



Hervey Bay City Council

77 TAVISTOCK STREET TORQUAY HERVEY BAY Q 4655
P O Box 5045, Torquay Q 4655 Phone 4197 4501 Fax 4197 4455

Development Application Decision Notice

Integrated Planning Act 1997

File No: 514/3-042213

Date of Decision:

15 JUNE 2005

1. APPLICANT DETAILS

Name WIDE BAY DISTRICT DEVELOPMENTS PTY LTD
C/- URBAN PLANET TOWN PLANNING CONSULTANTS

Postal Address PO BOX 232 HERVEY BAY QLD 4655

2. OWNER DETAILS

Name WIDE BAY DISTRICT DEVELOPMENTS PTY LTD

3. SITE DETAILS

Property Address

BURRUM RIVER ROAD TORBANLEA QLD 4662

Property Description

Lot 1 RP 808994 Vol 18125 Fol 134

4. REFERRAL AGENCIES

Referral Agency	Address	Basis
Department of Main Roads	Locked Bag 486 BUNDABERG DC QLD 4670	Concurrence Agency – Trigger A – Access to State Controlled Road

5. DECISION TYPE

Development	Approved Plans	Preliminary Approval	Development Permit
Reconfiguring a Lot - 1 Lot into 12 Lots	Reference No. 04206-01 and prepared by Urban Planet Town Planning Consultants	NO	APPROVED

6. CONDITIONS

Council's conditions are attached. In addition, conditions from the Department of Main Roads, as a concurrence agency to this development application are also attached.

7. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of Development Permit required	Subject of the required Development Permit
BUILDING WORK	ALL BUILDING WORK
PLUMBING AND DRAINAGE WORK	ALL PLUMBING AND DRAINAGE WORK
OPERATIONAL WORK	ALL OPERATIONAL WORK

8. CODES FOR SELF ASSESSABLE DEVELOPMENT

TRANSITIONAL PLANNING SCHEME & RELEVANT POLICIES
--

9. PROPERLY MADE SUBMISSIONS ABOUT THE APPLICATION

NOT APPLICABLE

10. REFUSAL DETAILS

Was refusal directed by a Concurrence Agency?	If yes, Name of Concurrence Agency
NOT APPLICABLE	

Reasons for Refusal

NOT APPLICABLE

11. RIGHTS OF APPEAL

Rights of appeal in relation to this application are attached.

12. ASSESSMENT MANAGER

Name: BRUCE MACNEE	Signature:	Date: 16 JUNE 2005
--------------------	------------	--------------------



Hervey Bay City Council Conditions

INTEGRATED PLANNING ACT 1997, IDAS DEVELOPMENT
APPLICATION

DEVELOPMENT PERMIT NO 042213

That the application by Wide Bay District Developments C/- Urban Planet Town Planning Consultants for the Reconfiguration of 1 lot into 12 lots at Lot 1 Burrum River Road, Torbanlea, being Lot 1 on RP808994, Parish of Walsh, County of Cook, be approved generally in accordance with the proposed plan, Reference No. 04206-01, prepared by Urban Planet Town Planning Consultants, subject to the following conditions, which conditions shall be met prior to the approval of the plan of survey, or at such other time as may be specified in any particular condition. These conditions shall be implemented at no cost to Council or Wide Bay Water Corporation unless specified in any particular condition.

1. The developer shall construct an access in accordance with Council Policy to each allotment (including public garden or recreation space allotments) within the allotment's road frontage. For the purposes of this condition the term "access" means practicable means of entry of persons and vehicles on to each allotment of land from a constructed road that abuts the allotment, or an approved access easement.
2. All outstanding rates, sewerage, cleaning or water charges or other charges due to Council, shall be paid prior to submission of the plan of subdivision to Council for approval. Where arrangements have been made with Council to pay the rates and charges on an instalment basis, all unpaid and outstanding instalments shall be paid prior to the approval of the plan of subdivision.
3. The costs of all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the Developer. The Developer is responsible to accurately locate all existing services before any development works commence.
4. Lodgement of a bond in the amount of \$5,000 in accordance with Section 6.2 of Council's Development Manual (General performance Bond), either prior to the commencement of any building or operational work associated with the development, or prior to the lodgement of an application to approve the plan of subdivision, where applicable.

