display Yard (Construction Equipment for Sale, Hire and Lease)	DMS. Letter sent 2/7/10 advising decision withheld pending receipt of amended plans. Additional information received 08/11/10 but still unsatisfactory.
2009-1648 Reyloh (KMT)	17,19,21, & 23 Oak Street and 22 Chatsworth Road, Gympie	Accommodation Premises (84 Motel Units and Caretaker's Residence) and Food or Entertainment Venue (Restaurant and Function Room)	Applicant negotiating with DTMR.
2009-2130 CJ Black Medical Pty Ltd aft CJ Black Investment Trust (LF)	63 King Street, Gympie	COMBINED – MCU - Multi- Residential Six (6) Units & RAL - Subdivision to Create One (1) Additional Lot	DMS. Report to P&D Committee Meeting.

File Number & Applicant	Location	Nature of Application	Status
2010-1649 AJ & DA Corbet ATF AJ & DA Corbet Family Trust (MKM)	20 Barter Street, Gympie	Commercial Premises (Professional Offices)	DMS. DN due. DMS extended until 12/02/12 at applicant's request.
2010-1765 Gympie Regional Council (TMS)	Bonnick Road, Gympie	Public Utility – (Expansion of Waste Management Facility)	RFI response received 13/05/11. Concurrence Agency DERM assessment period extended until 31/01/12.
2011-0124 Peskops (TMS)	355 Sterling Road, Kandanga Creek	Intensive Animal Husbandry - Piggery (Free Range Pig Farm) and ERA#3 (1) Pig Keeping - up to a maximum 133 standard pig units	Amended proposal received 6/10/11. Concurrence and Advice Agency DERM response received 28/11/11. Concurrence Agency DEEDI. DEEDI rfi issued 02/11/11. RFI issued 07/11/11. Awaiting applicant's response.
2011-0741 Gympie Regional Council (SAC)	Mt Olive Road, Cinnabar	Extractive Industry (Gravel Extraction & Production) & Environmentally Relevant Activity [ERA # 16 Extractive & Screening Activities - 2(b) extracting, other than by dredging 5 000t to 100 000t per annum and 3(a) screening 5 000t to 100 000t per annum]	Amended AN & RFI issued 19/07/11. Pending applicant's response due 19/07/12. Concurrence Agency DERM RFI issued 17/08/11.
2011-1114 Cyber Drafting & Design (KMF)	124 Yabba Creek Road, Imbil	Commercial Premises (66 Open Market Stalls)	DMS. Report to P&D Committee Meeting. DMS on hold pending applicant's negotiations with DTMR.
2011-0923 Rainbow Beach Surf Life Saving Club Inc. (LF)	Wide Bay Esplanade, Rainbow Beach	Community Services and Food or Entertainment Venue (Extension to Existing Club)	RFI issued 20/10/11. Awaiting applicant's response. DERM response received 19/10/11. DTMR response received 2/11/11.
2011-1326 Forestry Plantations QLD (LF)	Laminex Road via Tin Can Bay Road, Gympie	General Industry & ERA#47 Timber Milling and Woodchipping	DMS. Report to P&D Committee Meeting.

File Number & Applicant	Location	Nature of Application	Status
2011-1164 Stirling Homes (KMF)	Nicholls Road, Monkland	Multi-Residential (Duplex on proposed Lot 3)	DMS on hold pending applicant's negotiations with DTMR.
2011-1362 Oakvale Homes Building Group Pty Ltd (MKM)	8921 Burnett Highway, Boobyjan	Accommodation Building (Workers Accommodation)	Amended AN issued 17/01/12. DTMR Concurrence Agency. ALOD issued 17/01/12.
2011-1630 Stirling Homes Queensland (MKM)	1 Fairway Drive, Gympie	Multi-Residential (Duplex)	DMS. DN due.
2011-1773 Lloyd (KMF)	71 Little Road, Glastonbury	Intensive Animal Husbandry (399 SPU Piggery) and ERA#3 (a) Keeping 21 to 400 Standard Pig Units	DMS. DN due
2011-1575 Russell (KMF)	237 Mary valley Road, Jones Hill	Shop	AN issued 09/01/12. DTMR Concurrence Agency. RFI due.
2011-1797 Weeroona Association Inc (LF)	9 Berrie Street, Gympie	Community Service (Disability Service Offices & Carpark)	DMS. DN due.
2011-1827 Chenhall (LF)	2/41 Yabba Road, Imbil	Multi-Residential (Second Dwelling)	AN issued 09/01/12. DTMR & SEQ Water Concurrence Agencies. RFI due.
2011-1837 Garum Pty Ltd (KMF)	14 O'Connell Street & 19 Nash Street, Gympie	Commercial Premises (Office Buildings)	RFI issued 10/01/12. Awaiting applicant's response.
RECONFIGURING A LOT – IMPACT ASSESSMENT			
2008-1098 Allen-Co Holdings Pty Ltd (SAC)	2110 Gympie Woolooga Road, Widgee	Subdivision to Create 67 Lots in Two (2) Stages	RFI response due by 31/01/12. Awaiting applicant's response. Concurrence Agencies DTMR rfi issued 20/08/10. DERM (VMA) rfi issued 06/09/10 & DERM (EPA-clu) rfi issued 06/09/10. Extension of DERM rfi response period until 31/01/12.
RECONFIGURING A LOT – CODE ASSESSMENT			
DA03663 Andreassen (TMS)	Ballard Road, Imbil	Development Permit – Stage 6 (3 Lots) and Stage 7 (18 and Balance)	DMS. Report to P&D Committee Meeting.
DA14342 Christensen (MKM)	16-18 Glastonbury Road, Southside	Subdivision to Create One (1) Additional Lot	DMS. Report to P&D Committee Meeting. Letter sent to DTMR 14/04/10. Awaiting response.