This bond (less any deductions for purposes defined in Section 6.2 of the Development Manual) will be refunded when:

- a) works to revert to Council have been accepted "on maintenance", and
- b) all Building and Operational Works on the site have been completed and a Final Certificate (if applicable) issued by Council.

In staged developments, if substantial compliance problems are experienced in any stage, the bond amount may be increased by Council to reflect the conditions of the site. The increased bond is to be paid prior to commencement of any subsequent stage.

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

6. No work that will revert to Council control or any works that are within a Council controlled road reserve shall commence unless the name of the Principal Contractor has been advised to Council and evidence has been provided to Council that all notifications under the Workplace Health and Safety Act have been completed. In the event that a Principal Contractor is not appointed by the Applicant, the Applicant shall be the Principal Contractor and shall be responsible to ensure compliance with the Workplace Health & Safety Act.
7. All works that will revert to Council control shall be subject to a twelve month maintenance period during which time the Developer shall be responsible for the maintenance of the works, the rectification of any design omissions or defects, and the repair of any construction defects that are subsequently found. Council shall require the developer to secure the maintenance of the works by the submission of a bond valued at 5% of the total value of the works. The bond shall be submitted in accordance with Council's policy.
8. Prior to the approval of the plan of subdivision, the Developer shall enter into an agreement with the Ergon Energy to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions.
9. The Developer shall provide all easements required by Ergon Energy over existing or proposed power lines, cables and equipment in the development site.
10. The Developer shall obtain approval from Council for all new street names and shall erect all street name signs on all roads being constructed. The street name sign shall be in accordance with Council's standard drawing. Traffic control and warning devices shall be erected as required by the Manual of Uniform Traffic Control Devices.
11. The Developer shall construct all new roads and associated infrastructure in accordance with the standards specified in Council's policy and schedule of road characteristics.
12. The Developer shall provide for the cost of installing street lighting based on Tariff 2 to service the land, and prior to the approval of the plan of subdivision provide written evidence that;
 - (i) a street light lay-out for the subdivision has been designed in accordance with Ergon Energy's requirements, Australian Standard 1158, and the Council's street lighting policy.
 - (ii)
 - (a) a capital contribution to meet the full costs of the installation of street lighting has been paid to Ergon Energy; or
 - (b) arrangements satisfactory to Ergon Energy have been for the installation of street lighting; and
 - (iii) the street lighting will be installed and operating in conjunction with the power reticulation of the subdivision.
 - (iii) Where non-standard street lights are installed at the Developer's request, the Developer shall make a capital contribution towards future maintenance of the lights in accordance with Council policy.
13. The stormwater drainage shall be designed such that the development will not make material changes to the pre-development location, duration, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves. In the event that a material change to the pre-development stormwater flow will occur, the applicant shall produce evidence to Council's satisfaction of a legal right as to the method for stormwater discharge over the downstream land.

The stormwater drainage shall be designed such that no restriction to existing or developed stormwater flow from upstream properties or ponding of stormwater within upstream properties occurs as a result of the development, as set out in Transitional Planning Scheme Policy 20.