File Number & Applicant	Location	Nature of Application	Status
2008-1187 Gympie Regional Council (MKM)	Scullett Drive, Tin Can Bay	Subdivision to Create 14 Additional Industrial Lots	Response to RFI received 24/06/09. Referral Agency DMR rfi issued 23/03/09. Advice Agency Energex response received 20/03/09.
2010-0428 Bay Survey Consultants (KMF)	Langton Road, Monkland	Subdivision to Create Eleven Additional Lots	DMS. Report to P&D Committee Meeting. DMS extended until 31/01/12.
2010-2058 Dickinson (TMS)	308 Carlo Road, Rainbow Beach	Subdivision to Create (45) Additional Lots	DMS. Report to P & D Committee Meeting.
2011-0259 Smillie (LF)	38 Trout Road, The Dawn	Subdivision to Create Two (2) Additional Lots and Access Easement	AN issued 24/03/11. RFI issued 28/04/11. Applicant's response time extended until 27/04/12. Concurrence Agency DTMR. DTMR rfi issued 12/04/11.
2011-0379 Partington (SAC)	81 Donald Drive, Curra	Subdivision to Create Two (2) Additional Lots	RFI response due 17/02/12.
2011-0590 Jones, Condon & Mallon (LF)	62 Noosa Road, Monkland	Subdivision to Create 21 Additional Lots	DMS. DN due. Outstanding issues letter sent 20/01/12. Awaiting Applicant's response.
2011-0611 Ahern James Naismith (Gympie) (KMF)	287 Marys Creek Road, Marys Creek	Subdivision to Create One (1) Additional Lot	DMS. Report to P&D Committee Meeting.
2011-0670 Downunder Properties Pty Ltd (LF)	Tin Can Bay Road, Tin Can Bay	Subdivision to Create (10) Additional Lots	Amended AN issued 29/07/11. RFI issued 19/07/11. Awaiting applicant's response. Concurrence Agencies DERM & DTMR. Advice Agencies DERM & Energex response received 22/07/11. DTMR rfi issued 15/08/11.
2011-0876 Aspinall (SAC)	Jimbour Road, The Palms	Subdivision to Create Four (4) Additional Lots	DMS. DN due. DMS extended until 31/01/12.
2011-1230 Kalinski (MKM)	Samara Crescent, Veteran	Subdivision to Create Three (3) Additional Lots	RFI issued 23/09/11. Awaiting applicant's response. DTMR response received 19/12/11. DERM response received 14/12/11.
2011-1313 Martoo Consulting Pty Ltd (PKM)	29 Heather Street, Southside	Subdivision to Create Three (3) Additional Lots and Access Easement	RFI issued 06/10/11. Awaiting applicant's response.

File Number & Applicant	Location	Nature of Application	Status
2011-1664 Muckle (MKM)	27 Grecian Bends Road, Gympie	Subdivision to Create One (1) Additional Lot	DMS. DN due.
2011-1663 Pearman & O'Leary (SAC)	Glastonbury Road, The Palms	Subdivision to Create Nine (9) Additional Lots in Five (5) Stages	RFI issued 05/01/2012. Awaiting applicant's response. DTMR response received 22/12/11. Concurrence Agency DERM.
2011-1695 McDonald (LF)	24 Louisa St, Gympie	Subdivision of One (1) Lot to Create Seven (7) Standard Format Lots	RFI issued 13/21/11. Awaiting applicant's response.
2012-0008 Albrecht (SAC)	295 Randwick Road, East Deep Creek	Boundary Realignment	RFI issued 20/01/12.
2012-0014 Smith (MKM)	80 Campbell Road, East Deep Creek	Subdivision to Create One (1) Additional Lot	DMS. DN due.
2012-0016 Innis (PKM)	6A & 8 Louisa Lane, Gympie	Boundary Realignment	DMS. DN due.
2011-1849 Scott (MKM)	90 Bonnick Road, Gunalda	Subdivision to Create One (1) Additional Lot	AN issued 24/01/12. DTMR Concurrence Agency. RFI due.
OPERATIONAL WORK (Including Combined Building/Plumbing and Operational Work)			
DA13337 Wagner (TMS)	391 Bruce Highway North, Two Mile	Earthworks	Part response to RFI received 07/08/09.
DA13568 Crampton (TMS)	10 Mitchell Street, Tin Can Bay	Site Works, Driveway Access, Carparking & Landscaping	DMS. DN due.
DA15865 Zerner (MKM)	8 Wadell Road, Two Mile	Driveways, Stormwater Drainage, Retaining Wall, Carparking & Earthworks)	DMS. DN due.
2008-1400 Millers (TMS)	2 Tucker Street & 20 Chapple Street, Gympie	Roadworks, Stormwater, Landscaping & Earthworks	Letter sent requesting intentions. Response due 30/06/11. Letter received 9/12/11 requesting extension.
2008-1682 Lohage (LF)	Ian Drive, Curra	Dam	RFI sent 10/12/08. Awaiting applicant's response.
2009-1438 Opus Qantec McWilliam (TMS)	Old Imbil Road, Monkland	Roadworks, Stormwater Drainage, Water and Sewerage Infrastructure	DMS. DN due.

File Number & Applicant	Location	Nature of Application	Status
2011-0731 Ken Hudson & Associates (MKM)	136 Green Trees Road, Pie Creek	Roadworks, Stormwater Drainage & Access Construction	DMS. DN due.
2011-0766 Delgos (LF)	Old Goomboorian Road, Veteran	Roadworks, Earthworks, Stormwater Drainage & Signage	RFI issued 22/06/11. Extension Approved response now due 12/03/12. Awaiting applicant's response
2011-1013 Ken Hudson & Associates Consulting Engineers	440 Jimbour Road, The Palms	Drainage Works, Stormwater, Earthworks and Clearing Vegetation	RFI issued 04/10/11. Awaiting applicant's response.
2011-1356 DMC Enterprises Pty Ltd (TMS)	Groundwater Road, Jones Hill	Landscaping (Street Trees for Approved Residential Subdivision)	RFI issued 14/10/11. Pending applicant's response.
2011-1497 Mainz Developments Pty Ltd (MKM)	4-5 Shayduk Close, Gympie	Siteworks, Access Driveway, Car Parking Bays, Stormwater Drainage & Footpath	DMS. DN due.
2011-1272 Building Surveying Professionals QLD P/L (TMS)	11-14 Shayduk Close, Gympie	Roadworks, Drainage Works, Landscaping, Stormwater, Earthworks & Carparking	DMS. DN due.
2011-1650 I & L Superannuation Fund (LF)	3 Piccadilly Drive, Southside	Earthworks	RFI issued 12/12/11. Awaiting applicant's response.
2011-1660 Opus International Consultants Australia P/L (LF)	590 Noosa Road, Mothar Mountain	Roadworks, Stormwater, Drainage Works and Earthworks	RFI issued 13/12/11. Awaiting applicant's response.
2011-1755 Opus International Consultants (Australia) P/L (TMS)	61 Eljays Road, The Palms	Roadworks, Stormwater, Drainage Works, Earthworks, Signage	DMS DN due.

File Number & Applicant	Location	Nature of Application	Status
2011-1573 Masondale P/L (MKM)	30 Ascot Road, Victory Heights	Stormwater Drainage	DMS. DN due.
2012-0005 Opus International Consultants (Australia) P/L (LF)	2 Smalley Place, Gympie	Roadworks, Stormwater & Drainage Works	RFI due.
OPERATIONAL WORK – ADVERTISING DEVICES			
SIGNS TO BE ASSESSED UNDER LOCAL LAW			
BUILDING WORK ASSESSABLE AGAINST THE PLANNING SCHEME			
2008-1904 Lawless (TMS)	Boobyjan Road, Boobyjan	Additions to Building on a Cultural Heritage Site	DMS. DN due. Assessed (State Act) refer 2009-0353 (building application).
2012-0042 Elliott (PKM)	1217 Harvey Siding, Curra	Additions to Building	RFI due.
COMPLIANCE ASSESSMENT			
CONCURRENCE AGENCY REFERRALS			

P07/02/12 Moved: Cr J.A. Walker

Seconded: Cr A.J. Perrett

Recommend that the information be noted.

Carried.

4/2	Development Approvals Issued in Accordance with Delegation Schedule
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File Number and Applicant	Location	Date of Approval	Development	Nature of Approval
2011-1786 Steele (KMF)	305 Cullinane Road, Mothar Mountain	11/01/12	Reconfiguring a Lot - Access Easement	Development Permit
2011-1754 Richards (PKM)	25 Wattle Avenue, Bells Bridge	12/01/12	Material Change of Use – Annexed Unit (Granny Flat)	Development Permit
2011-1667 Melco Lanhams (SAC)	3 Langton Road, Monkland	11/01/12	Operational Works – Stormwater	Development Permit

File Number and Applicant	Location	Date of Approval	Development	Nature of Approval
2011-1758 Harvey (PKM)	158 Hansen Road, Dagun	19/01/12	Material Change of Use - Multi-Residential (Second Dwelling for Farm worker)	Development Permit
DA14725 Emberwell P/L (PKM)	98 Woondum Road, Kybong	22/10/08	Request to Change Approval for Material Change of Use - Special Industry (Manufacturing of Organic Compost) & Environmentally Relevant Activity (ERA #53 - Soil Conditioner Manufacturing)	Amended Decision Notice permitting the use of additional composting materials approved by DERM
2011-1684 Master Builders Association (PKM)	95 Exhibition Road, Southside	19/01/12	Operational Work – Advertising Device (One Freestanding Non-Moving Sign)	Development Permit
2011-1683 Master Builders Association (PKM)	2 Lasiandra Drive, Southside	19/01/12	Operational Work – Advertising Device (One Freestanding Non-Moving Sign)	Development Permit
DA18378 Rentsch (LF)	271 Sandy Creek Road, Gympie	19/01/12	Reconfiguring a Lot - Subdivision to Create One (1) Additional Lot	Approval Letter issued extending currency period until 16/05/12
2011-1574 Laumar Services Pty Ltd (LF)	18 Snapper Creek Road, Tin Can Bay	20/01/12	General Industry (Tow Holding Yard)	Development Permit
DA15348 Sanewski (MKM)	166 North Deep Creek Road, North Deep Creek	24/03/09	Request to Change Existing Approval for Reconfiguring a Lot - Subdivision to Create Three (3) Additional Lots	Amended Decision Notice issued approving amended plans
2011-1680 Master Builders Association (PKM)	77 Sorensen Road, Southside	23/01/12	Operational Work – Advertising Device (One Freestanding Non-Moving Sign)	Development Permit
2011-1681 Master Builders Association (PKM)	119 Groundwater Road, Southside	23/01/12	Operational Work – Advertising Device (One Freestanding Non-Moving Sign)	Development Permit

File Number and Applicant	Location	Date of Approval	Development	Nature of Approval
2011-1791 Daniels (MKM)	Osborne Court, Wallu	19/01/12	Reconfiguring a Lot - Subdivision to Create Two (2) Additional Lots	Development Permit
2009-2090 William & Friske (KMF)	46 Rivers Road, Gympie	23/01/12	Request to Change Existing Approval for Reconfiguring a Lot - Subdivision to Create One (1) Additional Lot	Approval letter issued extending currency period until 5/02/2014.