14. The Developer shall construct all stormwater control and management structures, including underground pipes, open drains and detention basins, in accordance with a design approved by Council. The design shall comply with Council's Policies and the Queensland Urban Drainage Manual as adopted by Council.
15. Drainage easements or reserves are to be provided as may be required for all overland stormwater flows and drainage structures of 300mm diameter pipe (or equivalent) or greater, traversing land within the development (other than roads and parklands). The easements or reserves shall be a minimum width of 3 metres or such greater width as necessary to convey the fully developed flow with the appropriate clearance required by Council policy. All easements and reserves are to be provided at no cost to Council.
16. Stub easements shall be obtained at no cost to Council over the outlets of all drainage structures discharging into private property. The minimum dimensions of any stub easement shall be six metres by six metres where minimum earthworks have been undertaken to establish the outlet. Where more extensive outlet earthworks have been constructed, the easement size shall be increased to provide the clearance required by Council's policy.
17. Any interference with "Assessable Vegetation" (i.e. a tree with a girth greater than 50cm measured 1m from ground level or with a height greater than 4.0m) except clearing of vegetation during the subdivision stage within 3 metres of new boundary lines, where necessary will require a Code Assessable application for an Operational Works permit, unless exempt by section 6.0 of the Temporary Local Planning Instrument – Vegetation Management.
18. The Developer shall provide for reticulation of electricity including provision for street lights to serve each lot in the subdivision. The electricity reticulation shall be designed and constructed to comply with all requirements of Ergon Energy.
19. Effluent treatment and disposal shall be by way of an approved Domestic Sewage Treatment System, designed, installed and maintained in accordance with AS1547:2000 - On-site domestic wastewater management.
20. The Developer shall construct Un-named Road 162 in accordance with the Road Hierarchy Standard based upon a classification as a Rural Residential Access Street. The proposed roadwork shall include;
 - a) Sealed roadwork from the intersection of Burrum River Road to a point a minimum distance of 20m east of the property boundary between proposed lots 11 & 12.
 - b) Appropriate traffic calming devices along the length of the road such that vehicle speed is limited to a maximum of 50kph.
 - c) A constructed and sealed turnaround at the eastern end of the proposed works. The proposed turnaround shall be contained wholly within a road reserve.
21. An Operational Works application is to be submitted for the civil site works required for the development. The design is to be prepared by a registered professional engineer to the standards defined in Council's Development Manual.
22. Prior to acceptance of the works on maintenance, the supervising engineer shall arrange for the collection and submission to Council of digital "as constructed" information for the works. The digital information shall comply with Council's "Submission of Digital As Constructed Manual" and shall be certified as specified in the Manual.
23. The Developer shall provide for the construction of all water supply works external to the development as may be required to service the development. The works shall be in accordance with engineering design plans and other documentation approved by Council. Such engineering plans are to be in accordance with Wide Bay Water Corporation's water supply strategy and design guidelines.

24. The Developer shall construct a reticulated water supply system, to serve each lot, to the standards contained in the Wide Bay Water Corporation's Guidelines. The system shall be to a design approved by Council. The reticulation system shall be constructed for the full frontage of the land.
25. The Developer is to consult directly with Wide Bay Water Corporation with respect to the Corporation's requirements for design, construction and inspection of all water and waste water reticulation associated with this development.
26. No water or waste water works that revert to the ownership of the Wide Bay Water Corporation and constructed under this approval, shall be accepted "on maintenance" until Wide Bay Water Corporation have notified Council that the works have been completed to an acceptable standard.
27. Payment of a Contribution toward Water Supply Infrastructure shall be made to Council in accordance with Planning Scheme Policy 11 or the policy current at the time of payment.
28. Payment of a Contribution toward Transport Infrastructure (including pedestrian and cycleway) shall be made to Council in accordance with Planning Scheme Policy 11 or the policy current at the time of payment.
29. Payment of a contribution towards the provision, development and maintenance of public recreational and open space or recreation facilities, in accordance with Council's policy at time of payment. The contribution is to be paid prior to the issue of a Building Works or Operational Works approval for the development, or prior to the approval of the plan of subdivision, if applicable.
30. The Developer shall pay a contribution of \$180 per allotment for the provision of trees/shrubs; or

Undertake the planting of trees/shrubs of a species and number and specification to the satisfaction of Council. Any trees that have died or are considered by Council to be in a deteriorating state 12 months after planting, are to be replaced and maintained for a further 12 months.

Advice Notes:

1. *The amounts payable for Water Headworks, Stormwater Trunk Drainage, and Transport Infrastructure Charges in accordance with Council's current policy are:*

- *Water Headworks: \$42,592.00 (being additional 12.1ED x \$3,520.00/ED)*
- *Sewerage Headworks: NIL*
- *Stormwater Trunk Drainage: NIL*
- *Transport Infrastructure: \$56,340.00 (being additional 11 lots x \$5,130.00/lot)*
- *Pedestrian & Cycleway Charge: NIL*

Payment of contributions shall be made prior to the endorsement of the plan of survey for reconfiguration of a lot approvals and prior to the change or the commencement of the use for material change of use approvals. Where a material change of use approval also requires approval for building works, Council considers the issue of a Certificate of Classification as commencing use.

Headwork contributions are paid with the proviso that if a development with a higher density occurs further contributions may be payable.

2. *The amount payable for Public Open Space in accordance with Council's policy is:*

- *Open Space: \$34,375.00 (being 11 additional lots @ \$3125.00/lot)*

3 May 2005

Mr Leigh Bennett
Chief Executive Officer
Hervey Bay City Council
PO Box 5045
Torquay Qld 4655

Dear Mr Bennett

HERVEY BAY CITY COUNCIL
To: Brocs
File: Acc 3905
- 4 MAY 2005
 Restricted Other
 Make record Classifier 7
Comments: 808 994-1



Queensland
Government

Department of Main Roads

Referral agency's response (conditions apply)

Hervey Bay City: Bruce Highway (Maryborough – Gin Gin)

Applicant: Wide Bay District Developments Pty Ltd

Proposal: Reconfiguring a lot – 11 new lots

Subject land: Lot 1 on RP 808994

Access location: 10C at 23.664L

I refer to the following: -

- (i) The development application by Wide Bay District Developments, C/- Urban Planet Town Planning Consultants for the proposal and your acknowledgement notice dated 22 October 2004 that I received 25 October 2004;
- (ii) Our information request for additional information of 1 November 2004;
- (iii) The applicant's initial response to that request that I received on 10 December 2004 that included the stormwater report;
- (iv) The applicant's second response that included an acoustic assessment prepared by Cardno with reference 2921/32/01 that I received on 14 February 2005;
- (v) Our extension of the assessment period dated 21 March 2005, that extended our assessment period to the 20 April 2005;
- (vi) Letter from Cardno dated 15 March 2005 that included revisions to the acoustic report; and
- (vii) Email from Urban Planet Town Planning Consultants agreeing to extend Main Roads assessment period that I received on 26 March 2005.

My comments are: -

Access

- Current policy provides that Main Roads will, wherever possible, rationalise and reduce the number of accesses to the state-controlled road network, by restricting access to local government roads.

The subject land abuts a state controlled road (Bruce Highway) and a local government road (Burrum River Road). Main Roads will not permit direct access to the Bruce Highway.

Stormwater

Wide Bay District
District Office
23 Quay Street Bundaberg Queensland 4670
Locked Bag 486 Bundaberg DC Queensland 4670
ABN 57 836 727 711

Our ref 830/201 E42255
Your ref 514/3-042213
Enquiries Town Planner
Telephone +61 7 4154 0200
Facsimile +61 7 4152 3878
Website www.mainroads.qld.gov.au

- The stormwater report prepared by Cardno has concluded that with the proposed stormwater mitigation measures, the developed flows to the Bruce Highway will not exceed predevelopment levels.

This is acceptable to Main Roads.

Road Traffic Noise

- The proposal is creating a noise-sensitive area adjacent to an existing State-controlled road. Main Road must ensure that the development can achieve the prescribed acoustic criteria in accordance with Main Roads' *Road Traffic Noise Management: Code of Practice*.
- From the results of the acoustic assessment prepared by Cardno (ref. 2921/32/01), it has been determined that a setback of 140 metres from the road-property boundary will provide sufficient setback to ensure that a single storey dwelling will achieve the desired acoustic criteria.