P08/02/12 Moved: Cr R.A. Gâté

Seconded: Cr R.J. Dyne

Recommend that the information be noted.

Carried.

Mr B.J. Smith left the meeting at 9.38 a.m.

SECTION 5: GENERAL MATTERS

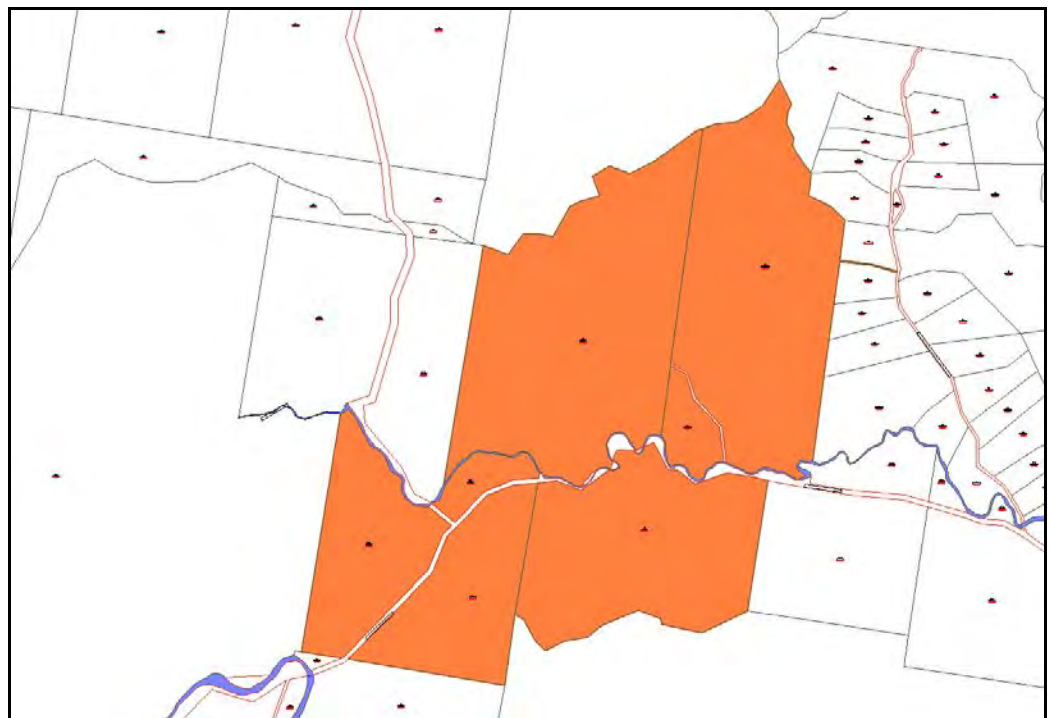
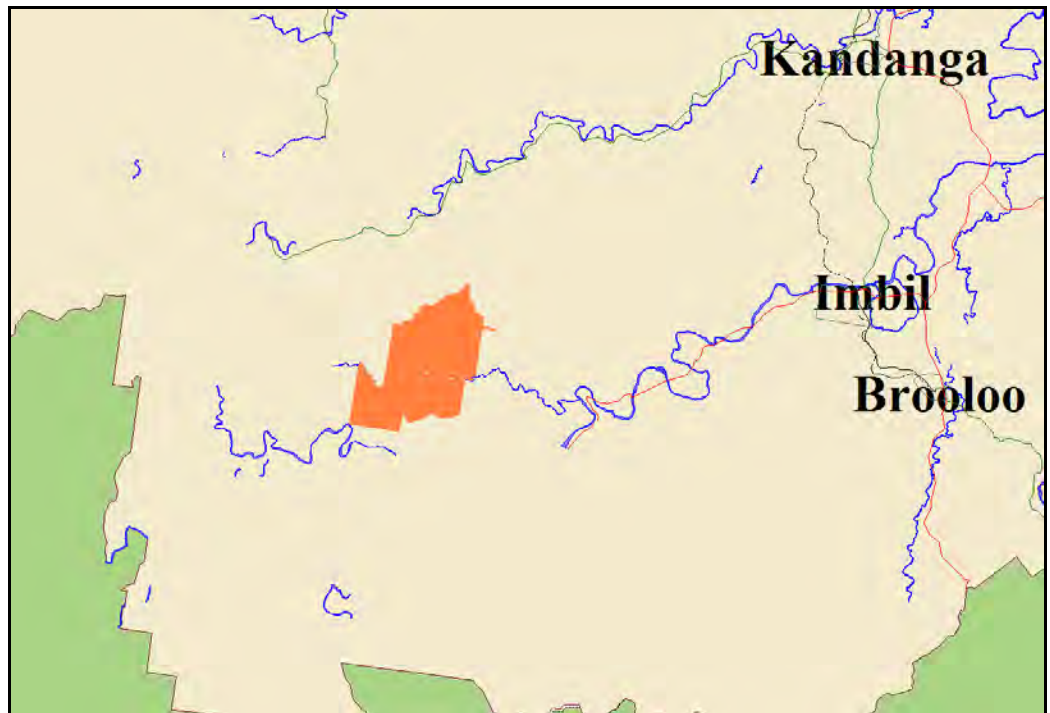
5/1	2010-1870 – Request for an extension of the Decision Making Stage for Proposed Material Change of Use – Accommodation Premises (Camping & Cabins) Food or Entertainment Venue (Multi Sports Park & Kiosk) and ERA #63 Sewage Treatment (2) (a) 21ep to 100ep Premises) – Bella Creek Road, Bella Creek
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Re: **P09/02/12** Request for an extension of the Decision Making Stage for Proposed Material Change of Use – Accommodation Premises (Camping & Cabins) Food or Entertainment Venue (Multi Sports Park & Kiosk) and ERA #63 Sewage Treatment (2) (a) 21ep to 100ep Premises)

From: Ken Hicks and Associates on behalf of S. Canty

File: 2010-1870

Date: 18 January 2012



Letter 18 January 2012:

'Further to our recent discussion, we confirm that the applicant is further assessing engineering matters and undertaking a more comprehensive Noise Assessment Report addressing matters raised in submissions.'

In order to allow sufficient time to complete this report and submit to Council for assessment, we request a further 2 month extension to the Decision Making Period, until 2 April 2012.

We await confirmation of your agreement to this extension.

Should you have any questions with respect to the above, please do not hesitate to contact me direct.'

E-mail 24 January 2012

'I refer to our request of 18 January 2012 for a 2 month extension to the Decision Making period. Upon further consideration this time period may not be sufficient for the applicant to complete and submit further supporting information and for Council to assess and decide the application.

In this regard we request Councils agreement to a 4 month extension to the Decision Making Period.'

Report: (Manager Development and Compliance – T.M. Stenholm)

Council is aware of this proposal for a motor cross facility at Bella Creek.

The application is currently in the decision making stage, with a decision due to be made by 2 February 2012. The request is made to enable the applicant to provide additional material in support of the proposal and, particularly given the number of submissions received, is not uncommon.

The Sustainable Planning Act allows for the decision-making period to be further extended if written agreement is provided by the applicant at any time before the decision is made. No previous examples can be recalled of Council not agreeing to such a request.

Department of Environment and Resource Management and Department of Transport and Main Roads have both issued conditional approval for the development.

P09/02/12 Moved: Cr R.J. Dyne

Seconded: Cr A.J. Perrett

Recommend that Council agree to the applicant's request for a four (4) month extension of the decision making stage for 2010-1870.

Carried.

SECTION 6: MATTERS FOR COUNCIL'S INFORMATION

The following item is for Council's Information (see Attachment 1).

No	Date Received	Received from	Subject
1	11/01/12	Minister for Employment, Skills and Mining Cr R. Dyne (Mayor)	Communities/Localities be included in Restricted Area (RA) 384. Letter sent to the Minister regarding the above.
2	23/02/12	Minister for Local Government and Special Minister of State	Supporting & Strengthening the viability of the State's property and construction industry.

P10/02/12 Moved: Cr R.J. Dyne

Seconded: Cr D.R. Neilson

Recommend that Council notes the contents of the correspondence.

Further that Council respond to the Minister for Local Government and Special Minister for State advising of Gympie Regional Council's approach to infrastructure charging following the introduction of the new charges framework in 2011.

Carried.

Mr B.J. Smith returned to the meeting at 9.49 a.m.

LATE ITEMS

Late Item 1 Deferred Payments Workshop Summary Report

Re: **P11/02/12** Deferred Payments Workshop Summary Report
From: Director Planning and Development – M. Hartley
File:
Date: 27 January 2012

Email from DLGP received 25 February 2012

“As you are aware, over the past few months the Department has been undertaking targeted consultation with stakeholders on the deferred payment of infrastructure charges. Thank you to those who attended one of the facilitated workshops held in October and November 2011 in Townsville, Rockhampton or Brisbane for your feedback and involvement.

A summary paper with regards to deferred payments has been prepared, consolidating the comments, issues and potential options as identified by stakeholders from the facilitated workshops. The paper represents the views raised by stakeholders at the workshop sessions and is not an indication or representation of Government policy on the matter. The Government has yet to formally consider the matters raised in the paper and no decision has been made regarding the options outlined in the attached document.

All stakeholders are invited to provide feedback about the key issues associated with the deferral of infrastructure charge payments and the options that will establish an infrastructure charging framework that stimulates supply, provides transparency and certainty to developers, and ensures long term financial sustainability for Local Governments.

We would like you to tell us whether:

- (a) the summary is an accurate reflection of those options identified during your workshop; and*
- (b) whether you have a preferred option.*

I have included a copy of the Deferred payments workshop summary report for your information and comment. Consultation on the summary report will be open until Friday 10 of February 2012. To provide a submission on the draft guideline and practice notes please email your comments to infrastructure.planning@dlgp.qld.gov.au

If you have any question or require assistance with matters regarding deferred payments please contact Stephen Robbins, Manager on 3898 0505 or Stephen.Robbins@dlgp.qld.gov.au

Thank you for your ongoing support in advancing this Government action to stimulate economic development."

Report: (Director Planning and Development – M. Hartley)

This email from DLGP and Workshop Summary Report (see attachment 1) was forwarded to the writer after the Agenda for this meeting had been produced. Comments/feedback on the summary report are to be provided by the 10th of February 2012, hence the need to prepare a late agenda item.