A combination of Building Location Envelopes (BLEs) and covenants will be required, to ensure that future dwellings are sited and designed accordingly.

Pursuant to section 3.3.16 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a **concurrence agency**, has assessed the impact of the proposal on the state-controlled road network and requires that council include the following conditions for the subject **development permit** application: -

- 1 No direct access to the Bruce Highway is permitted.
- 2 Post development flows from the subject land to the Bruce Highway shall not exceed predevelopment flows calculated during an ARI 50 storm event.
- 3 No habitable dwelling shall be located within 140 metres of the Bruce Highway road-property boundary.
- 4 Prior to the signing and sealing of plan of survey, place a Building Location Envelope (BLE) on Lots 1 to 12 inclusive, such that no habitable dwelling is within 140 metres of the Bruce Highway road-property boundary.
- 5 Lodge with Main Roads a Bank Guarantee in favour of the Chief Executive Officer, Queensland Department of Main Roads, to the value of \$5,000 as security for the placement of the Building Location Envelopes (BLEs). Main Roads will refund the Bank Guarantee on receipt of a plan, acceptable to Main Roads which demonstrates the above BLEs.
(If requested by the Applicant, an example Banker's Undertaking can be obtained from this office)
- 6 Prior to the signing and sealing of the plan of survey, submit to Main Roads for execution a Form 31 Covenant (and duplicate) pursuant to section 97A of the Land Title Act 1994, and in terms approved by the District Director for Lots 1 to 12 inclusive, in order to restrict the height of any dwelling on these lots to low-set only.

(Note that this will not restrict the construction of a high set dwelling on these lots. A high set dwelling may be constructed if the owner/developer can reach agreement with Main Roads that the upper storeys will be designed and constructed in accordance with the requirements of

AS3671 to achieve the internal noise criteria stated in AS2107. This will require the owner/developer to engage the services of an engineer skilled in acoustical design to certify (RPEQ) that the design and construction of the upper storeys of these dwellings have been undertaken in accordance with AS3671 and AS2107)

- 7 Prior to the signing and sealing of the plan of survey, Lodge with Main Roads a Bank Guarantee in favour of the Chief Executive Officer, Queensland Department of Main Roads, to the value of \$5,000 as security for the lodgement of the Form 31 Covenants. Main Roads will refund the Bank Guarantee on receipt of the Registered Confirmation Statements and copy of the Registered Covenant Dealing No. The customer's ABN or ACN is to be quoted on the Bank Guarantee.

(If requested, an example Banker's Undertaking can be obtained from this office)

- 8 Prior to the execution of the Form 31 Covenants, submit to Main Roads for approval a Noise Covenant Plan that includes:

- a) The survey plan;
- b) Part covenant conditions relevant to the covenants; and
- c) A table that identifies the lots that require covenants, their pad levels in Australian Height Datum (AHD), and the type of covenant required for each lot.

(If requested, an example Noise Covenant Plan can be provided)

- 9 Prior to execution of the Form 31 Covenants, submit to Main Roads a copy of the approved Operational Works Plans and 'certification' from the civil engineer (RPEQ) that the pad levels in AHD used for the operational works are the same levels as shown on the Noise Covenant Plan.
- 10 Lodge immediately following the Plan of Survey with the Registrar of Titles, the validly executed Form 31 Covenants referred to in Condition No.6 and acknowledge that an acoustic covenant will be annexed to the REIQ contract.

Pursuant to section 3.5.15(1)(b) of the *Integrated Planning Act 1997*, I request that you forward a copy of Council's Decision Notice to this office.

The Applicant can contact our Town Planner (4154 0200) if they wish to discuss this matter.

I have sent a copy of this letter to the Applicant.

Yours sincerely



Albert Chiu
District Director (Wide Bay)

Encl

(1) Nil