Council officers have not participated in any of the workshops dealing with the notion of deferred payment of infrastructure charges (although the writer has previously discussed this issue with officers of the LGAQ). On this basis, it is not possible to comment on whether the summary report is an accurate reflection of issues raised during the workshops, however it is considered that Council should identify a preferred option from the options nominated in the report.

The deferred payment options addressed in the report relate to subdivisions only (not infrastructure charges applicable to approvals for Material Change of Use). Five separate options have been put forward, and the advantages and disadvantages of each option as described in the report are considered to be a reasonable representation of the issues. The five options are as follows:

- Option 1: Payment at plan sealing.
- Option 2: Payment at issue of title.
- Option 3: Payment as settlement.
- Option 4: State becomes the banker.
- Option 5: Charges deferred to 12 months after plan sealing.

Option 1 includes three sub-options:

- Option 1a: No legislative change.
- Option 1b: Mandatory payment at plan sealing.
- Option 1c: Payment by instalments.

Option 3 includes four sub-options:

- Option 3a: Payment by the developer.
- Option 3b: Payment by the buyer.
- Option 3c: Developer can elect to pay infrastructure charges.
- Option 3d: Local Governments can elect who pays infrastructure charges.

Accepting the advantages and disadvantages of each option and sub-option as outlined in the summary report, Option 1a (no legislative change) is plainly the most logical, practical and pragmatic way forward in addressing the issue of infrastructure charges. This option ensures that local governments retain the appropriate leverage to secure infrastructure charges prior to releasing the relevant survey plan. This option also allows developers to pay infrastructure charges at an earlier stage in the development process to avoid annual increases.

There is considered to be little benefit in Option 2 (payment at issue of title), given the limited time lag between plan sealing and registration of title.

Option 3 (including all the sub-options) would have significant resourcing implications for local governments throughout the State to manage the payment of infrastructure charges at settlement. All suggestions within this option would involve high administration costs and would affect local government revenues, given the unpredictability of relying on settlement dates for the payment of infrastructure charges. Option 3b in particular (payment by the buyer) is considered to be extraordinary as it relies on the sale price of the lots being discounted by the amount of the infrastructure charge. In reality this is unlikely to occur, resulting in an increase in the price of new land.

There is simply no need (in the writer's view) for the State to become involved in the collection of local government infrastructure charges (Option 4). The inevitable cost of administering such an option would need to be funded – either as an additional cost or taken from the infrastructure charge itself, in which case the State would not pass on the full infrastructure charge to local government.

Option 5 (12 month deferral of payment after plan sealing) is not supported based on the disadvantages outlined in the summary report (potential difficulty with financial institutions, lack of appropriate security for local governments etc).

In conclusion, most of the options canvassed would be likely to result in an increased financial and/or administrative burden for all affected parties, and would do little to advance the State's housing affordability strategy. Only Option 1a would be cost neutral and would avoid legislative, security, IT and resourcing changes. This option is well understood by the development industry and comparatively easy to implement.

1. **Proposed renewal of Special Lease 21/45852 over Lot 2651 on L37634**
2. **Renewal of term lease 219331, Lot 41 MZ840298, Reserve for water Purposes R04, Parish of Boonara**
3. **Application for Term Lease over Lot 1 on AP1163, Carlo Point**
4. **Application for Permit to Occupy over Lot 377 on MCH1379 over Reserve R867, Tuchekoi**
5. **Application for renewal of Term Lease 219823 over Lot 11 on LX712**
6. **Alleged Development Offence - Unauthorised Display Yard at 27 Brisbane Road, Gympie.**
7. **Compliance Team Agenda Appendix**
8. **Development Offence Agenda Appendix**

Further, that in relation to the provisions of Section 171 of the Local Government Act 2009, Council resolves that following the closing of the meeting to the public and the moving 'into committee' that all matters and all documents (whether in hard copy, electronic, optical, visual or magnetic form) discussed, raised, tabled and/or considered whilst the meeting is closed and 'in committee', are confidential to the Council and the Council wishes to keep them confidential.

Carried.

Mr N. Wilbraham (Compliance Officer) entered the meeting at 10.17 a.m.

COUNCIL OUT OF COMMITTEE

P13/02/12 Moved: Cr R.A. Gâté

Seconded: Cr J.A. Walker

That proceedings be resumed in Open Council.

Carried.

Ms T.M. Stenholm and Mr N. Wilbraham left the meeting at 11.20 a.m.

SECTION 7: “IN COMMITTEE” ITEMS

7/1	Proposed renewal of Special Lease 21/45852 over Lot 2651 on L37634
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P14/02/12 Moved: Cr A.J. Perrett**Seconded: Cr J.A. Walker**

Recommend that Council offer no objections to the renewal of Special Lease 21/45852 over Lot 2651 on L37634, and further advise the Department of Environment and Resource Management that there are no local or State non-indigenous cultural heritage issues affecting the site and that future use of the land will be in accordance with the Regional Landscape and Rural Production Area of the Wide Bay Burnett Regional Plan.

Carried.

7/2	Renewal of term lease 219331, Lot 41 MZ840298, Reserve for water Purposes R04, Parish of Boonara
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P15/02/12 Moved: Cr G.L. Engeman**Seconded: Cr D.R. Neilson**

Recommend that Council offer no objections to the renewal of term lease 219331, and that Council advise the Department of Environment and Resource Management that that Reserve R04 is still required as a water reserve, that the existing lease arrangement is satisfactory and that future use of the land will be in accordance with the Regional Landscape and Rural Production Area of the Wide Bay Burnett Regional Plan.

Carried.

7/3	Application for Term Lease over Lot 1 on AP1163, Carlo Point
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P16/02/12 Moved: Cr L.J. Friske**Seconded: Cr D.R. Neilson**

Recommend that Council offer no objections to the proposed term lease over Lot 1 AP1163, and advise the Department of Environment and Resource Management that no non-indigenous cultural heritage issues have been identified over the site and that there are no requirements Council can impose that will affect future use of the land.

Carried.

7/4	Application for Permit to Occupy over Lot 377 on MCH1379 over Reserve R867, Tuchekoi
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P17/02/12 Moved: Cr G.L. Engeman

Seconded: Cr R.A. Gâté

Recommend that Council offer no objections to the proposed Permit to Occupy for the purpose of a water pump station over Lot 377 on MCH1379 on Reserve R867, and advise the Department of Environment and Resource Management that future use of the land will be in accordance with the Regional Landscape and Rural Production Area as defined by the Wide Bay Burnett Regional Plan.

Carried.

7/5	Application for renewal of Term Lease 219823 over Lot 11 on LX712
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P18/02/12 Moved: Cr A.J. Perrett

Seconded: Cr J.A. Walker

Recommend that Council offer no objections to the renewal of Term Lease 219823 over Lot 11 on LX712, and further advise the Department of Environment and Resource Management that there are no local or State non-indigenous cultural heritage issues affecting the site and that the future use of the land will be in accordance with the Regional Landscape and Rural Production Area of the Wide Bay Burnett Regional Plan.

Carried.

7/6	Alleged Development Offence - Unauthorised Display Yard at 27 Brisbane Road, Gympie.
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P19/02/12 Moved: Cr D.R. Neilson

Seconded: Cr J.A. Walker

Recommend that Council advise the landowner that Council has reviewed the submission and is of the opinion that the current use being made of Lot 20 on SP195180 is a “lawful use” and therefore afforded protection offered by virtue of Section 681- Existing Uses and Rights Protected, of the Sustainable Planning Act 2009.

Carried.

7/7	Compliance Team Agenda Appendix
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P20/02/12 Moved: Cr R.A. Gâté

Seconded: Cr L.J. Friske

Recommend that the information be noted.

Carried.

7/8	Development Offence Agenda Appendix
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P21/02/12 Moved: Cr G.L. Engeman

Seconded: Cr A.J. Perrett

Recommend that the information be noted.

Carried.

SECTION 8: GENERAL BUSINESS

Nil

SECTION 9: ATTACHMENTS

Attachment 1: (Section 6)

- Letter from Minister for Employment, Skills and Mining
- Letter from Attorney- General Office

There being no further business the meeting closed at 11.30 a.m.

CONFIRMED THIS THE FIFTEENTH DAY OF FEBRUARY 2012

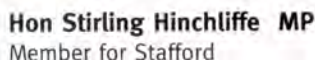
Cr I.T. Petersen
Chairman



**ATTACHMENT 1
REFERS TO SECTION 6**

**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

1 February 2012



Our ref: LA/11/2069
MC10258

9 JAN 2012

Councillor Ron Dyne
Mayor
Gympie Regional Council
PO Box 155
GYMPIE QLD 4570

GYMPIE REGIONAL COUNCIL	
FILE 4-1-7-11	ACTION
DOC	GEN
	CG & F
	WORKS
	PLAN
	C & ED
X REF	REFER
	1 MAY 02
	2
	3
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	5
	6
	7

Minister for Employment, Skills
and Mining

Dear Ron

Thank you for your correspondence requesting that additional communities/localities be included in Restricted Area (RA) 384.

On 29 November 2011, the Queensland Government announced the long term approach to balancing exploration and urban living. Under this approach, Urban Restricted Areas (URAs) can be declared over and around all towns throughout Queensland. Initially URAs will be declared for communities/localities with a population of 1,000 people or more (excluding ten towns that local governments have specifically requested be removed from the restrictions) and will include a two kilometre buffer from the boundary of each communities/localities.

In the URA, no resource related activity (excluding industrial minerals such as clay, quartz and sandstone used in the construction industry and geothermal) will be permitted unless written consent is provided from the relevant Local Government. The Department of Employment, Economic Development and Innovation (DEEDI) will be liaising with the Local Government Association of Queensland over the coming months on this consent process.

Following detailed consideration and analysis of the communities/localities that your Council had asked to be opted into RA384, I have decided not to include any of these communities/localities in the initial urban restricted area declaration. There are already significant existing statutory powers and processes in place that prevent mining from encroaching on small urban developments. Further, the Queensland Government is extending statutory protection to all resource related legislation to prevent mining activity within 100 metres of any dwelling or 50 metres of other facilities such as stockyards.

Level 18 Mineral House
41 George Street Brisbane 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3234 1870
Facsimile +61 7 3221 9964
Email esm@ministerial.qld.gov.au
ABN 65 959 415 158

While these communities/localities will not be included in the temporary RA 384 framework, the long term approach provides the opportunity for your Council to consider any potential conflict between resource activities and small towns.

A State Planning Policy will require Local Governments to consider the location of known or apparent resource areas during the regular review of their Local Government Planning Schemes. This will enable local governments to more effectively manage the interface between resource exploration and urban areas across Queensland. It will also provide grounds for Local Governments to make requests for further declarations of URAs beyond those already established.

I thank you and the members of your Council for taking the time to contribute to this important policy. Further details of the policy are on the website:
<http://mines.industry.qld.gov.au/mining/exploration-urban-living-balance.htm> .

The draft *Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill* (the bill) contains the legislative amendments to support this policy, along with detailed explanatory notes. The Bill can be accessed at
http://www.legislation.qld.gov.au/Bill_Pages/Bill_53_11.htm .

The Bill is currently before Queensland Parliament. As part of the parliamentary process, the Bill has been presented to a Parliamentary Committee for public hearings in February 2012. Written submissions can be made to the committee and close on 20 February 2012. Information on the submission process and public hearings can be found at <http://www.parliament.qld.gov.au/work-of-committees/committees/IETIRC/inquiries/current-inquiries/RLAB> .

If you have any questions about my advice to you, Ms Bernadette McNevin, Acting Director, Land and Resources Policy, Mining and Petroleum Industry Policy, DEEDI will be pleased to assist you and can be contacted on telephone 3224 2847.

Yours sincerely



Stirling Hinchliffe MP
Minister for Employment, Skills and Mining

CC Bernard Smith, Chief Executive Officer

Office of the Mayor

Phone: (07) 5481 0668
Email: mayor@gympie.qld.gov.au

Our Ref: DS001609 / 1519244 / 6-6-03-0002
Your Ref:

14 September 2011

The Hon Stirling Hinchliffe MP
Minister of Employment Skills and Mining
PO Box 15216
CITY EAST QLD 4002

Dear Minister

RE: EXPANSION OF EXPLORATION IN AND AROUND URBAN AREAS

Thank you for your letter of 22 August 2011 in which you advise of the Government's actions to resolve exploration-urban land use conflicts in response to community concerns.

This issue was considered by Gympie Regional Council at its meeting held on 14 September 2011. It was resolved to request that in addition to those already included, restricted area status also be declared for the towns of Goomeri, Kilkivan and Imbil. This was resolved on the basis that Council considers these towns to be significant rural centres, as reflected in the Draft Wide bay Burnett Statutory Regional Plan.

I look forward to your response in due course. Should you or officers of your Department have any enquiries please contact Mike Hartley Director of Planning and Development on (07) 5481 0644.

Yours sincerely

Signed Cr R Dyne

Cr Ron Dyne
Mayor



Hon Paul Lucas MP



**Queensland
Government**

Our ref: D12/7639

19 JAN 2012

Councillor Ronald Dyne
Mayor
Gympie Regional Council
PO Box 155
GYMPIE QLD 4570

**Attorney-General
Minister for Local Government and
Special Minister of State**

GYMPIE REGIONAL COUNCIL	
FILE 6-6-10-19	ACTION
DOC	GEN
	CG & F
	WORKS
	PLAN
	C & ED
	REFER
X REF	23 JAN 2012
	MAYOR

Dear Councillor Dyne

The Queensland Government is fully committed to supporting and strengthening the viability of the State's property and construction industry during the present challenging economic climate.

Not only is this sector important to jobs creation, but it is responsible for building the very homes and businesses in which our growing population lives, works and plays.

I would like to acknowledge the important role of Local Government as primary decision-maker in the planning and development assessment process; assisting industry by ensuring it is not overburdened by red tape or excessive fees, whilst still ensuring developers contribute their fair share to the communities they are a part of.

As you will be aware, the Queensland Government continues to introduce a range of reforms and initiatives to assist the sector. Examples of initiatives include:

- Extension of the \$10,000 Building Boost grant for purchasers of new homes to April 2012.
- Establishment of the Major Projects Office in July 2011 to provide a 'one stop shop' to guide major projects through the State's role in the development approval process.
- Introduction of a maximum adopted infrastructure charges framework from 1 July 2011, including a moratorium on the collection of local function charges for three years.

On the matter of infrastructure charges reform, as you would be aware the introduction of the new charges framework allowed Local Governments the flexibility to determine infrastructure charges for their areas providing the charge did not exceed the maximum adopted charge.

Level 12 Executive Building
100 George Street Brisbane 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email attorneygeneral@ministerial.qld.gov.au
ABN 65 959 415 158

In many Local Government areas, the introduction of the maximum charge has resulted in substantially reduced infrastructure charges in both the commercial and residential sectors compared to what was payable before the introduction of maximum charges.

This reduction will help promote construction activity and jobs growth across the State, and I acknowledge those Councils that have gone even further to reduce or discount charges below the maximum charge.

It has, however, been drawn to my attention that in the transition to the new charges framework, many development proposals issued with charges notices prior to the 1 July introduction of capped charges are now at a distinct disadvantage to those proposals that have been issued notices under the new system.

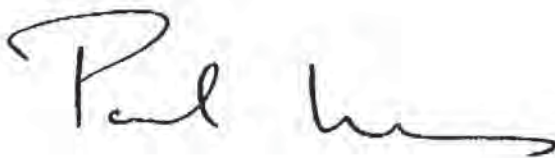
The Queensland Government has to date resisted calls from industry to retrospectively apply the new maximum charges framework to existing development approvals, and I am not advocating revisiting that decision.

I would however urge Local Governments to work with the development industry to investigate and consider a 'rebate system' to reduce charges payable for applications decided prior to 1 July 2011 to align with the new maximum charges framework.

I would remind you that applicants have the option of resubmitting development applications for the sole purpose of benefitting from the new charges regime. This may unnecessarily delay the construction of projects that are otherwise "shovel ready". These projects could be providing jobs and economic benefit to the community sooner. I would encourage you to view this otherwise unnecessary step as an encumbrance which should be avoided.

If you require any further information, please do not hesitate to contact Ms Nicole Bisson, Senior Policy Advisor on 3224 4600 who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Lucas', with a long horizontal flourish extending to the right.

PAUL LUCAS MP
Attorney-General,
Minister for Local Government
and Special Minister of State